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Agenda item 4

Status and application of the five

United Nations treaties on outer space

Questionnaire on the possible options for future development of international space law

Working paper submitted by Kazakhstan, the Russian Federation and Ukraine

In order to make known the positions of States members of the Committee on the Peaceful Uses of Outer Space with regard to the main priorities in the future development of international space law, it is proposed that delegations should provide replies to the following questions:

1. How should the present status of international space law be regarded?

(a) Current international space law (the five treaties on space and the five sets of principles) fully satisfies the requirements for the development of the exploration and use of space at the present time;

(b) Current international space law is a good basis for regulating the space activity of States, but individual provisions need to be amended and amplified. This could be accomplished through an interpretation of the relevant provisions in resolutions of the General Assembly concerning these issues. (If this option is chosen, it would be useful to specify which issues are involved);

(c) Current international space law has served as a good guide for States in the exploration and use of space since the start of the space age, but with the commercialization of space activity, the diversification in the types of activity and the arrival on the scene of new subjects, it no longer entirely fulfils its regulatory functions;



(d) Other assessments of the status of international space law;

(e) It is difficult to make a definitive assessment of the current status of international space law.

2. What are the possible options for the future development of international space law?

(a) The five space treaties and the five sets of basic principles should be left in their present form in the long term;

(b) It would be useful for work to be undertaken to amend individual provisions of the space treaties and principles for space activities and for resolutions to be adopted, if necessary, on specific issues by the General Assembly;

(c) The existing instruments and principles of international space law should be left in their present form with the gaps in them being filled by national legislative provisions;

(d) The following steps should be taken in preparation for the drafting of a comprehensive United Nations convention on space law: (i) the item should be included in the agenda of the Legal Subcommittee; (ii) an outline of the instrument should be drafted; (iii) the legislative experience amassed in drafting the United Nations Convention on the Law of the Sea should be studied; (iv) an inventory of existing provisions in international and national space law should be made and used as a basis for the future instrument; (v) at the same time, the process of ratification of and accession to the current treaties by those States not yet parties to them should not be halted;

(e) Work should commence without delay on drafting a comprehensive United Nations convention on space law;

(f) Other possible options for the development of international space law that are considered priorities.

3. What general approach should be taken to the codification of international space law? (for delegations that chose options (d) or (e) in reply to question 2)

(a) Work should commence “from scratch”, with the provisions of existing international space law being discarded as having served their purpose;

(b) The five existing space treaties should be used as a basis for drafting a comprehensive convention, developing those provisions that are required and removing duplications; the individual principles of international space law and other “soft law” documents should be upgraded into legally binding instruments of international law; and new provisions should be developed for those aspects of space activity that were previously outside the scope of international law or were regulated within the national legislation of individual States;

(c) Other approaches to the drafting of a comprehensive United Nations convention on space law.