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**Committee on the Peaceful  
Uses of Outer Space**  
**Legal Subcommittee**  
**Fifty-sixth session**  
Vienna, 27 March-7 April 2017

## Draft report

### III. Information on the activities of international intergovernmental and non-governmental organizations relating to space law

1. Pursuant to General Assembly resolution 71/90, the Subcommittee considered agenda item 4, entitled “Information on the activities of international intergovernmental and non-governmental organizations relating to space law”, as a regular item on its agenda.

2. The representatives of Belgium and Pakistan made statements under agenda item 4. Statements were also made under agenda item 4 by the observers for ECSL, ESA, Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation, ILA, Intersputnik, SGAC, SWF and WSWA.

3. For its consideration of the item, the Subcommittee had before it the following:

(a) Note by the Secretariat containing information on activities relating to space law received from the International Law Association and Space Generation Advisory Council ([A/AC.105/C.2/110](#));

(b) Note by the Secretariat containing information on activities relating to space law received from the Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation ([A/AC.105/C.2/110/Add.1](#));

(c) Conference room paper containing information on activities relating to space law received from ECSL ([A/AC.105/C.2/2017/CRP.20](#)).

4. The Subcommittee noted with satisfaction that the activities of international intergovernmental and non-governmental organizations relating to space law had continued to contribute significantly to the study, clarification and development of space law and that those organizations had continued to organize conferences and symposiums, prepare publications and reports and organize training seminars for practitioners and students, all of which were intended to broaden and advance knowledge of space law.



5. The Subcommittee noted that international intergovernmental organizations had an important role to play in the development, strengthening and furtherance of understanding of international space law.
6. The Subcommittee welcomed the information provided by the observer for ECSL (see [A/AC.105/C.2/2017/CRP.20](#)), including information on the triennial general meeting of ECSL members, held on 18 March 2016; the European rounds of the Manfred Lachs Moot Court, held in Glasgow, United Kingdom, from 27 to 29 April 2016; the twenty-fifth edition of the ECSL Summer Course on Space Law and Policy, held in Warsaw from 29 August to 10 September 2016; the second edition of the Young Lawyers' Symposium, held in Paris, on 18 March 2017; the Tech, Business and Regulatory Industry Workshop, to be held in Noordwijk, the Netherlands, on 13 April 2017; and the Arctic Space and Technology Summit, to be held in Helsinki on 9 May 2017.
7. The Subcommittee welcomed the information provided by the observer for ESA, including information on the two-day ESA Council meeting at ministerial level, held in Lucerne, Switzerland, on 1 and 2 December 2016, and on the advice by ESA to its Member States in the establishment and implementation of national space legislation.
8. The Subcommittee welcomed the information provided by the observer for the Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation (see [A/AC.105/C.2/110/Add.1](#)), including information on the summer course on life on the Moon, held in Madrid from 4 to 8 August 2016; the Ibero-American conference on aeronautic and space law and commercial aviation entitled "On the eve of the fiftieth anniversary of the Outer Space Treaty", held in Madrid in October 2016; and the first international special and aeronautical congress of Paraguay, to be held in Asunción on 26 and 27 April 2017.
9. The Subcommittee welcomed the information provided by the observer for IISL, including information on the fifty-ninth IISL Colloquium, held in Guadalajara, Mexico, from 26 to 30 September 2016; the eleventh Eilene M. Galloway Symposium on Critical Issues in Space Law, held in Washington, D.C., on 7 December 2016; and the twenty-sixth edition of the Manfred Lachs Space Law Moot Court Competition, to be held in Adelaide, Australia, in 2017.
10. The Subcommittee welcomed the information provided by the observer for ILA on its activities relating to space law (see [A/AC.105/C.2/110](#)), including information on the four central topics and two questions addressed by ILA in its report on the seventy-seventh conference of ILA, held in Johannesburg, South Africa, in August 2016, and the preparation for the upcoming seventy-eighth conference of ILA, to be held in Sydney, Australia, in August 2018.
11. The Subcommittee welcomed the information provided by the observer for Intersputnik, including information on a forthcoming May 2017 special issue of a scientific and technical Russian journal dedicated to space law and on a round-table discussion on the issue of establishing and expanding national satellite telecommunications systems, to be held in Prague in June 2017.
12. The Subcommittee welcomed the information provided by the observer for the Space Generation Advisory Council on its activities relating to space law (see [A/AC.105/C.2/110](#)), and took note in that regard of the information on the second European Space Generation Workshop, held in Paris on 24 and 25 March 2017; and the sixth annual Space Generation Fusion Forum, to be held in Colorado Springs, United States, on 2 and 3 April 2017.
13. The Subcommittee welcomed the information provided by the observer for SWF, including information on an event recognizing the accomplishments of the Committee on the Peaceful Uses of Outer Space in agreeing on the first set of guidelines for the long-term sustainability of outer space activities, held in Washington, D.C., on 21 October 2016, and an event on the fiftieth anniversary of

