

Emerging Issues in Space Law and Policy - Perspectives for African Nations

UNOOSA Space Law Conference 8–10 Dec. 2020

LTS and Regulatory Frameworks - The Role of TP 2 Guidance Document for Emerging Space Nations

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Chair WG on Status and Application of the 5 UN Treaties



Wissen für Morgen



**Resolution adopted by the General Assembly on
26 October 2018**

A/RES/73/6

**73/6. Fiftieth anniversary of the first United Nations Conference on the
Exploration and Peaceful Uses of Outer Space: space as a driver of
sustainable development**

LTS – Regulatory Framework – Guidance Doc. – Cooperation – Benefits for all

*Stressing the need to ensure the **long-term sustainability** of outer space activities and, in particular, the need to address the significant challenge posed by space debris, and convinced of **the need to strengthen**, through the Committee on the Peaceful Uses of Outer Space, **international cooperation** to achieve those goals and*

**contribute to realizing a shared vision for the future
in the exploration and use of outer space for peaceful purposes and
for the benefit and in the interest of all humankind,**



‘UNISPACE+50’ Resolution adopted by the General Assembly on 26 October 2018

A/RES/73/6

7. *Reaffirms* the unique role of the Committee on the Peaceful Uses of Outer Space and its subcommittees, supported by the Office for Outer Space Affairs of the Secretariat, as unique platforms for international cooperation in the exploration and uses of outer space for peaceful purposes, for the global governance of outer space activities, **for developing international space law,** **for fostering dialogue among spacefaring and emerging space nations and** **for promoting the increased involvement of all countries in space activities,** **including through capacity-building initiatives;**



Mandate for a guidance document under Thematic Priorities of the UNISPACE+50 process

- **Thematic Priority 2** “Legal regime of outer space and global space governance: current and future perspectives” (COPUOS **59th 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
Mechanism: existing WG TRE / Coordination with WG LTS



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



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
- **The Guidance Document is in line with the objectives 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 21st century, with eventually a view of identifying areas that might require additional regulation



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 – A/AC.105/C.2/L.313 (revised draft)

