Focus Journal Law Review Vol. 2 No. 2 Nov 2022
E-ISSN : 2829-7415

The Role of The United Nations Committee on the Peaceful Uses of Outer Space

I Nyoman Prabu Buana Rumiartha[1]
Udayana University, Indonesia
rbp.prabu@unud.ac.id

Abstract

Based on the provisions of Article 1 Paragraphs 1 and 4 of the United Nations Charter, it is stated that the purpose of the United Nations is to maintain international peace and security, in this case to take effective collective action for the prevention and elimination of threats to peace, to suppress acts of aggression. or other violations, to bring it about by peaceful means and in accordance with the principles of justice and international law, adjustments or adjustments to the international situation that may lead to peace and the United Nations, as well as centers to harmonize the actions of nations in peace with common goals. So to realize these things, the United Nations establishes international bodies that regulate the regulations that apply when problems occur between countries in the world, furthermore for the regulation of the peaceful use of outer space in this case the United Nations, formed The United Nations Committee on the Peaceful Uses of Outer Space (UN-COPUOS) and the Division of Outer Space Affairs, as an important committee in overseeing the peaceful use of outer space. The United Nations General Assembly in Resolution 1348 (XIII) established an ad hoc Committee on the Peaceful Use of Outer Space. As well as the 1967 Treaty on the principles governing the activities of countries in the exploration and use of outer space, including the moon and other celestial bodies.

Keywords: Legal Regulations, Use of Space, The United Nations.

[1] Doctoral Lecturer at Faculty of Law, Udayana University, Indonesia.

1. Introduction.

Aerospace is the space above the earth's surface along with the natural objects contained in it, and starts from air space to include space that rises and expands without limits. Based on international provisions, air space is subject to the sovereignty of the undersea state, while outer space is a humanitarian area.

Aerospace contains a variety of natural resources that are not found on land and in waters. This means that aerospace can act as a complement, substitute, alternative, or even in certain cases it is the only choice for meeting human needs in maintaining survival.

With these characteristics, outer space, especially outer space, can be used to place various satellites to support telecommunications, navigation, remote sensing for monitoring natural resources and the environment, climate, environmental and weather forecasts. In addition, space is also a very strategic medium to support the implementation of transportation. In this case, outer space has special characteristics that need to be used wisely for the benefit of humanity.

In the utilization of outer space, countries in the world have developed the concept of outer space as a perspective that the land, water and aerospace areas are a unified whole, and are aimed at realizing the welfare and security of the country, as well as for happiness and peace. for all mankind. In addition, in the Conception, countries in the world also view that outer space is an integral part and becomes the third dimension of the area of interest in life in every country in the international world.

The twenty-first century likely will see accelerated and robust technological, economic, environmental, and political change (Nicolas Mateesco Matte, 1994:371). Based on the opinion of Nicolas Mateesco Matte, currently in the 21st century related to current technological developments, it

can be seen from the aspect of using outer space in terms of remote sensing that can have a positive impact on human life, namely, for the benefit of weather forecasting, management of natural resources, observation, surveillance. and natural disaster control, as well as for mapping.

Apart from having a positive impact, remote sensing can also have a negative impact and can lead to international tensions which at times can turn into acts of violence if their use is misused for purposes that could endanger world peace. Apart from that, from a regulatory point of view, it also raises many legal issues even though internationally these legal issues have been tried to be bridged by the United Nations committee on the Peaceful Uses of Outer Space (UN-COPUOS) which succeeded in formulating several principles. However, the conflict between the sensed state and the sensing state is still characterized by sharp contradictions. With competition in the field of space utilization between developed countries in the world, it is feared by the international community that the consequences will disrupt human life and world peace (Sri Wartini, 2000:22).