the Outer Space Treaty, held at Georgetown Law School in Washington, D.C., on 27 January 2017.

14. The Subcommittee welcomed the information provided by the observer for WSWA, including on the 2017 World Space Week theme “Exploring New Worlds in Space”, to be held from 4 to 10 October 2017 and on case studies of WSWA activities to support human development using the UNISPACE+50 road-map pillars.

15. The Subcommittee agreed that it was important to continue the exchange of information on recent developments in the area of space law between the Subcommittee and international intergovernmental and non-governmental organizations and that such organizations should once again be invited to report to the Subcommittee, at its fifty-seventh session, on their activities relating to space law.

## VII. Capacity-building in space law

16. Pursuant to General Assembly resolution 71/90, the Subcommittee considered agenda item 8, entitled “Capacity-building in space law”, as a regular item on its agenda.

17. The representatives of Costa Rica, France, Germany, Greece, Indonesia, Japan, Pakistan, South Africa and the United Arab Emirates made statements under agenda item 8. The representative of Costa Rica made a statement on behalf of the Group of 77 and China, and the representative of Argentina made a statement on behalf of the Group of Latin American and Caribbean States. The observer for SWF also made a statement under the item. During the general exchange of views, further statements relating to the item were made by representatives of other member States.

18. The Subcommittee had before it the following:

(a) Report on the United Nations Workshop on Space Law on the theme “Contribution of space law and policy to space governance and space security in the twenty-first century” held in Vienna from 5 to 8 September 2016 ([A/AC.105/1131](#))

(b) Conference room paper containing information submitted by Austria, Japan, Thailand and SGAC on actions taken and initiatives to build capacity in space law ([A/AC.105/C.2/2017/CRP.12](#)).

19. The Subcommittee heard a presentation made by the representative of SGAC entitled “The Space Generation Advisory Council: Views and Activities of the Space Law and Policy Project Group”.

20. The Subcommittee agreed that capacity-building, training and education in space law were of paramount importance to national, regional and international efforts to further develop the practical aspects of space science and technology, especially in developing countries, and to increasing knowledge of the legal framework within which space activities were carried out. It was emphasized that the Subcommittee had an important role to play in that regard.

21. The Subcommittee agreed that capacity-building played a major role in the UNISPACE+50 process, and could be an opportunity to consider space programmes in terms of capacity-building and knowledge enhancement.

22. The Subcommittee noted with appreciation that a number of national, regional and international efforts to build capacity in space law were being undertaken by governmental and non-governmental entities. Those efforts included encouraging universities to offer modules and seminars on space law; providing fellowships for graduate and postgraduate education in space law; providing financial and technical support for legal research; preparing dedicated studies, papers, textbooks and publications on space law; organizing workshops, seminars and other specialized activities to promote greater understanding of space law; supporting space law moot court competitions; supporting the participation of young professionals in regional

and international meetings relating to space law; providing for training and other opportunities to build experience, in particular through internships with space agencies; and supporting entities dedicated to the study of and research relating to space law in order to assist in the development of national space policies and legislative frameworks.

