

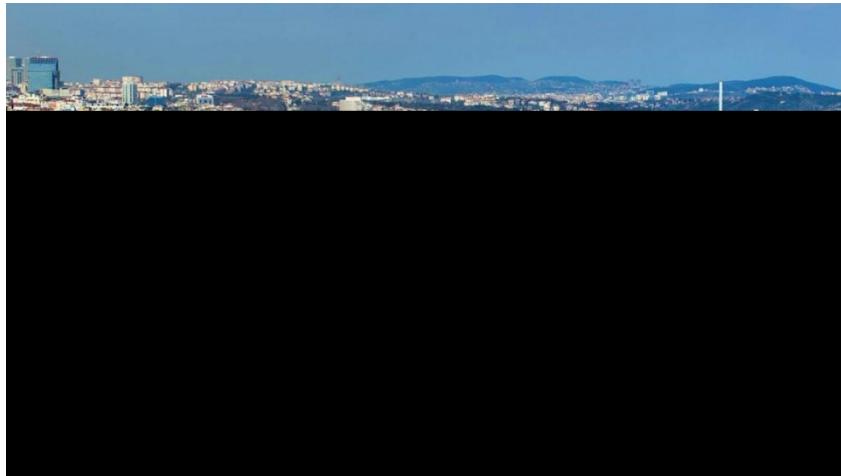
# The Guidance Document in support of Global Space Governance

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United Nations/Turkey/APSCO Conference on Space Law and Policy

*Theme 3: Legal Regime of Outer Space and Global Governance*

Istanbul, 24 September 2019



Wissen für Morgen

# Mandate under TP2 for a guidance document

- Thematic Priority 2 “Legal regime of outer space and global space governance: current and future perspectives” (COPUOS **59<sup>th</sup> session 2016**, A/71/20 para. 296)
- Sub para. (d): “Identifying, by 2018, approaches and possible criteria for developing, **by 2020**, a **guidance document** to be issued [by COPUOS] with **essential information** on the state of affairs of the legal regime governing outer space, **including relevant instruments** applied through national regulatory frameworks and **international mechanisms for cooperation**. Such a document should serve as valuable **guidance for States wishing to become a party to** the five [UN] treaties on outer space;”
- Draft working method in A/AC.105/C.2/2018/CRP.14



# Thematic priorities 2 and 3

COPUOS endorsed **7 thematic priorities** at its 59<sup>th</sup> session (2016) in preparation of UNISPACE+50 (A/71/20, para. 296)

## Thematic priority 2: Legal regime of outer space and global governance: current and future perspectives

Objective: Promote the **universality** of the five United Nations treaties on outer space. Assess the **state of affairs of those treaties** and their relationship with **other relevant international instruments, such as principles, resolutions and guidelines** governing space activities. Analyse the effectiveness of the legal regime of outer space in the twenty-first century, with a view to identifying areas that may **require additional regulation**.

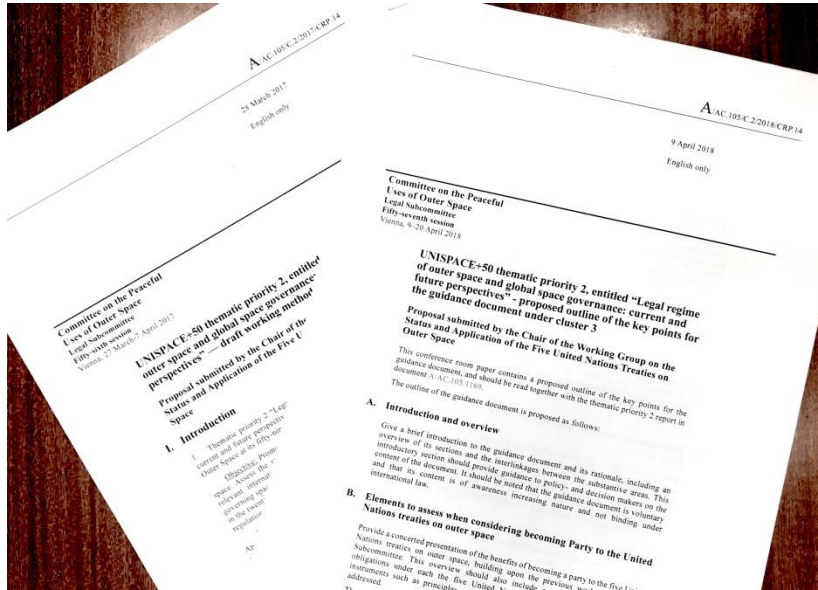
## Thematic priority 3: Enhanced information exchange on space objects and events