As a part of space activities, of course the use of remote sensing satellites must comply with the provisions of international law, especially space law. It turns out that these legal instruments are inadequate, even though remote sensing satellites are one of the sensitive applications of space technology, when viewed from the perspective of the country's national interests. This is due to the nature of remote sensing activities that do not recognize national boundaries concerning data and information that have strategic value both from a defense, security and welfare perspective. In addition, it also concerns a very fundamental issue, namely recognizing state sovereignty (W.de Graaft and G.C.M. Reljnem, 1985 : 2).

In the midst of the cold war, there was growing concern in the international community that outer space might become another arena for intense competition between the superpowers or it would be left to be exploited

by a limited number of nations with the necessary resources. In 1958, shortly after the launch of the first artificial satellite, the General Assembly in Resolution 1348 (XIII) established the ad hoc Committee on the Peaceful Use of Outer Space (COPUOS), consisting of 18 members, to consider the activities and resources of the United Nations Nations, specialized agencies and other international bodies concerned with the peaceful use of outer space, organizational arrangements to facilitate international cooperation in this field within the framework of the United Nations and legal issues that may arise in programs to explore outer space (www.unoosa.org 2022).

In the utilization of outer space, countries in the world have developed a conception of outer space as a perspective that land, waters and aerospace are one unified whole, and are aimed at realizing the welfare and security of the Indonesian nation, as well as for happiness and peace. for all mankind. Apart from that, in this conception, countries in the world also view outer space as an integral part and become the third dimension of the area of life interests in every country in the international world. Based on the background above, the writing of this research article aims to analyze how the role of The Role of The United Nations Committee on the Peaceful Uses of Outer Space is in regulating the use of outer space.

2. Analysis and Discussion.

The principle of the application of general international law also contains the possibility of a conflict between the principles in the Space Treaty and the principles of general international law as mentioned above, for example the principle of sovereignty. This principle of sovereignty also contradicts the free flow of information (Article 1QI/n/ted Nations Universal Declaration of Human Rights). Besides that, the principle of free flow of information is also contrary to the sovereignty of a country over its natural resources and perhaps also over information about these natural resources in the broadest sense (Nicolas Mateesco Matte, 1984 : 401).

Air Law will be required to evolve at a pace adequate to address that change. The challenges and opportunities for global aviation are many, and will evolve in ways that cannot yet be perceived. Aviation contributes much to our culture and our global economy (Paul Stephen Dempsey, 2017 : 8). It shrinks the planet, and integrates people of vastly different backgrounds. Commercial aviation is, by far, the safest form of transportation, and likely will remain so throughout this century (Paul Stephen Dempsey, 2004 : 74). Based on this, the peaceful use of air space and outer space can make a good contribution aimed at the interests of humanity in the field of aviation.

One recent example of the peaceful use of space for the benefit of humanity is related International Space Weather Initiative Workshop on Space Weather: Science and Applications.

The International Space Weather Initiative (ISWI), established in 2009, has its roots in the successful International Heliophysical Year 2007 (A/64/20, para.155). The programme of the Initiative has proved to provide a framework for collaboration among teams of scientists, serving as an example of remarkable international work in instrument operation, data collection and analysis, and the publication of scientific results. The Initiative has established a platform for a bottom-up approach in order to produce space weather-literate communities, particularly, in developing countries, work together as a network for sharing ideas, information and data, and develop joint projects (International Space Weather Initiative : 2021).

The activities of the Initiative are aimed at facilitating collaboration among research scientists in locations of scientific interest and promoting researches in countries with expertise in building scientific instrumentation. Developing and merging scientific insights helps in understanding the science behind, as well in adding new knowledge on space weather phenomena near Earth and interplanetary space (International Space Weather Initiative : 2021).

