



The Implementation of State's Rights and Obligations in Outer Space: Is It Equal?

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| Article | Abstract |
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| <p>Keywords: Outer Space; Equality of State; International Cooperation.</p> <p>Article History Received: Jul 13, 2024; Reviewed: Aug 17, 2024; Accepted: Sep 21, 2024; Published: Sep 23, 2024.</p> | <p><i>The provisions of Outer Space Law govern a state's activities in outer space. The implementation of such activities needs advanced technology, which limits the ability of many countries to explore and exploit outer space. Data indicates that developed nations dominate outer space management, leaving countries without access to sophisticated technology unable to participate fully in space exploration and exploitation. This dominance triggers disparity between developed and developing countries, leading to unequal application of rights and obligations as outlined in Outer Space Law. While the law promotes international collaboration to address this issue, it does not explicitly require developed countries to involve developing nations in outer space activities. This study aims to refine the concept of international collaboration to ensure fair management and exploitation of outer space by all countries. This study is normative in nature, focusing on evolving the concept of international collaboration in outer space. Primary and secondary legal materials and non-legal sources were used as secondary data collected through a literature review and analysed qualitatively. The developed concept emphasises international cooperation and mutual assistance, proposing a framework for collaboration between developed and developing countries. This concept seeks to ensure equitable management of outer space. It reshapes the rights and obligations of states by encouraging all launching states to involve developing countries in space exploration and exploitation.</i></p> |



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INTRODUCTION

The 1967 Space Treaty (Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, 1967) establishes two key principles that guide a state's activities in outer space: the principles of non-appropriation and freedom of exploration. The non-appropriation principle asserts that outer space and celestial bodies belong to all humanity and cannot be claimed by any single nation (Sefriani, 2018). No state can own, occupy, control, or claim sovereignty over any part of outer space (Omba, 1994). Legally, outer space remains beyond the jurisdiction of any one country (Pranadita, 2019). The second principle, freedom of exploration, grants all countries the right to explore outer space as long as their activities are for peaceful purposes. This freedom must be exercised based on the principle of equity (Sefriani, 2018), ensuring that all states have an equal opportunity to explore and use outer space. In practical terms, this means that states can travel into space, establish stations, conduct experiments, and use celestial objects, in part or in full (Palguna, 2019). However, this freedom must be exercised with consideration for the interests of all nations, ensuring that no state is discriminated against in its ability to explore and use outer space.

The states' activities in their freedom of exploring outer space area (rested on the freedom of exploration principle) also adhere to "the first come, first served" concept. This concept is primarily applied by developed countries with the ability to launch space objects (Abdurrasyid, 2006). Essentially, the first entity to request the use of an orbit is granted access (Ydersten, 2021). This principle is key in regulating Earth's orbital spectrum access, especially in space research (Supancana, 2006). It is also embedded in the ITU Convention (Constitution and Convention of the International Telecommunication Union (with Annexes and Optional Protocol), 1992), which tends to favour states with advanced space technology (Putro et al., 2022). The application of the "first come, first served" concept in outer space activities raises concerns. As technologically advanced nations can explore space earlier, those without such capabilities are left behind. If this continues unchecked, developed countries will likely dominate the most valuable and accessible space resources (Reinstein, 1999).

The activities of several states in outer space, while following established principles, have led to some significant challenges. These issues stem from the notion of freedom to explore space, as states increasingly launch objects into outer space, turning it into a competitive arena. This freedom, in practice, has resulted in the domination of space management by developed countries. Data from Our World in Data illustrates this imbalance. Between 1957 and 2022, a total of 14,281 space objects have been launched globally. The United States leads with 7,325 launches, followed by Russia with 3,658, China with 866, the United Kingdom with 581, Japan with 306,

France with 139, India with 133, and Germany with 116. This data accounts for instances where one country launches a space object on behalf of another, attributing the launch to the latter. Launches by multiple states are recorded under each participating country's time series, while global totals reflect a single entry for joint efforts. The cumulative number of space object launches continues to grow, reinforcing the dominance of technologically advanced nations in outer space activities (Data, 2023, n. Accessed on March 5, 2023).

A key issue contributing to the domination of outer space by developed countries stems from the interpretation of Article 1, paragraph 2 of the 1967 Space Treaty. This provision allows all countries to explore outer space, including the moon and other celestial bodies, freely and without discrimination, based on the principle of equality among states. At first glance, this regulation seems to promote fairness, ensuring that every country has the freedom and equal opportunity to engage in space activities without facing discrimination. However, this has led to significant disparities in outer space exploration and usage.