23. The Subcommittee noted that some Member States provided financial assistance to enable students to attend the Manfred Lachs Space Law Moot Court Competition, held each year during the International Astronautical Congress.

24. The Subcommittee noted with appreciation the tenth United Nations workshop on space law, on the theme “Contribution of space law and policy to space governance and space security in the twenty-first century”, held at the United Nations Office at Vienna from 5 to 8 September 2016. The Subcommittee also noted with appreciation in that regard that the workshop provided an opportunity for representatives of permanent missions in Vienna to participate in a capacity-building event.

25. Some delegations expressed the view that the United Nations played a central role in fostering international cooperation and that it was therefore necessary to strengthen the capacity of the Office for Outer Space Affairs with regard to capacity-building, training and the delivery of legal technical assistance to support institutional and interregional capacity in the area of space law.

26. The view was expressed that a capacity-building initiative was under way in that State, which combined activities of industry, academia and agencies in an effort to propose new regulatory, contractual or cooperative legal instruments that were specially designed for the development of future space systems and the promotion of the new space actors. The same delegation also expressed the view that a new web-based tool was being developed in its country to provide mapping, cataloguing and tracking functions with regard to national legislation on outer space of all States, and that that tool, available free of charge to all (available at <https://spacelegaltech.com>), would contribute to greater understanding of national regulatory regimes on outer space.

27. The Subcommittee noted that the Office for Outer Space Affairs had updated the directory of education opportunities in space law ([A/AC.105/C.2/2017/CRP.12](#)), including with information on available fellowships and scholarships, and agreed that the Office should continue to update this directory. In that connection, the Subcommittee invited member States to encourage contributions at the national level for the future updating of the directory.

28. The Subcommittee recommended that States members and permanent observers of the Committee inform the Subcommittee, at its fifty-seventh session, of any action taken or planned at the national, regional or international level to build capacity in space law.

## **XI. General exchange of views on the legal aspects of space traffic management**

29. Pursuant to General Assembly resolution 71/90, the Subcommittee considered agenda item 12, entitled “General exchange of views on the legal aspects of space traffic management” as a single issue/item for discussion.

30. The representatives of Austria, Germany, Japan, Mexico, Morocco, Pakistan, the Russian Federation and the United States made statements under agenda item 12. During the general exchange of views, statements relating to the item were made by representatives of other member States.

31. The Subcommittee heard a presentation by the representative of IAA entitled “2017 study on space traffic management”.

32. The Subcommittee noted that the space environment was becoming increasingly complex and congested, owing to the growing number of objects in outer space, the diversification of actors in outer space and the increase in space activities. It was noted that all of those factors increased the chances of potential collisions in outer space and that space traffic management could be considered in that context.

33. Some delegations expressed the view that a multilateral approach to space traffic management was required in order to avoid future problems in outer space and enhance the sustainability of outer space activities.

34. The Subcommittee took note of the International Academy of Astronautics Cosmic Study of Space Traffic Management, which proposed elements for inclusion in an international intergovernmental agreement on space traffic management. Such elements included provisions on the sources, format and sharing of data; notification systems; right-of-way rules; prioritization of manoeuvres; debris mitigation mechanisms; and safety provisions for launches, human spaceflight and re-entries. The Subcommittee also noted that a new space traffic management study was being developed by the International Academy of Astronautics, which would focus on proposals for the implementation of space traffic management.

35. The Subcommittee took note of a number of measures that were being undertaken at both the national and international levels to improve the safety and sustainability of spaceflight, including the exchange of information and services related to space situational awareness, international coordination efforts to manage radiofrequency and geostationary orbits, the reporting of annual launch plans and the submission of pre-launch notifications on space launch vehicles.