The role of UN-COPUOS in regulating the use of outer space is to try

to formulate international agreements relating to various issues and problems in outer space. Until now there are several international agreements that have been submitted to and ratified by the UN General Assembly. Some of them have been and some have not been enacted as positive law (entry into force). As for the results of UN-COPUOS, the space agreement has been in effect as positive law (Haanappel P.C., 1981:156) :

1. "Treaty on Principles Governing Activities of State in the Exploration and Uses of Outer Space including the Moon and Other Celestial Bodies, 1967", terbuka untuk ditanda tangani negara-negara sejak 9 Desember 1966 dan berlaku sebagai hukum positif sejak 27 Januari 1967, yang kemudian disingkat dengan Space Treaty, 1967. Sejak tahun 2000, perjanjian ini telah diratifikasi oleh 96 negara dan ditandatangani oleh 27 negara.
2. "Treaty on Principles Governing Activities of State in the Exploration and Uses of Outer Space including the Moon and Other Celestial Bodies, 1967", open for signature by states since 9 December 1966 and entered into force as positive law since 27 January 1967, which was later abbreviated as the Space Treaty, 1967. Since 2000, this agreement has been ratified by 96 countries and signed by 27 countries.
3. "Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space", open for signing by countries since April 22, 1968 and applies as positive law since December 3, 1968, which is then abbreviated as Rescue Agreement, 1968. Since 2000, this agreement has been ratified by 87 countries and signed by 26 countries.
4. "Convention on International Liability for Damage Caused by Space Objects", open for signature by countries since March 29, 1972 and applies as positive law since September 1, 1972, which

is then abbreviated as Liability Convention, 1972. Since 2000, this agreement has been ratified by 81 countries and signed by 26 countries.

In carrying out its duties UN-COPUOS is supported by two sub-committees, namely the Legal Sub-committee and the Scientific and Technical Sub-committee. UN-COPUOS has three annual meetings, namely: First, a meeting of the Scientific and Technical Subcommittee which is usually held every February. This session discussed aspects of space applications and technology. Second, the Legal Subcommittee meeting which is usually held every March/April. This session discussed the legal and political aspects of space. Third, the complete UN-COPUOS (parent) annual meeting which is held every June/July. This meeting discusses and makes decisions on the results of the annual sessions of the Scientific and Technical Subcommittee and the Legal Subcommittee (United Nations Office for Outer Space Affairs, 2019).

Geostationary Orbit (GSO) is the most strategic and economical orbit for satellite placement. Geostationary Orbit (GSO) is an orbit in space around the earth which is at the equator with a height of about 35,871 km and has a thickness of about 75 km. Geostationary Orbit (GSO) is a strategic area for satellite placement because satellites circle the earth at the same speed as the earth's speed (Space Law). Geostationary Orbit (GSO) has the advantage of placing satellites because of the position of the satellite so that the signal can be reached by the receiver.

Countries are competing with each other to place military and communications satellites in the GSO with various purposes and functions. The Geostationary Orbit (GSO) arrangement is carried out by UN-COPUOS and the International Telecommunication Union (ITU), based on the 1967 Outer Space Treaty, and is facilitated and coordinated by the United Nations. The use and use of the Geostationary Orbit (GSO) by developing countries is not evenly distributed among all member countries of the United Nations and the

International Telecommunication Union. The Geostationary Orbit (GSO) is not clear in the 1967 Outer Space Treaty regulations because in the 1967 Outer Space Treaty regulations it is very general and cannot be applied in the circumstances and uniqueness of the Geostationary Orbit (GSO). The utilization and use of outer space is dominated by developed countries because they have better capabilities in terms of technology and financial aspects. The use of outer space has become a commercial matter for developed countries so that it tends to harm countries that do not yet have the ability to use outer space.

The importance of an international agreement for a country that will implement or implement bilateral or multilateral diplomatic relations, it is a necessity that a country must have a legal umbrella or legal basis for a statutory regulation relating to international agreements (I Gde Putra Ariana Dkk, 2022:48). Based on this narrative, if it is associated with the 1967 Treaty regarding the principles governing the activities of countries in the exploration and use of outer space, then international agreements relating to the use of outer space must be implemented and adhered to for countries that agreed to and signed and ratified the 1967 Treaty.