In the 19th century, international law frequently used the concept of equity, with several international arbitrations making decisions based on international law and equity. However, by the 20th century, the use of equity became less common. Some early rulings by the International Court show that the principle of equity was applied in several cases, even if it was not explicitly mentioned. The International Court noted that a principle, once widely accepted and applied by most states, could be considered part of international law without directly referencing equity (Sohn, 1988). In theory, equity can be categorised into three types: *equity contra legem*, which allows exceptions to legal rules when necessary to achieve a fair and just outcome; *equity praeter legem*, which fills in gaps in the law; and *equity intra legem*, where courts choose the most just interpretation among several legal possibilities (Sohn, 1988). Although the 1967 Space Treaty explicitly mentions only equality, referring to equal rights of states in outer space activities, the principle of equity—long embedded in international law—still underpins the formulation and application of the treaty's provisions.

The appearance of the equality principle in the activities in the outer space area is inseparable from doctrines discussing the equality of states. Thomas Hobbes, one of the natural legal thinkers, greatly influenced the equality of states. In his thought, Hobbes explains that human beings, in their natural condition, have equal capacity to hurt each other and, therefore, have equal rights. The actors of international law adhering to natural law will understand Hobbes' thought easily by transferring the doctrine to the state. It is because Hobbes analogises state to the natural body, not more than artificial human (Thomas, 1951).

Regarding the equality of states, Pufendorf was based on a belief in human's natural obligation to social life at an equal level, binding everyone, although an individual surpasses another in terms of strength and mental ability. Based on this

belief, Purendorf proposed a doctrine stating that in a natural state, the state should have equal rights, while different lineage, wealth, power, or territory are not important in equality (Thomas, 1951). The ideas about state equality were then adopted by Emmerich de Vattel, explaining that anything allowed for one state will be allowed for another and vice versa (Lee, 2004).

Hans Kelsen analysed state equality and explained that the term "state equality" refers to a state's important character as a subject of international law, apparently having equal obligations and rights, but it is not true because obligation in an international agreement is a great diversity among states. Hans Kelsen, in a common international legal corridor, explained that all states can be imposed with equal obligation and to have equal rights. From this idea, it can be concluded that state equality is related to the state's equal ability to implement obligation and right rather than the implementation of obligation and right (Kelsen, 1944).

Drawing from Hans Kelsen's idea, it becomes clear that the 1967 Space Treaty was formulated around the concept of equality among states in their freedom to engage in outer space activities, taking into account the capacity to fulfil obligations and exercise rights. However, this approach presents challenges, recalling that it does not adequately account for the differing capabilities of individual states. As a result, developing countries, which often lack the technological resources to independently conduct space missions, face difficulties exercising their rights and fulfilling their obligations under the treaty. This imbalance leads to significant inequality between developed and developing nations in their ability to participate in outer space activities, making the domination of outer space by technologically advanced countries inevitable.

METHOD

This normative legal study (Depri Liber Sonata, 2014) used secondary data (Fajar & Achmad, 2019) as the type of data consisting of primary law material, including Space Treaty 1967 and RGAUN A/RES/51/122 (Resolution General Assembly United Nations A/RES/51/122, Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries, 1997); secondary law materials were garnered from legal books, legal scientific journals, and experts' writing related to outer space. Data were collected through a library study and analysed qualitatively (Muhaimin, 2020). This research involved interviews to confirm the data.

RESULTS AND DISCUSSION

Concept of International Collaboration in Outer Space Area

The Soviet Union first introduced the concept of international collaboration in outer space on June 6, 1962, and later submitted for consideration by UNCOPUOS. This concept emphasised that international cooperation and mutual assistance in managing outer space were obligations for all countries. It proposed that any activities potentially hindering space exploration or exploitation could only be carried out through prior agreements between the nations involved (Mineiro, 2008). However, the United Kingdom and the United States opposed this draft, viewing it as a way for the Soviet Union to impose veto power over other countries' activities in space. In response, the UK suggested that space exploration and exploitation should be open to all nations while taking into account the interests of others, with consultation and cooperation between states as a requirement. The UK's proposal differed from the Soviet Union's in that, while the latter viewed mutual assistance and cooperation as obligations, the UK emphasised the principle of respect (Mineiro, 2008). Ultimately, the phrase "international cooperation and mutual assistance" was incorporated into the Space Treaty of 1967 as a legal provision.