Objective: Define and develop requirements for enhanced **information exchange** and notification procedures under the United Nations Register of Objects Launched into Outer Space, taking into account the recommendations contained in the report of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities (A/68/189) and the future **guidelines for the long-term sustainability** of outer space activities specifically addressing risk-reduction notification needs. Identify cooperation mechanisms to support this objective. Encourage **capacity-building** and outreach activities on transparency and confidence-building measures.



# TP2 and the Guidance Document

- **TP2 central topics:**
  - Long-term sustainability of outer space activities
  - Space Traffic Management
  - Capacity-building
- Reflected in the Guidance Document



United Nations

A/AC.105/C.2/L.310



General Assembly

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Committee on the Peaceful  
Uses of Outer Space  
Legal Subcommittee  
Fifty-eighth session  
Vienna, 1–12 April 2019

## Draft guidance document under UNISPACE+50 thematic priority 2. “Legal regime of outer space and global governance: current and future perspectives”

Working paper submitted by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space

### I. Introduction and overview

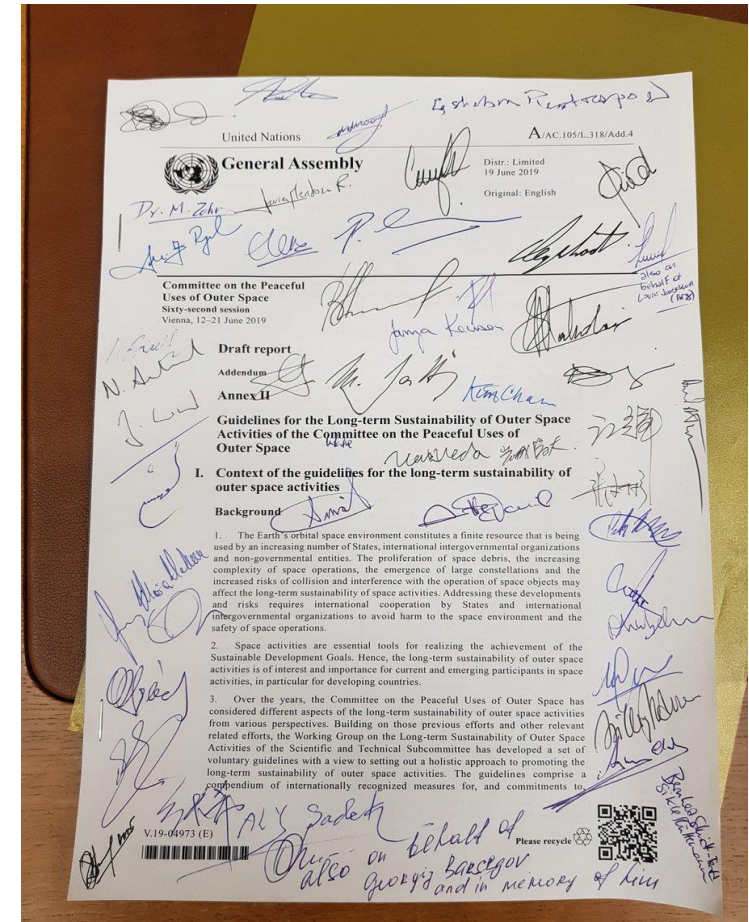
1. Pursuant to the request made by the Committee on the Peaceful Uses of Outer Space, at its sixtieth session (A/72/20, para. 296), the present document has been prepared by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, in close consultation with the Secretariat.
2. The present document is presented for consideration in the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space during the fifty-eighth session of the Legal Subcommittee in 2019. The report on thematic priority 2, entitled “Legal regime of outer space and global governance: current and future perspectives” (A/AC.105/1169), and the proposed outline of the key points for the guidance document (A/AC.105/C.2/2018/CRP.14) have been consulted in the

# Guidance Doc. and the LTS-process

**163.** The Committee adopted the preamble and 21 guidelines for the long-term sustainability of outer space activities, as contained in A/AC.105/C.1/L.366, and requested the Secretariat to reissue that document as an annex to the report of the Committee on the present session. The Committee encouraged States and international intergovernmental organizations to voluntarily take measures to ensure that the guidelines were implemented to the greatest extent feasible and practicable.