3. Conclusion.

Based on the provisions of Article 1 Paragraphs 1 and 4 of the United Nations Charter, it is stated that the purpose of the United Nations is to maintain international peace and security, in this case to take effective collective action for the prevention and elimination of threats to peace, to suppress acts of aggression. or other violations, to bring it about by peaceful means and in accordance with the principles of justice and international law, adjustments or adjustments to the international situation that may lead to peace and the United Nations, as well as centers to harmonize the actions of nations in peace with common goals. So to realize these things, the United Nations establishes international bodies that regulate the regulations that apply when problems occur between countries in the world, furthermore for the regulation of the peaceful

use of outer space in this case the United Nations, formed The United Nations Committee on the Peaceful Uses of Outer Space (UN-COPUOS) and the Division of Outer Space Affairs, as an important committee in overseeing the peaceful use of outer space. The United Nations General Assembly in Resolution 1348 (XIII) established an ad hoc Committee on the Peaceful Use of Outer Space. As well as the 1967 Treaty on the principles governing the activities of countries in the exploration and use of outer space, including the moon and other celestial bodies.

The role of UN-COPUOS in regulating the use of outer space is to try to formulate international agreements relating to various issues and problems in outer space. Until now there are several international agreements that have been submitted to and ratified by the UN General Assembly. Some of them have been and some have not been enacted as positive law (entry into force). The results of the UN-COPUOS (space agreement that has been in effect as positive law) First, "Treaty on Principles Governing Activities of State in the Exploration and Uses of Outer Space including the Moon and Other Celestial Bodies, 1967", Second, "Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space", Third, "Convention on International Liability for Damage Caused by Space Objects", Fourth, "Convention on Registration of Objects Launched into Outer Space". In carrying out its duties, UN-COPUOS is supported by two sub-committees, namely the Legal Sub-committee and the Scientific and Technical Sub-committee.

Reference

Haanappel P.C, Decision Making and Law Maki-in the UNCOPUOS, Canada: Center for Research of Air and Space Law Mc. Gill University, p. 156.

International Space Weather Initiative Workshop on Space Weather: Science and Applications, 2021.

I Gde Putra Ariana & I Nyoman Prabu Buana Rumiartha, 2022, The meaning of initiating non-departmental law on an international treaty perspective, The International Journal of Social Sciences World (TIJOSSW), Vo. 4 No. 1 (2022), Growingscholar Publishing, United Kingdom.

Nicolas Mateesco Matte, 1994, The Chicago Convention: Where From and Where To, ICAO? , XIX(1) Annals Air & Space Law. p. 371-394.

Nicolas Mateesco Matte, 1984, Space Activities and Emerging International Law, USA, p. 401

Paul Stephen Dempsey, 2004, Compliance & Enforcement in International Law: Achieving Global Uniformity in Aviation Safety, 30 N.C. J. Int'l L. & Com. Reg. 1–74

Paul Stephen Dempsey, 2017, Multilateral Conventions and Customary Law, Routledge Handbook of Public Aviation Law, New York, p. 8
https://news.mcaa.gov.mn/uploads/bookSubject/2022-02/62188795842a8.pdf

Prabu Buana Rumiartha, I Nyoman. 2022. "Correlation Theory A.V. Dicey Perspective of the Rule of Law in Indonesia: Correlation Theory A.V. Dicey Perspective of the Rule of Law in Indonesia". *Focus Journal Law Review* 2 (1). https://ojs.balidwipa.ac.id/index.php/fjl/article/view/19.

Wartini, Sri. 2016. "Implikasi Kegiatan Remote Sensing Terhadap Kedaulatan Negara". *Jurnal Hukum IUS QUIA IUSTUM* 7 (15):22-33. https://doi.org/10.20885/iustum.vol7.iss15.art3.

W.de Graaft and G.C.M. Reljnem. 1985, Remote Sensing By Satelites, Space Law in The United Nations. Netherlands: Martinus Nljhoff Publishers, p. 2.