Article 9 of the 1967 Space Treaty emphasises that outer space exploration and use must be guided by the principle of "international cooperation and mutual assistance," with all activities considering the interests of other nations. In essence, this regulation aims to address inequalities in fulfilling rights and obligations in space by mandating international cooperation. However, a key issue with the 1967 Space Treaty is its lack of enforceable legal provisions. The drafters used vague and aspirational language, making it difficult for legal experts to clearly define specific obligations, particularly regarding principles like international cooperation and mutual assistance (Blount, 2021). Despite this, the principle of international collaboration presents an opportunity to reduce the gap between developed and developing countries in their ability to explore and utilise outer space.

Article 9 of the 1967 Space Treaty emphasises the need for international cooperation and mutual assistance. According to Rudolf Dolzer, this creates an obligation for countries to assist one another, making cooperation not just an option but a requirement, with elements of active engagement and effective implementation. Many view the concept of cooperation in the 1967 Space Treaty as imposing a stronger obligation than other international laws, even exceeding the 1970 Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States (Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United

Nations, 1970). This is largely due to the inclusion of specific provisions concerning the well-being of humanity in outer space (Wolter, 2006).

Wolfrum explained that the Space Treaty 1967 represents a shift from the traditional framework of public international law by emphasising the obligation of cooperation and mutual assistance between states. Carl Christol argued that the principle of cooperation in outer space law should not be viewed as a simple call for collaboration but rather as an innovative concept strengthened by new operational requirements. Additionally, Walter de Vries noted that the 1967 Space Treaty reflects the implementation of the cooperation principle outlined in the United Nations Charter. Given the significant costs associated with space activities, international cooperation is essential to ensuring that all countries have the opportunity to participate in the exploration and use of outer space (Wolter, 2006).

The ideas surrounding "international cooperation and mutual assistance" in the Space Treaty 1967 highlight key elements such as effectiveness, mutual interest, innovation, and cost reduction. These principles suggest that mutual benefit is the foundation of cooperation between states in outer space activities, whether bilaterally or multilaterally. This allows states to choose space missions and partnerships that are advantageous to them. However, this can create challenges in terms of equality, as developed countries may prefer to collaborate with other developed countries that offer more tangible benefits rather than partnering with developing nations. Although this preference aligns with the treaty's emphasis on cooperation based on mutual benefit, it raises concerns about fairness in the distribution of rights and obligations related to outer space exploration and use.

The real-world application of the cooperation concept can be observed through activities involving only developed nations in their capacity to undertake space missions. A notable example is the Five Eyes Alliance, comprising the United Kingdom, the United States of America, Canada, Australia, and New Zealand, which cooperates in monitoring the electronic communication of foreign citizens and governments. This intelligence-sharing network uses signals intelligence (SIGINT) to collect information such as phone calls, faxes, emails, and text messages via satellites, telephone networks, and fibre optics (Chai, 2023, n. Accessed on May 2, 2023). When analysing these partnerships, particularly in using space objects like satellites, it becomes evident that the collaboration is exclusive to a select group of nations. This cooperation tends to exclude developing countries, limiting their participation in these space-related activities.

Given the current situation, achieving true state equality in exploring and using outer space through international cooperation remains a challenge, especially for developing countries. To address this, the concept of international collaboration needs to evolve to ensure that developing nations can actively participate in space exploration and utilisation, as outer space is considered the common heritage of all humankind.

Additionally, the framework should promote equality, allowing developing countries to engage more fully in outer space activities. Nandasiri Jasentuliyana, Director of the International Institute for Outer Space Law, highlighted the importance of establishing special agreements within a comprehensive regulatory framework to institutionalise international cooperation in space. Similarly, Thomas Franck emphasised the need to strengthen cooperation obligations in line with the principle of equality within the shared inheritance of outer space (Wolter, 2006).

The implementation of international cooperation running as an attempt to achieve equality in outer space area

Efforts to promote equality between developed and developing countries in outer space exploration and exploitation have already begun to take shape. A key example is the adoption of RGAUN A/RES/51/122. This resolution resulted from the Committee on the Peaceful Uses of Outer Space's 39th meeting, which focused on principles governing states' activities in outer space. The resolution also incorporated recommendations from the United Nations Conference on the Exploration and Peaceful Uses of Outer Space—this explanation is found at the beginning of RGAUN A/RES/51/122—highlighting the importance of ensuring fair participation in space-related activities for all nations.

