



## **Agenda (a) Take stock of international law and other normative frameworks concerning threats arising from state behaviour with respect to outer space**

### **Statement by Sri Lanka 9 May 2022**

Mr. Chair,

Since the first launching of a satellite in 1957, space exploration, interest and use of space have developed rapidly. Conflict in space could affect not only space faring nations but also those who do not have space power in view of the interconnectedness and the reliability of space based services. The Outer Space Treaty, the legal cornerstone of international law on space activities, recognizes in its preamble "the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes" and establishes in its Article 3 the basic principle that, "activities in the exploration and use of outer space, including the moon and other celestial bodies, shall be in accordance with international law, including the Charter of the United Nations." In addition, the Rescue Agreement of 1968, the Liability Convention of 1972, Registration Convention of 1974, the Moon Treaty of 1984 as well as UN declarations and principles which are non binding in nature provide important references to existing legal regime and principles on space behaviour.

From the point of disarmament and nonproliferation the Outer Space Treaty contains certain obvious legal gaps so that an arms race in outer space has never been restricted. Some of the legal gaps in the Outer Space Treaty include the limited prohibition of only nuclear and other weapons of mass destruction, reference to "place in orbit around the earth" thereby permission of use of weapons that are not "in orbit around the earth" and the applicability of the rule on exclusive peaceful use only of moon and other celestial bodies but not of outer space as a whole. Verification provisions of the Outer Space Treaty such as those provided in Art. X and XII are considered insufficient and ineffective. At the time of adoption of this Treaty Sri Lanka delegation expressed its disappointment that military activities were not prohibited under the treaty. Given the rapid advancements of outer space technology it is well established that existing legal regime does not correspond to the current reality, the very reason why preventing an arms race in outer space (PAROS) has been on the disarmament agenda since SSOD-1 in 1978 which confirms for the need for further measures in the prevention of an arms race.

Furthermore it has been pointed out by many delegations including our own of the need to re-examine the Registration Convention. As elaborated in the Preamble of the Convention it seeks to establish a mandatory system of registering objects launched into the space not only for identification of purposes but also to "contribute to the application and development of international law governing the exploration and use of outer of space". While the system of registration is expected to provide for greater transparency, predictability and accountability, the requirement to provide only the "general function of the space object" may not have contributed much in reality to meet such expectations on transparency. A further expansion of the Convention's objectives to guarantee the peaceful use of outer space would have better facilitated the intended purpose of the Convention.

In our view, while the existing legal regime on space activities require further strengthening in view of the current realities and developments in the domain of outer space, the importance of reaffirming fundamental principles enshrined in the existing treaty regimes is essential. These fundamental principles include *inter alia*, obligation of States to act in accordance with international law including the UN Charter, prohibition of

territorial sovereignty or any other form of "national appropriation of outer space and celestial bodies, recognition of the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes, freedom for all states to explore outer space and other celestial bodies as well as state responsibility for damages caused by space objects including those of private entities.

In this stock taking exercise of international law and other normative frameworks with respect to outer space we would also like to highlight the importance of taking into account the increasing number of non-state entities actively engaged in space activities and rapid commercialization of space in view of the varied interests in space operations of commercial actors.

Mr. Chair, in concluding we reiterate that given the increasingly contested domain of space and the crucial importance of the preservation of its peaceful, safe and sustainable use for human development the urgency of the need for multilaterally negotiated binding rules to prevent the imminent possibility of an arms race in outer space. (ends)