**165.** The Committee decided to establish, under a five-year workplan, a working group under the agenda item on the long-term sustainability of outer space activities of the Scientific and Technical Subcommittee.

**COPUOS 2019 Final Report (A/74/20)**



# LTS Guidelines agreed upon – relevant subjects

## a) Policy and regulatory framework for space activities

- Supervise national space activities
- Enhance the practice of registering space objects

## b) Safety of space operations

- Provide updated contact information and share information on space objects and orbital events
- Share operational space weather data and forecasts

## c) International cooperation, capacity-building and awareness

## d) Scientific and technical research and development



# Mechanism and organization of the work for the Guidance Doc.

- Mechanism:
  - The existing **Working Group on the Status and Application of the Five United Nations Treaties on Outer Space** of the Legal Subcommittee (WG TRE),
  - Coordinating its work with the **Working Group on Long-term Sustainability of Outer Space Activities** of the Scientific and Technical Subcommittee
- Chair WG TRE: Dr. Bernhard Schmidt-Tedd, Germany
- Cooperation between the two Subcommittees of COPUOS
- Timeline:
  - 2017: Agreement on working method
  - 2018: Agreement on key points and proposed outline
  - 2019: Review of draft guidance document [and tool kit]
  - 2020: Finalization of guidance document



# The need for the Guidance Document

- **Increasing number of actors** carrying on space activities
- In order to **assist a uniform understanding** of the UN space treaties, flow of information is crucial
- Challenge: to manage the balance between the content of the treaties, esp. the basic principles and organization, and to avoid an authoritative interpretation of the treaties
- *Cp.* objective of TP2:
  - To **promote the universality** of the five UN treaties on outer space
  - To **assess the state of affairs** of these treaties and their relationship with other relevant international instruments (e.g. principles, resolutions, guidelines)
  - To **analyze the effectiveness** of the legal regime of outer space in the 21<sup>st</sup> century, with eventually a view of identifying areas that might require additional regulation





# Purpose and rationale of the Guidance Document

- The Guidance Document is intended to **assist States** in acceding to the space treaties
- Rationale: governments need to be aware of potential implications of space activities that are carried on under their **jurisdiction**
- The Guidance Document serves as a **capacity-building instrument**
- Potential of **cooperation** in space matters among parties to the five UN space treaties
- The Guidance Document could lead to **Outreach activities** on application of the treaties
- Connection of the Guidance Document with the **online repository tool** that will be developed for UNOOSA's website



# Purpose and place of the Guidance Document



UN-Guidelines / Resolutions

**LTS Guidelines**

Purpose of the Guidance Document:

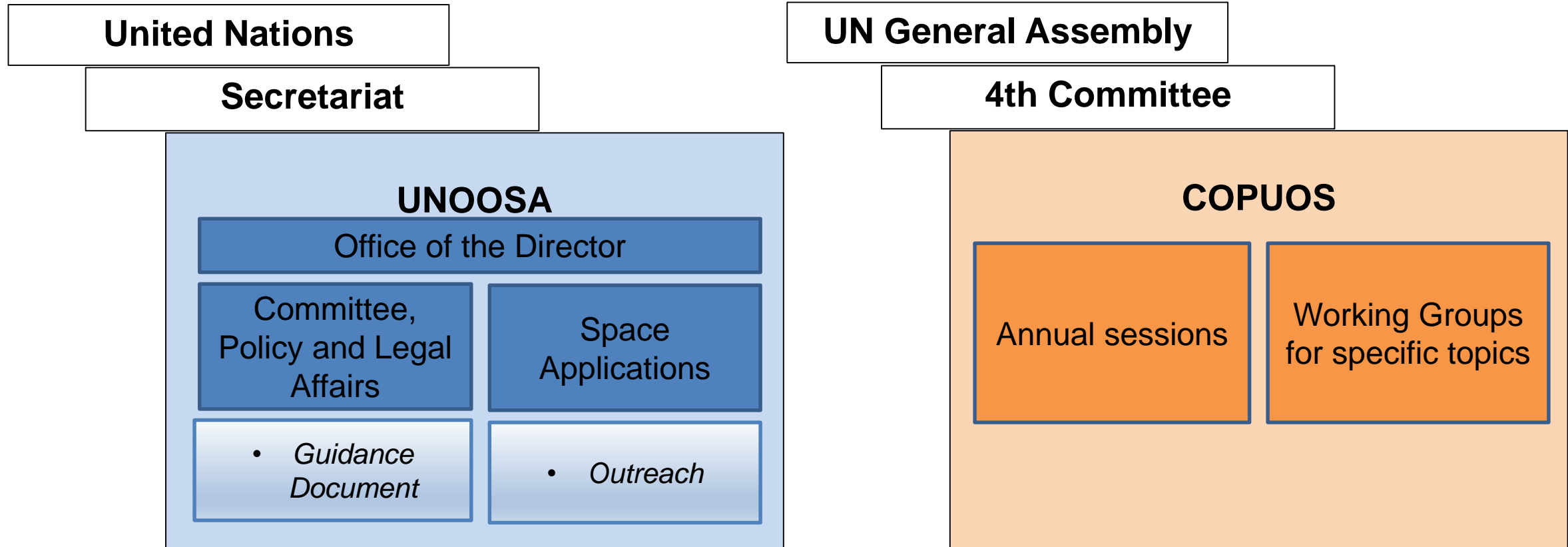
- Governments need to be aware of potential implications of space activities under their jurisdiction
- Capacity-building

National Implementation

**Interaction of treaties and guidelines with their national implementation**



# The structure to discuss the Space Law Regime



- Organizational-institutional setting under the UN Charter

- Intergovernmental setting
- Negotiating bodies



# Character and content of the Guidance Document

- **Voluntary** character
- **Overview** of legal regime of outer space

## Benefits, rights and obligations

### Interlinkages of substantive areas of work in the LSC

- UN Space Law documents, GA Res
- WG on the concept of the 'launching State'
- WG on registration practice
- WG on national space legislation
- WG on international mechanisms for cooperation

### Specific operative considerations

- Licensing
- Authorization procedures
- Registration procedures
- Space Debris Mitigation
- Operation of small satellites