Follows structure as set out in UN Document A/AC.105/C.2/2018/CRP.14

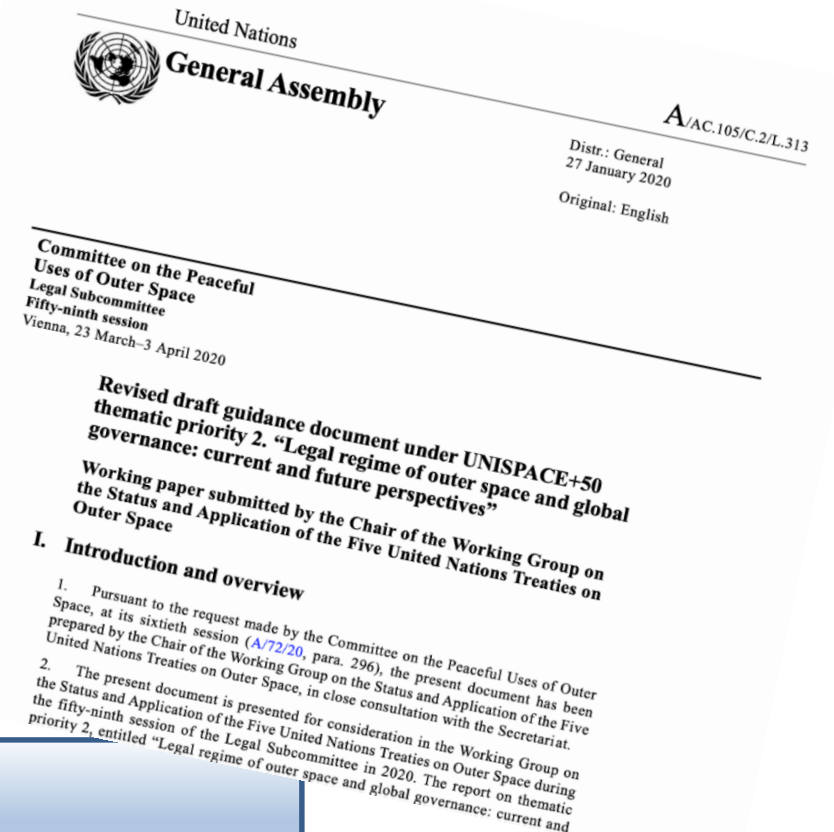
I. Introduction and overview

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

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

IV. Development of national space policy, strategy and regulatory frameworks

V. Elements for consideration in international cooperation



LTS Guidelines – relevant subjects

- a) **Policy and regulatory framework for space activities**
- b) **Safety of space operations**
- c) **International cooperation, capacity-building and awareness**
- d) **Scientific and technical research and development**

Guideline C.1

Promote and facilitate international cooperation in support of the LTS of outer space activities

Guideline C.2

Share experience related to the long-term sustainability of outer space activities and develop new procedures, as appropriate, for information exchange

Guideline C.3

Promote and support capacity-building

Guideline C.4

Raise awareness of space activities



Guidance Document – LTS-Guidelines – Emerging Space Nations

Guidance Document

8. A national regulatory framework for space activities is key for spacefaring nations and States with emerging spacefaring capacities. ...
19. A wide acceptance by States parties of the obligations contained in the treaties contributes to a broadening of **international cooperation** in the scientific and legal fields of the exploration and uses of outer space for peaceful purposes.
84. According to the **(Space Benefits) Declaration**, particular attention should be given to the benefit for and the interest of developing countries and countries with incipient space programmes stemming from such international cooperation with countries with more advanced space capabilities.
85. As recognized by the Declaration, the need for **technical assistance** and a rational and efficient allocation of financial and technical resources should be considered in working towards achieving the goals of **promoting the development of space science and technology and of its applications**; fostering the development of relevant and appropriate space capabilities in interested States; and facilitating the exchange of expertise and technology among States on a mutually acceptable basis.

LTS Guidelines (I. Context)

2. Space activities are essential tools for realizing the achievement of the **Sustainable Development Goals**. Hence, the long-term sustainability of outer space activities is of interest and importance for current and emerging participants in space activities, in particular for developing countries.
18. States and relevant international intergovernmental organizations in a position to support developing countries in developing their national capacities for the implementation of these guidelines, through appropriate and mutually agreed **capacity-building mechanisms**, are encouraged to do so as one of the means of ensuring and enhancing the long-term sustainability of outer space activities.
19. The widest implementation of these guidelines by States (at the level of both governmental agencies and non-governmental entities) and international intergovernmental organizations requires certain capacities and capabilities, which could be built and enhanced, inter alia, through **international cooperation**. ...
21. The relevant United Nations body serving as the principal forum for **continued institutionalized dialogue** on issues related to the implementation and review of the guidelines is the Committee on the Peaceful Uses of Outer Space.



