

Japanese contribution to the General Exchange of Non-legally binding UN Instruments on Outer Space

Committee on Peaceful Uses of Outer Space
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Japanese Delegation
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Introduction

Brief historical overview

- Five space-related treaties: Outer Space Treaty; Rescue Agreement, Registration Convention; Liability Convention; and Moon Agreement; were adopted in 1960's and 70's
- Achieving consensus for treaty-based law making has become increasingly challenging (increase in number of Member States of the COPUOS: 24(1957)→76(2014))
- Rule making for the exploration and use of outer space has taken place in a form of non-legally binding UN instruments such as UN General Assembly resolutions particularly since 1980's
- Played a significant role as an effective mean to address emerging issues and serves as a basis of rule to ensure sustainable and safe use of outer space

Overview of non-legally binding UN instruments

UN General Assembly Resolution

- 1961 Resolution 1721 (XVI) International Cooperation in the peaceful uses of outer space
- 1963 Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space
- 1982 Direct Broadcasting Satellite Principles: Principles Governing the Use by States of Artificial Earth satellites for International Direct Television Broadcasting
- 1986 Remote Sensing Principles: Principles Relating to Remote Sensing of the Earth from Outer Space
- 1992 Nuclear Power Sources Principles: Principles Relevant to the Use of Nuclear Power Sources in Outer Space
- 1996 Space Benefit Declaration: 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
- 2004 Application of the concept of the “launching State”
- 2007 Registration Recommendations: Recommendations on enhancing the practice of States and international intergovernmental organizations in registering space objects
- 2013 Recommendations on national legislation relevant to the peaceful exploration and use of outer space

COPUOS documents

- 2007 Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space
- 2009 Safety Framework for Nuclear Power Source Application in Outer Space

Overview of non-legally binding UN instruments

Role of non-legally binding UN instruments

- Complement and support five space treaties
 - Addressing specific space applications (e.g., Direct Broadcasting Satellite Principles, UN Remote Sensing Principles, Nuclear Power Sources Principles)
 - Serving complementary rules for applications of specific space related conventions(e.g., Registration Recommendation, Applications of the Concept of the launching State)
 - Establishing specific guidelines for sustainable and safe use of outer space (e.g., Space Debris Mitigation Guidelines, Safety Framework for Nuclear Power Source Application in Outer Space)

Agenda Item: The General Exchange of Non-legally binding UN Instruments on Outer Space

Current status and content of the agenda item

- Adopted as a single year item at the 53rd Legal Subcommittee Session of COPUOS
- Exchange and sharing information among Member States on
 - views on non-legally binding UN instruments
 - experiences of how specific measures associated with non-legally binding UN instruments are taken at a domestic level
- Undertaking a detailed study
 - Further discussion of modalities for seeking a common understanding on how to promote the instruments
 - With consideration for the feasibility of establishing a Working Group

Japan's Vision: The General Exchange of Non-legally binding UN Instruments on Outer Space

Background

- Increasing role played by and expected of non-legally binding UN instruments for sustainable and safe use of outer space
- Certain non-legally binding UN instruments have been addressed, but no agenda item dedicated for non-legally binding UN instruments as a whole existed thus far
- Overall status of their applications has not yet been fully examined, and such need is recognized

Goal

- Gain a better understanding of the status of applications of non-legally binding UN instruments
- Promote taking appropriate measures in relation to non-legally binding UN instruments
- Contribute to considerations for future rule making for exploration and use of outer space

Japan's Vision: The General Exchange of Non-legally binding UN Instruments on Outer Space

Potential benefit

- Vitalize the discussions at the Legal Subcommittee with practical and topical issues
- Facilitate sharing of the experiences and knowledge among Member States
→ Member States may be able to domestically incorporate similar measures that have been successfully taken in other States

Envisaged outcome

- Publication of an information package of concrete examples of the practices of States in relation to non-legally binding UN instruments
- A summary of the work under this agenda item is proposed to be adopted and incorporated into the report of the Legal Subcommittee

Japan's Vision: The General Exchange of Non-legally binding UN Instruments on Outer Space

Japanese Proposal of Questionnaire

- Sharing of information among Member States in an appropriate way including the proposed questionnaires
- Questionnaires intended to simplify and ease the work of Member States in reporting the information
 - Questionnaire is made up of two parts:
 1. Common questions on all the instruments (e.g., ways of implementation of instruments, and scope of application)
 2. Specific Questions corresponding to each instrument
 - Scope of the instruments covered under the questionnaires
11 UN General Assembly resolutions and other documents in ST/SPACE/61 (10 questionnaires prepared)
- Discussions on shared information and exchange of views on the non-legally binding UN instruments during the 54th Session onwards