### Elements for consideration in international cooperation

- Agreements, arrangements
- Active COPUOS participation
- Capacity building

### Elements for consideration of the development of national space policies and strategies

- Space economy, space society, space accessibility, space diplomacy



# Structure of the Guidance Document

- Follows UN Document A/AC.105/C.2/2018/CRP.14 – see A/AC.105/C.2/L.310

**A. Introduction and overview**

**B. Elements to assess when considering becoming Party to the United Nations treaties on outer space**

**C. Work done by the Legal Subcommittee related to the operation of space activities**

**D. Development of national space policy, strategy and regulatory frameworks**

**E. Specific considerations in implementing and applying the legal regime on outer space**

**F. Elements for consideration in international cooperation**



# Matrix of LTS Guidelines and relevant principles and norms of international space law

A. Policy and regulatory framework for space activities	
<p><b>Guideline 1: Adopt, revise and amend, as necessary, national regulatory frameworks for outer space activities</b></p>	
<p>1.1 States should adopt, revise and amend, as necessary, national regulatory frameworks for outer space activities, taking into account their obligations under the United Nations treaties on outer space as States responsible for national activities in outer space and as launching States. When adopting, revising, amending or implementing national regulatory frameworks, States should consider the need to ensure and enhance the long-term sustainability of outer space activities.</p>	<p>Art. VI OST;</p>
<p>1.2 With the increase in outer space activities by governmental and non-governmental actors from around the world, and considering that States bear international responsibility for the space activities of non-governmental entities, States should adopt, revise or amend regulatory frameworks to ensure the effective application of relevant, generally accepted international norms, standards and practices for the safe conduct of outer space activities.</p>	<ul style="list-style-type: none"> <li>- International responsibility: Art. VI OST</li> <li>- Launching state: Art. VII OST, Art. VI ARRA, Art. I LIAB, Art. I REG</li> <li>- Generally accepted standards &amp; practices: ...</li> </ul>
<p>1.3 When developing, revising, amending or adopting national regulatory frameworks, States should consider the provisions of General Assembly resolution 68/74, on recommendations on national legislation relevant to the peaceful exploration and use of outer space. In particular, States should consider not only existing space projects and activities but also, to the extent practicable, the potential development of their national space sector, and envisage appropriate, timely regulation in order to avoid legal lacunae.</p>	<p>NatLeg Resolution</p>
<p>1.4 States, in enacting new regulations, or in revising or amending existing legislation, should bear in mind their obligations under article VI of the Outer Space Treaty. Traditionally, national regulations have been concerned with issues such as safety, liability, reliability and cost. As new regulations are developed, States should consider regulations that enhance the long-term sustainability of outer space activities. At the same time, regulations should not be so prescriptive as to prevent initiatives addressing the long-term sustainability of outer space activities.</p>	<p>Art. VI OST</p>



# Matrix of LTS Guidelines and relevant principles and norms of international space law

(a) Consider the provisions of General Assembly resolution 68/74, on recommendations on national legislation relevant to the peaceful exploration and use of outer space;	NatLeg Resolution
(b) Implement space debris mitigation measures, such as the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space, through applicable mechanisms;	COPUOS-SDM Guidelines
(c) Address, to the extent practicable, risks to people, property, public health and the environment associated with the launch, in-orbit operation and re-entry of space objects;	
(d) Promote regulations and policies that support the idea of minimizing the impacts of human activities on Earth as well as on the outer space environment. They are encouraged to plan their activities based on the Sustainable Development Goals, their main national requirements and international considerations for the sustainability of space and the Earth;	Art. IX OST, Art. 7 MOON SDGs
(e) Implement the guidance contained in the Safety Framework for Nuclear Power Source Applications in Outer Space and satisfy the intent of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space through applicable mechanisms that provide a regulatory, legal and technical framework that sets out responsibilities and assistance mechanisms, prior to using nuclear power sources in outer space;	Safety Framework for Nuclear Power Source Applications; Principles Relevant to the Use of Nuclear Power Sources in Outer Space
(f) Consider the potential benefits of using existing international technical standards, including those published by the International Organization for Standardization (ISO), the Consultative Committee for Space Data Systems and national standardization bodies. In addition, States should consider the utilization of recommended practices and voluntary guidelines proposed by the Inter -Agency Space Debris Coordination Committee and the Committee on Space Research;	ISO, CCSD, IADC, COSPAR



# Matrix of LTS Guidelines and relevant principles and norms of international space law

Guideline 3: Supervise national space activities	
<p>3.1 In supervising space activities of non-governmental entities, States should ensure that entities under their jurisdiction and/or control that conduct outer space activities have the appropriate structures and procedures for planning and conducting space activities in a manner that supports the objective of enhancing the long –term sustainability of outer space activities, and that they have the means to comply with relevant national and international regulatory frameworks, requirements, policies and processes in this regard.</p>	
<p>3.2 States bear international responsibility for national activities in outer space and for the authorization and continuing supervision of such activities, which are to be carried out in conformity with applicable international law. In fulfilling this responsibility, States should encourage each entity conducting space activities to:</p>	Art. VI OST
<p>(a) Establish and maintain all the necessary technical competencies required to conduct the outer space activities in a safe and responsible manner and to enable the entity to comply with the relevant governmental and intergovernmental regulatory frameworks, requirements, policies and processes;</p>	
<p>(b) Develop specific requirements and procedures to address the safety and reliability of outer space activities under the entity's control, during all phases of a mission life cycle;</p>	