The Guidance Document in the general context

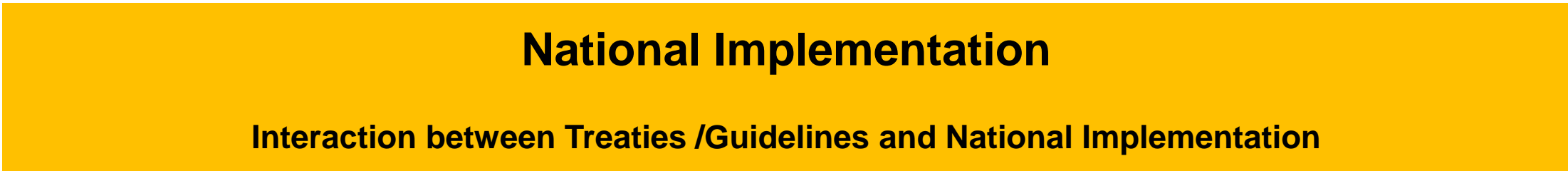
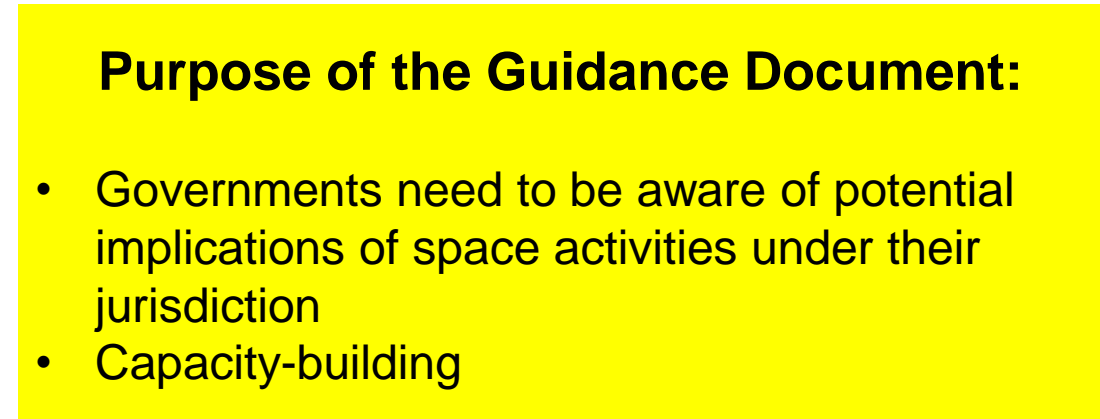
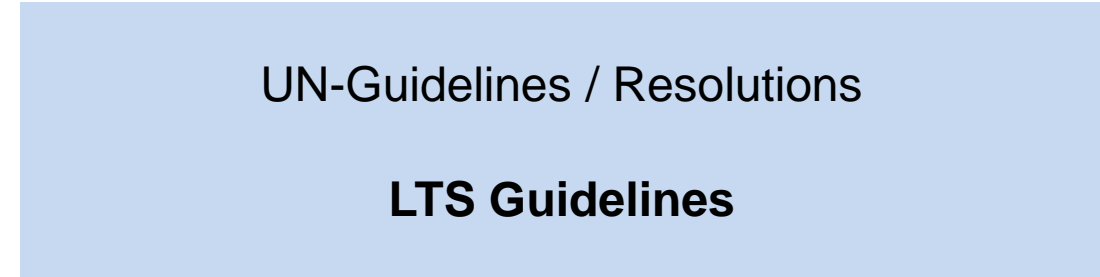
- Link to **Space2030 Agenda** (space diplomacy – regulatory framework)
- Link to efforts to **safeguard** the basic principles of space law and a predictable legal regime
- Link to the **further development** of space law and its implementing mechanisms at national, regional and global level

The Guidance Document has the function

- To **integrate ‘newcomers’** 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



Purpose and place of the Guidance Document



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



9 INDUSTRY, INNOVATION
AND INFRASTRUCTURE



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...**



SDG 16: Peace, Justice and Strong Institutions



- **16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all**
- **16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance**



The international legal regime of outer space - Awareness, capacity building, guidance, national implementation

Perspectives for 2021...

A comprehensive LSC Agenda enables the discussion on space governance, benefits for emerging Space Nations, LTS-implementation and challenges of space law...

Inter alia,

Status and application of the five United Nations treaties on outer space

Finalization and Adoption of the Guidance Document

...

Single issues/items for discussion

- General exchange of information and views on legal mechanisms relating to **space debris mitigation and remediation measures**, taking into account the work of STSC.
- General exchange of information on **non-legally binding** UN instruments on outer space.
- General exchange of views on the legal aspects of **space traffic management**.
- General exchange of views on the application of international law to **small satellite activities**.
- General exchange of views on potential legal models for activities in the **exploration, exploitation and utilization of space resources**.