36. The view was expressed that space traffic management — a concept sometimes defined as the development and implementation of a set of technical and regulatory provisions for promoting safe access to and from outer space, and for maintaining secure operations in space, free from physical or radiofrequency interference — was an important topic for endeavours that were aimed at keeping the outer space environment safe, stable and sustainable.

37. The view was expressed that the concept of space traffic management was a complex one and that considerations of the topic needed to include a serious analysis of all relevant operational and technical aspects and take into account, inter alia, the fact that most objects in outer space are non-maneuvrable.

38. The view was expressed that a comprehensive space traffic management regime to enhance safe and sustainable conduct of space activities could include improved exchanges of information on space situational awareness; enhanced registration procedures; notification mechanisms for launches, in-orbit manoeuvres and re-entries of space objects; safety provisions; regulations with regard to space debris; and environmental provisions.

39. The view was expressed that sharing space situational awareness information and services with governmental, intergovernmental and commercial entities improved the safety and sustainability of spaceflight. It was further expressed that such services were critical in avoiding collisions in outer space, which could degrade the space environment for all States.

40. The view was expressed that a United Nations-based mechanism for the exchange of information could be used to help set up an international legal framework for space traffic management and that the proposed mechanism could comprise the respective procedures for its operation and a database of objects and events in outer space.

41. The view was expressed that the proposal to set up an information platform under the auspices of the United Nations was very relevant to discussions on space traffic management. The delegation expressing that view also highlighted the direct links between the agenda item under discussion, the proposal for an information

platform and the work being undertaken in the Scientific and Technical Subcommittee on a compendium of guidelines for the long-term sustainability of outer space activities. The delegation further expressed the view that the work already under way in the Scientific and Technical Subcommittee should be given priority and that the Legal Subcommittee should restrict its current deliberations to a general exchange of views on the topic.

42. Some delegations expressed the view that international space law, as set out in the United Nations outer space treaties and in non-legally binding instruments, was of direct relevance to and set forth the basic rules of space traffic management. Those same delegations were also of the view that existing international regulatory frameworks did not cover all the areas needed for the effective management of space traffic.

43. The view was expressed that detailed rules on topics, such as real-time collision avoidance and orbit management, needed to be developed and that new, non-legally binding instruments, or possibly the negotiation of a new binding United Nations outer space treaty, might be considered in that context.

44. The view was expressed that there was a need to develop comprehensive space traffic management regulations under the ITU Radio Regulations.

45. The view was expressed that a detailed space traffic regime was a prerequisite for a fault-based liability regime in orbit. The delegation expressing that view also highlighted the associated question put forward by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space.

46. The view was expressed that a system of space traffic management rules could facilitate the practical application of a fault-based liability regime by defining a standard of care and due diligence for activities in outer space, against which behaviours of space actors could be assessed to establish fault.

#### **XIV. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space**

47. Pursuant to General Assembly resolution 71/90, the Subcommittee considered agenda item 15, entitled “Review of international mechanisms for cooperation in the peaceful exploration and use of outer space”, as an item under its five-year workplan (see [A/AC.105/1003](#), para. 179).

48. The representatives of China, Germany, Japan, Mexico, Poland, the Republic of Korea, the Russian Federation, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 15. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

49. At its 937th meeting, on 27 March 2017, the Subcommittee reconvened its Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, under the chairmanship of Setsuko Aoki (Japan). At its [...] meeting, on [...], the Subcommittee endorsed the report of the Chair of the Working Group, contained in annex III to the present report.