The RGAUN A/RES/51/122 was established with the understanding of the importance of international collaboration between countries and global organisations in space exploration and exploitation for peaceful purposes. It recognises the need for broader cooperation to achieve mutual benefits and ensure all parties' interests are considered. The resolution emphasises that strengthening sustainable international collaboration is essential for effective cooperation and maximising efficiency. This international cooperation is meant to serve the interests of all nations, regardless of their economic or scientific development, and should benefit all of humanity (This explanation is found at the beginning of RGAUN A/RES/51/122).

The Appendix of RGAUN A/RES/51/122 explains the substance of international collaboration as a means of doing activities in outer space. The implementation of cooperation must be obligatory, conforming to the provision of international law such as the United Nations Charter and Space Treaty 1967. This international cooperation is held by the parties in the best interest of all states regardless of their level of development, either economically or scientifically, and should belong to all mankind. In the resolution, this international cooperation emphasises the needs of developing countries in particular (This explanation is contained in Annex 1 of RGAUN A/RES/51/122).

Every state has the freedom to determine its level of involvement in international cooperation related to space exploration and exploitation, focusing on collective fairness and mutual acceptance. Contracts established as the manifestation of

international cooperation should be fair, feasible, and aligned with the parties' rights and obligations, including intellectual property rights (as outlined in Annex 2 of RGAUN A/RES/51/122). In addition, states with established space programs are encouraged to promote and build international partnerships grounded in collective justice and mutual respect. This responsibility is particularly important when supporting developing nations and those just beginning their space programs through collaboration with more advanced space-faring countries (As explained in Annex 3 of RGAUN A/RES/51/122).

International collaboration in RGAUN A/RES/51/122 should be performed obligatorily, most effectively and appropriately by countries, involving government, non-government, commercial and non-commercial, global, multilateral, regional or bilateral and international collaboration between countries regardless of the development levels (This explanation is contained in Annex 4 of RGAUN A/RES/51/122). The context of international cooperation held by considering the developing countries' needs should focus on, among others (as outlined in Annex 5 of RGAUN A/RES/51/122):

- a. encouraging the development of science and technology and its application;
- b. developing space ability relevantly and appropriately in the interested states;
- c. providing facilities in terms of skill and technology exchange between countries based on mutual acceptance.

The RGAUN A/RES/51/122, furthermore, explains that national and global bodies, research institutions, development assistance organisations, and developed and developing countries must obligatorily examine the utilisation of appropriate space application and the potential international cooperation to achieve the objective of the parties' development (as outlined in Annex 6 of RGAUN A/RES/51/122). The resolution focuses not only on international cooperation but also on the reinforcement of the Committee on the Peaceful Uses of Outer Space as a forum of information exchange with regard to national and international activities related to outer space area (as outlined in Annex 7 of RGAUN A/RES/51/122). All states should obligatorily contribute to United Nations' Programs related to space use and other initiatives in terms of international collaboration, conforming to the parties' ability and engagement in space exploration and exploitation (as outlined in Annex 8 of RGAUN A/RES/51/122).

The efforts made by states to address inequality—particularly for developing countries in space exploration and usage through RGAUN A/RES/51/122—have failed to bridge the gap between developed and developing countries in outer space management. This is evident from the continued dominance of developed countries in space activities, as discussed in the background of this research. Additionally, the concept of international cooperation for developing countries, as outlined in RGAUN A/RES/51/122, has not been effectively implemented. This idea of cooperation has

often remained just rhetoric, offering little tangible benefit to developing nations (Yusliwidaka, 2022). Therefore, a thorough analysis is needed to identify the factors behind this international cooperation's failure and develop solutions that ensure it is effectively implemented and genuinely benefits developing countries.

International Cooperation for Developing Country and Mutual Assistance in Outer Space

As aforementioned, one of the key issues with outer space law is its failure to impose a "hard law" framework on states (Blount, 2021). As a result, the provisions of outer space law are not fully binding on participating nations. Similarly, efforts to achieve equality between developed and developing countries in space activities and exploitation, as outlined in RGAUN A/RES/51/122, have not had a significant impact. This is largely due to the non-binding nature of these legal provisions, such as UN General Assembly resolutions, which are generally recommendations rather than enforceable laws. Consequently, the progress toward achieving true equality in outer space activities remains limited.