# Matrix of LTS Guidelines and relevant principles and norms of international space law

Guideline 6: Enhance the practice of registering space objects	
<p>6.1 States and international intergovernmental organizations, acting in accordance with their obligations under article VIII of the Outer Space Treaty and the Convention on Registration of Objects Launched into Outer Space and taking into consideration the recommendations contained in General Assembly resolutions 1721 B (XVI) and 62/101, should ensure the development and/or implementation of effective and comprehensive registration practices, as proper registration of space objects is a key factor in the safety and the long-term sustainability of space activities. Inadequate registration practices may have negative implications for ensuring the safety of space operations.</p>	<p>Art. VIII OST REG RegPract Res</p>
<p>6.2 To that end, States and international intergovernmental organizations should adopt appropriate national or other relevant policies and regulations to harmonize and sustain over the long term such registration practices on the widest possible international basis. When registering space objects, States and international intergovernmental organizations should bear in mind the need to provide timely information that contributes to the long-term sustainability of outer space activities and should consider also providing information on space objects, their operation and their status, as set out in General Assembly resolution 62/101.</p>	<p>RegPract Res</p>
<p>6.3 Prior to the launch of a space object, the State from whose territory or facility a space object will be launched should, in the absence of prior agreement, contact States or international intergovernmental organizations that could qualify as the launching States of that space object to jointly determine how to proceed with the registration of that particular space object. Following the launch of a space object, and considering relevant criteria in the Convention on Registration of Objects Launched into Outer Space (Registration Convention), States and/or international intergovernmental organizations that were involved in the launch should coordinate among themselves, to include those States and international intergovernmental organizations that may exercise jurisdiction and control over the non-registered space object, to register the space object.</p>	<p>REG LS Resolution</p>



# Matrix of LTS Guidelines and relevant principles and norms of international space law

6.6 The launching States and, where appropriate, international intergovernmental organizations should request all necessary information from space launch service providers and users under their jurisdiction and/or control to meet all registration requirements under the Registration Convention and encourage their receptiveness to and consideration of the provision of expanded registration information. States and international intergovernmental organizations, having institutionalized the practice of providing expanded registration information, should strive to sustain such practice and identify circumstances complicating the achievement of that task.

REG  
RegPrat Resolution

6.7 States and international intergovernmental organizations should take into account General Assembly resolution 62/101 and consider providing information on any change of status in operations (inter alia, when a space object is no longer functional) and, following the change in supervision of a space object in orbit, information about changes in the orbital position. ...

RegPrat Resolution

6.8 In cases where a launched space object contains other space objects planned for future separation and independent orbital flight, States and international intergovernmental organizations should, when entering these objects in their registry and when furnishing registration information to the Secretary -General of the United Nations, indicate (for example, in the form of side notes) the number and names of space objects that may, in the future, separate from the main space object, on the understanding that those space objects should not be given different or modified names when they are subsequently registered.

6.9 In accordance with article IV, paragraph 2, of the Registration Convention, and considering General Assembly resolution 62/101, on registration practices, as well as principle 4.3 of General Assembly resolution 47/68, States and international intergovernmental organizations should provide information to the Office through internationally accepted mechanisms on all space activities or objects that involve the use of nuclear power sources in outer space.

Art. IV REG  
RegPract Res  
NPS Res



# Guidance for the operational implementation of Treaty articles

## Holistic Capacity Building for the future

### LTS Guidelines

- Adopt, revise and amend, as necessary, national regulatory frameworks for outer space activities

- Consider a number of elements when developing, revising or amending, as necessary, national regulatory frameworks for outer space activities

- Supervise national space activities

- Ensure the equitable, rational and efficient use of the radio frequency spectrum and the various orbital regions used by satellites

- Enhance the Registration practice ...

Where are the specific treaty provisions being translated into operational form by the LTS Guidelines?