50. The Subcommittee had before it the following:

(a) Note by the Secretariat on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, containing replies received from Slovakia, Thailand and Turkey and the World Meteorological Organization ([A/AC.105/C.2/111](#));

(b) Note by the Secretariat on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, containing replies received from Austria and Germany ([A/AC.105/C.2/111/Add.1](#));

(c) Conference room paper on the draft report of the Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space ([A/AC.105/C.2/2017/CRP.15](#));

(d) Conference room paper entitled “International cooperation in the peaceful exploration and use of outer space: filling the gap between developing and developed countries”, submitted by Cuba, Iran (Islamic Republic of) and Venezuela (Bolivarian Republic of) ([A/AC.105/C.2/2017/CRP.22](#));

(e) Conference room paper containing the updated draft report of the Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space ([A/AC.105/C.2/2017/CRP.27](#));

(f) Conference room paper containing the draft General Assembly resolution on the fiftieth anniversary of the Outer Space Treaty ([A/AC.105/C.2/2017/CRP.28](#));

(g) Note by the Secretariat on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, containing information received from the International Institute of Space Law ([A/AC.105/C.2/2017/CRP.30](#)).

51. The Subcommittee noted the wide range of mechanisms utilized in space cooperation and the important elements they contained. Those mechanisms included legally binding multilateral and bilateral agreements; memorandums of understanding; non-legally binding arrangements, principles and technical guidelines; multilateral coordination mechanisms through which space-system operators coordinated the development of applications of space systems for the benefit of the environment, human security and welfare, and development; international intergovernmental organizations, such as APSCO and ESA; and a variety of international and regional forums, including the Asia-Pacific Regional Space Agency Forum (APRSAP) and the Space Conference of the Americas.

52. The Subcommittee noted that the Eighth Space Conference of the Americas and the Second Venezuelan Congress of Space Technology would both be held in September 2017 in Caracas.

53. The view was expressed that the Subcommittee should play a positive role in fostering international cooperation so as to strengthen the design of the system of international cooperation and develop an effective and practical cooperative mechanism to safeguard peace, security and the rule of law in outer space.

54. The view was expressed that the International Space Station programme was an example of a successful multilateral cooperation effort among many stakeholders. Its success was based upon its solid legal foundation (the International Space Station Intergovernmental Agreement) and its effective management structure, set out in the memorandums of understanding.

55. The view was expressed that the specificity of the space law regime, which to a large extent regulated issues beyond national jurisdiction, required active engagement in international cooperation, coordination and information exchange from every State and international organization.

56. The view was expressed that it was necessary to increase international cooperation among States in order to gain access to and training on space technology in the areas of climate change and disaster prevention and mitigation. The same delegation also expressed the view that States should engage in joint coordinated projects, make better use of free and open-access databases of satellite-derived data and coordinate common efforts to negotiate the purchase of satellite images in order to reduce costs.

57. The view was expressed that promoting international cooperation was the basis for many of that State’s programmes in space science and technology training involving international experts, providing satellite data and information for disaster

management and relief efforts to numerous receiving States, and in promoting the use of small satellites for space research.

58. The view was expressed that the receipt of training programmes had allowed that State to benefit from international cooperation in the form of the sharing of expertise by partnering States in the design and construction of large-scale technological projects, control and operation of communications and remote-sensing satellites, ground station operations and geographic information systems.

59. Some delegations expressed the view that international space cooperation should be based on the concepts of equality, mutual benefit and inclusive development, which would enable all States, irrespective of the level of their economic development, to enjoy the benefits derived from the use of space applications.

60. The view was expressed that international mechanisms for cooperation in the peaceful exploration and use of outer space were not used in the case of the unilateral enactment of national laws that promoted the private commercial interests of certain States.

61. The Subcommittee agreed that the review of international mechanisms for cooperation in space activities had assisted States in understanding the different approaches to cooperation in space activities and contributed to the further strengthening of regional, interregional and international cooperation in the exploration and peaceful uses of outer space. In that regard, the Subcommittee noted that 2017, the final year of consideration of the agenda item under its workplan, would coincide with the fiftieth anniversary of the Outer Space Treaty.

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