UN General Assembly's decisions hold a recommending power, meaning that while they address aspects of international law, they remain non-binding. This gives states the freedom to either accept or disregard these recommendations (Schwebel, 1979). This lack of enforceability poses a significant challenge, particularly when implementing international cooperation between developed and developing countries, as outlined in RGAUN A/RES/51/122, for the exploration and use of outer space. This flexibility in adherence has led to the failure of such cooperation to take hold effectively.

International collaboration is key to achieving equality in fulfilling rights and obligations. Since international cooperation highlights that one party's welfare can depend on the actions of others (Dai et al., 2010), fostering state equality, especially to support the welfare of developing countries, should be carefully structured to help close the gap in outer space activities. Cooperation serves the public interest, benefiting everyone, so there should be no hesitation in contributing to it (Dai et al., 2010). True international cooperation happens when parties adjust their actions based on the preferences and behaviours they anticipate from others, creating a coordinated policy process. Discussions about international cooperation often centre around the emergence of collaboration, the motivation behind it—whether for absolute or relative benefit—and the sustainability of these partnerships, especially when it comes to aligning with states' interests (O'Neill et al., 2004).

The significance of international collaboration in outer space exploration and exploitation comes from the perspectives of developing countries like Indonesia, Congo, Ecuador, Kenya, Uganda, Zaire, and Brazil. These developing countries have ever been affiliated with the Declaration of Bogota in 1976, attempting to collectively

regulate the floating segment of high seas by all countries. The access to the segment should be distributed fairly among the universal community by considering developing countries. This declaration was established due to global inequality and an assumption that big countries have used their power to develop laws to regulate outer space in the best interest of big countries (Durrani, 2019, n. Accessed on April 11, 2024). Therefore, international cooperation between developed and developing countries is an idea always expressed by developing countries in international forums.

The implementation of international cooperation between developed and developing countries, particularly in space exploration, has not been fully optimised. This is evident in the activities of the Association of Southeast Asian Nations (ASEAN) and its Sub-Committee on Space Applications (SCOSA). Coordination among ASEAN member states within SCOSA has been limited and not fully effective, as cooperation tends to be fragmented and focused primarily on space technology development. To address these challenges and foster more robust collaboration in space activities, ASEAN member countries must work towards sustainable development in the space sector (Siregar et al., 2024). Strengthening international cooperation in outer space activities is crucial, especially considering most ASEAN nations are developing countries. They need to recognise the importance of collaboration for peaceful space exploration and exploitation. Such international cooperation would ensure that all ASEAN member states can access space technology (Noichim, 2008).

The problem of equality, in the implementation of rights and obligations to bring welfare for all states in outer space area, can be solved by means of accommodating the concept of international cooperation for developing countries in Article 9 of the Space Treaty 1967 (as a basic international law governing outer space). The measure to formulate international cooperation for developing countries into legal substance in the Space Treaty 1967 can be binding to developed countries, leading to the obligation to collaborate with developing countries to achieve equality in the exploitation of outer space. A similar approach has already been applied in international law governing the seabed, providing a useful precedent for such cooperation.

Comparing outer space to the seabed is quite fitting, as both areas share a similar legal status: neither can be claimed by any state under the non-appropriation principle. For example, Article 137 clause (1) of UNCLOS 1982 (United Nations Convention on the Law of the Sea, 1982) clearly states that no country can assert sovereignty over the seabed, prohibiting any claims or exercise of control in this region. Similarly, outer space operates under the principle of free exploration and exploitation, as outlined in Article 1 of the 1967 Space Treaty, allowing states the freedom to engage in scientific research and utilise outer space. Both areas also have systems in place to regulate activities—outer space under the freedom of exploration and use and the seabed under the System of Exploration and Exploitation (Article 153, UNCLOS 1982).

Additionally, both regions are governed by the principle of peaceful exploitation. The 1967 Space Treaty, particularly in its preamble and Articles 4 and 9, emphasises the peaceful use of outer space for the benefit of all humankind. Similarly, Article 141 of UNCLOS 1982 affirms the peaceful use of the seabed, highlighting its exploitation for non-hostile purposes.

The terms "province of all mankind" and "common heritage of mankind" serve as the final point of comparison between outer space and the seabed. Outer space incorporates both concepts: "province of all mankind" is found in Article 1 of the 1967 Space Treaty, and "common heritage of mankind" is included in Article 11 of the 1979 Moon Treaty. Similarly, for the seabed, the phrase "common heritage of mankind" is stipulated in Article 136 of UNCLOS 1982. These terms, though distinct, are closely related and are seen as extensions of the international law principle *res communis*, which states that certain areas cannot be claimed or appropriated by any state (Gabrynowicz, 1992).