Treaty Articles



# Link to the Space 2030 Agenda

## For the Space 2030 Agenda,

to develop and integrate the Guidance Document as an element of **space governance**

for keeping the substance of space law together, **by spreading awareness and knowledge** on one hand and on the other by **offering guidance for the implementation** and **the further development of space law** especially on the practical and operational side, with a **special attention to the LTS Guidelines**

A/AC.105/2019/CRP.15

19 June 2019

Original: English

V.19-05005 (E)



### **Revised Zero draft of the “Space2030” Agenda and implementation plan**

#### **Working paper submitted by the Bureau of the Working Group on the “Space2030” Agenda**

(i) The present working paper contains a revised text of the Zero-draft of the “Space2030” Agenda and implementation plan (as contained in document A/AC.105/L.317) and was prepared by the Bureau of the Working Group on the “Space2030” Agenda, with the assistance of the Secretariat, based on the discussions at the meetings and informal consultations of the Working Group during the 62nd session of the Committee on the Peaceful Uses of Outer Space as well as taking into account several written contributions by States members of the Committee received during this session of the Committee ...



# Draft Space2030 agenda (A/AC.105/2019/CRP.15)

## II. Strategic vision

11. We [the States Members of the United Nations] underscore the **importance of global governance** of outer space activities, based on international law, including the United Nations treaties on outer space, as well as the United Nations principles on outer space and related General Assembly resolutions, and the contributions of the Committee to that end. Of particular importance, the Outer Space Treaty is the cornerstone of the international legal regime governing outer space activities. It contains the fundamental principles of international space law and will **continue to provide an indispensable framework for the conduct of outer space activities**. The universalization and effective implementation of the Outer Space Treaty should be promoted.

**Space Diplomacy Pillar = Overarching objective 4: Build partnerships and strengthen international cooperation in the peaceful uses of outer space and in the global governance of outer space activities**

4.2. **Promote the implementation** by States parties of the United Nations treaties on outer space, as well as the implementation of related principles and General Assembly resolutions, and encourage the Committee and its subsidiary bodies, supported by the Office for Outer Space Affairs, to continue to coordinate efforts in that regard and **to complement and develop international space law**, as appropriate, to respond to emerging issues;



# SDG 9: Industry, Innovation and Infrastructure

16 PEACE, JUSTICE  
AND STRONG  
INSTITUTIONS



9.B Support domestic technology development, research and innovation in developing countries, including by ensuring a conducive policy environment for, inter alia, industrial diversification and value addition to commodities

9.C Significantly increase access to information and communications technology and strive to provide universal and affordable access to the Internet in least developed countries by 2020

17 PARTNERSHIPS  
FOR THE GOALS



## Thematic Priority 2 - A/AC.105/1169

(b) Studying potential future legal and institutional initiatives intended to ensure that outer space is explored and used for peaceful purposes and that access to outer space remains open and free **for the benefit of all countries**, in order to ensure that international space law is a relevant part of global space governance in the twenty-first century **in the light of the significant scientific developments and technical advances** that have affected space activities;

**...perspectives of space traffic management...**

9 INDUSTRY, INNOVATION  
AND INFRASTRUCTURE



## The Guidance Document in the general context

- Link to **Space2030 Agenda** (space diplomacy – regulatory framework)
- Link to efforts to **safeguard** the basic principles of space law and a predictable legal regime
- Link to the **further development** of space law and its implementing mechanisms at national, regional and global level

### The Guidance Document has the function

- To **integrate ‘new comers’** with a practical tool for space law application
- To give the growing space community an **oversight** over a complex legal regime and its application
- To offer **guidance and connected support activities**
- To offer a meaningful **completion** to classical space law teaching





**Thank you for your attention**

**Any questions?**





# Content

- Titel
- Mandate Guidance Doc. / TP2
- TP2/3
- Guidance Doc. and the LTS-process
- 21 agreed upon Guidelines
- Orga of work
- Need for a Guidance Doc.
- Purpose and Rationale
- Purpose and place in the treaty-system (Grafik)
- Structure of space law discussion ; UNOOSA/COPUOS
- Charactere / Content Guidance Doc.
- Structure Guidance Doc.
- Matrix: LTS Guidelines and operational implementation (div. examples: regulatory framework / REG practice)
- Holistic approach: guidance for the operational implementation of treaty articles
- Link to the 2030 Agenda
- SDG's / TP2 / STM / Industry
- Summary – general context