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Scope of the instruments covered under the questionnaires

UN General Assembly Resolution

1. 1961 International Cooperation in the Peaceful Uses of Outer Space
2. 1963 Declaration of Legal Principles
3. 1982 Direct Broadcasting Satellite Principles
4. 1986 Remote Sensing Principles: Principles Relating to Remote Sensing of the Earth from Outer Space
5. 1992 Nuclear Power Sources Principles
6. 1996 Space Benefit Declaration
7. 2000 Some Aspects concerning the use of the geostationary orbit
8. 2004 Application of the concept of the “launching State”
9. 2007 Registration Recommendations

COPUOS documents

10. 2007 Space Debris Mitigation Guidelines

(2009 Safety Framework for Nuclear Power Source Application in Outer Space)

Practices conducted by Japan in relation to non-legally binding UN instruments: Registration Recommendation

Example of how Japan follows the Registration Recommendation

➤ Submission of additional information to the UN

Additional information associated with satellites have been provided from Japanese Aerospace Exploration Agency(JAXA), private company, university, and non-profit organization

- Date of moving a space object to a disposal orbit(e.g., B-SAT 1A)
- Date of a space object that has become no longer functional (e.g., KSAT, Waseda-Sat2)
- Date of reentry (e.g., H-II Transfer Vehicle Kounotori-2 (HTV-2) and Kounotori-3(HTV-3))

Practices conducted by Japan in relation to non-binding UN instrument: Registration Recommendation

➤ Determination of a launching state in case of a joint developed space object

- Most of the cases, it is arranged among the relevant parties prior to the launch
- Such arrangements include government-to-government agreement (legally binding)

E.g., X-ray Astronomy Satellite (ASTRO-EII) Project

- ✓ Japan has registered ASTRO-EII in accordance with Agreement between the United States of America and Japan, concluded on June 10, 2005 .

A certain trend that the State which owns and/or operates a satellite would register the satellite.

Practices conducted by Japan in relation to non-binding UN instruments: Space Debris Mitigation Guidelines

Examples of how Japan follows the Space Debris Mitigation Guidelines

➤ The Basic Plan on Space Policy

A general clause which states that the government will promote its own development and utilization of space taking into consideration the UN Space Debris Mitigation Guidelines and other international recommendations, ISO standards and other norms

➤ JAXA Space Debris Mitigation Standard

- Established in 1996 as an internal standard of JAXA
- Not only JAXA follows the Standard, JAXA also requires its contractors to comply with the standard through all stages from design to operations

Practices conducted by Japan in relation to non-binding UN instruments: Space Debris Mitigation Guidelines

➤ How JAXA Space Debris Mitigation Standard is practiced

→ it serves as management and technical standard for debris mitigation

- ✓ covers all phases of the development lifecycle from mission requirements analysis, design, operation and end of mission disposal of spacecraft and launch vehicles.
- ✓ Guidelines 1 to 7 of the UN Space Debris Guidelines are incorporated into the standard
 - Refrain from releasing objects (equivalent to UN Guideline -1),
 - Prevention of on-orbit break-ups (Guideline-2, Guideline-4, Guideline-5),
 - Removal of mission terminated space systems (Guideline-6, Guideline-7),
 - Avoiding on-orbital collision (Guideline-3)

Envisaged work schedule

Outline of Proposed Overview

- Encourage Member States to report domestic implementation for the 54th session onwards if the agenda item continue next year onwards
- Discussions and exchange of views are to be conducted include but not limited to:
 1. how much and how non-legally binding UN instruments are followed by Member States ;
 2. how to promote taking appropriate measures in relation to non-legally binding UN instruments; and
 3. which of /what type of the 11 instruments are followed more than others
- From the submitted information, an overview of and an analysis of trend associated status and application for non-legally binding UN instruments is to be produced

Conclusion

- Non-legally binding UN instruments have been and continue to serve as a catalyst to ensure sustainable and safe use of outer space
- Non-legally binding UN instruments is well-suited to address emerging issues and flexibly accommodating changes of environment surrounding the exploration and use of outer space
- The topic may be able to vitalize the discussions at the Legal Subcommittee
- Japan believes that issues associated with the agenda item for an exchange of non-legally binding UN instruments deserve further attention of Member States
- Japan recognizes the need and propose to continue the agenda item for the 54th Session of Legal Subcommittee onwards

Thank you very much
for your attention.