Historically, the phrase "province of all mankind" has been interpreted to mean that all nations have equal rights to access shared resources, laying the foundation for negotiations on maritime law. This concept was further developed by Less Developed Countries, which championed the shift from "province of all mankind" in the 1967 Space Treaty to "common heritage of mankind" in the Moon Treaty of 1979 (Gabrynowicz, 1992). While these two phrases may seem similar, they carry different strategic implications. The "province of all mankind" in the 1967 Space Treaty refers specifically to activities like exploration and exploitation, whereas the "common heritage of mankind" in the Moon Treaty focuses on material objects (Gabrynowicz, 1992). The distinction arose from concerns that the "province of all mankind" provision could limit private companies by infringing on individual or corporate rights to profit from activities in outer space (Gabrynowicz, 1992).

In addition to the comparison between outer space and the seabed, a similar challenge exists: the technological gap between developed and developing countries. This issue arises because both areas require highly advanced technology, significant financial investment, and the ability to manage high risks. As a result, not all nations have the resources to participate in activities within these domains. This disparity creates a technological divide between more advanced nations and developing countries, leading to inequality and unfairness in the exploration and exploitation of both outer space and the seabed.

The technology gap in the exploitation of the seabed can be addressed through international cooperation for developing countries, as outlined in UNCLOS 1982. Article 148 specifically addresses the participation of developing nations, considering their interests and needs in seabed activities. This provision adopts a common principle of international law that obligates states to cooperate to support the development of less advanced countries. Furthermore, Article 144(1)(b) promotes the transfer of

technology and scientific knowledge to developing nations, ensuring that all countries benefit from advancements in seabed exploration. This provision grants developing countries access to the scientific and technological expertise of states active in seabed activities. These two principles require developed nations to collaborate with developing countries through joint ventures facilitated by creating an authority company, *The Enterprise* (Sodik, 2016). This model of international cooperation in the seabed area serves as a framework to bridge the gap between developed and developing nations, promoting equality in using and exploring seabed resources.

International cooperation for developing countries in the context of outer space exploration should be reformulated by drawing lessons from cooperation in the seabed area. The key step would be to enhance the provisions of Article 9 of the 1967 Space Treaty, which currently obligates states to cooperate based on general principles of collaboration and mutual assistance. This could be expanded into a more specific obligation for developed nations to cooperate to support developing countries. By introducing a concept of "international cooperation for developing countries and mutual assistance," the framework would evolve, shifting the current focus from voluntary collaboration to a binding commitment for developed countries to partner with developing nations in outer space activities.

This reform is essential, as it would transform the existing cooperation model—centred on reciprocity—into one that prioritises the development needs of less advanced countries. The new concept would ensure that developed nations have an obligation to engage in international cooperation with developing countries, emphasising mutual assistance and benefits at a realistic and reasonable level. In this reimagined framework, developing nations could contribute meaningfully to outer space exploration by providing skilled human resources, financial support, or valuable data on space phenomena. This approach would help ensure more equitable participation in space activities, bridging the gap between developed and developing countries.

If the concept of state obligation for international collaboration and mutual assistance with developing countries is adopted, it will help ensure that the principle of equality in the exploration and use of outer space, as outlined in Article 1 of the 1967 Space Treaty, is realised for all nations, regardless of their level of economic or scientific development. This would enable developing countries to fully exercise their rights and obligations under outer space law. Moreover, it would allow them to pursue their interests in space activities, which is in line with the provisions of the Space Treaty, which stresses the importance of considering the interests of all countries in the exploration and exploitation of outer space.

CONCLUSION

The concept of state equality in outer space law emphasises equal rights and obligations for all countries. However, this has led to a gap between developed and developing nations in their ability to participate in outer space exploration and use. The current framework for international cooperation does not require developed countries to involve developing nations in their space missions, as it focuses primarily on mutual assistance and benefit. This study proposes a more concrete model of collaboration between developed and developing countries through a revised concept of international cooperation specifically aimed at supporting developing nations. Under this new approach, developed countries must include developing countries in their space missions. This collaboration would facilitate the sharing of benefits, knowledge, and technology, ensuring that outer space—recognised as a resource for all humanity—truly serves the interests of all nations, in line with the principle of "the province of all mankind."

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