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**Committee on the Peaceful
Uses of Outer Space**
Sixtieth session
Vienna, 7-16 June 2017

Draft report

Addendum

Chapter II

Recommendations and decisions

C. Report of the Legal Subcommittee on its fifty-sixth session

1. The Committee took note with appreciation of the report of the Legal Subcommittee on its fifty-sixth session ([A/AC.105/1122](#)), which contained the results of its deliberations on the items considered by the Subcommittee in accordance with General Assembly resolution [71/90](#).
2. The Committee expressed its appreciation to Hellmut Lagos Koller (Chile) for his able leadership during the fifty-sixth session of the Subcommittee. The Committee also expressed its appreciation to Laura Jamschon Mac Garry (Argentina) for assuming the role of Acting Chair of the Subcommittee for two days due to the unavailability of Mr. Koller.
3. The representatives of Austria, Brazil, Chile, China, France, Germany, Greece, Indonesia, Israel, Japan, Pakistan, the Russian Federation, South Africa, the Sudan, the United States and Venezuela (Bolivarian Republic of) made statements under the item. Statements were also made by the representative of Costa Rica on behalf of the Group of 77 and China and the representative of Argentina on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to this agenda item were also made by other member States.
4. Some delegations reiterated the need to strengthen interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to synchronize the progressive development of space law with key scientific and technical developments in that area, and that such interaction would bring substantive benefits to the work of the Committee as a whole.
5. Some delegations expressed the view that interaction and coordination between the Scientific and Technical Subcommittee and the Legal Subcommittee were essential for ensuring a comprehensive discussion of aspects related to, inter alia, the use of nuclear power sources in outer space, space debris and geostationary



orbit, and that a mechanism that would increase the coordination between those bodies could be established as an outcome of the UNISPACE+50 process.

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

6. The Committee took note of the discussion of the Subcommittee under the item on information on the activities of international intergovernmental and non-governmental organizations relating to space law, as reflected in the report of the Subcommittee ([A/AC.105/1122](#), paras. 55-69).

7. The Committee noted the important role of international intergovernmental and non-governmental organizations relating to space law in their contribution to the development, strengthening and furtherance of understanding of international space law.

8. The Committee noted that it was important to continue to exchange information among the Subcommittee and international intergovernmental and non-governmental organizations on recent developments in the area of space law and endorsed the recommendation of the Subcommittee that such organizations should again be invited to report on their activities relating to space law to the Subcommittee at its fifty-seventh session.

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

9. The Committee took note of the discussion of the Subcommittee under the item on the status and application of the five United Nations treaties on outer space, as reflected in the report of the Subcommittee ([A/AC.105/1122](#), paras. 70-83).

10. The Committee endorsed the decisions and recommendations of the Subcommittee and its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, which had been reconvened under the chairmanship of Bernhard Schmidt-Tedd (Germany) ([A/AC.105/1122](#), para. 72, and annex I, paras. 4, 8, 13 and 15).

11. At its 729th meeting, the Committee endorsed the draft declaration on the fiftieth anniversary of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies ([A/AC.105/L.311](#)), as amended, which is annexed to the present report of the Committee at its sixtieth session.

12. Some delegations expressed the view that the universality of the five United Nations treaties on outer space should be strongly supported and promoted and that it was of particular importance to foster the international regime of responsibility and liability to cope with present and future challenges to the safety, security and sustainability of outer space activities.

13. Some delegations expressed the view that it was important to strengthen the Legal Subcommittee as the prime multilateral body to promote the development of international space law, and that as such, space law issues needed to be addressed in a holistic manner because all aspects of safety and security required a profound understanding of space law as the indispensable framework for the long-term sustainability of outer space activities.

14. Some delegations expressed the view underlining the importance of the international legal framework which allowed the exploration of outer space on an equitable basis and based on the principles of non-appropriation and peaceful uses of outer space in conformity with the five United Nations treaties governing activities, in particular the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies.

15. Some delegations expressed the view that the Committee and the Legal Subcommittee were to be encouraged to continue their efforts to develop the existing legal framework, where required, including through soft law, taking into account technological development, the expansion of space activities and the emergence of new space actors, provided that the principles governing the exploration and use of outer space were not undermined.

16. Some delegations expressed the view that space exploration by States, international organizations and, now, non-governmental entities had flourished under the legal framework of the United Nations treaties on outer space and that that framework remained the primary legal basis for supporting the increasing scale of space activities and for strengthening international cooperation on the peaceful uses of outer space. Those delegations expressing this view also welcomed the growing adherence to the treaties and encouraged those States that had not yet become parties to the treaties to consider doing so.

3. Matters relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union

17. The Committee took note of the discussion of the Subcommittee under the agenda item on matters relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union, as reflected in the report of the Subcommittee (A/AC.105/1122, paras. 84-113).

18. The Committee endorsed the recommendations of the Subcommittee and its Working Group on the Definition and Delimitation of Outer Space, reconvened under the chairmanship of José Monserrat Filho (Brazil) (A/AC.105/1122, para. 87, and annex II, para. 6).

19. Under this item, the Committee had before it the following:

(a) Working paper prepared by the Chair of the Working Group on the Definition and Delimitation of Outer Space of the Legal Subcommittee entitled "Promoting the discussion of the matters relating to the definition and delimitation of outer space with a view to elaborating a common position of States members of the Committee on the Peaceful Uses of Outer Space" (A/AC.105/C.2/L.302);

(b) Working paper prepared by the Russian Federation entitled "The challenging context of considering complete aspects of delimitation of airspace and outer space: arguments for adding dialectical elements to, and setting newer analytical trends in, discussing the issue" (A/AC.105/2017/CRP.7).

20. Some delegations expressed the view that it was a matter of concern that no consensus had been reached to date on the issue of the definition and delimitation of outer space. The delegations expressing that view were also of the view that the definition and delimitation of outer space, as a very important topic, should be kept on the agenda of the Legal Subcommittee and that more work should be done in order to delimit the legal regime applicable to airspace and to outer space.

21. The view was expressed that the definition and delimitation of outer space were important for addressing important problems such as the liability, safety and security of aerospace operations and the national sovereignty of States, particularly for suborbital flights and vehicles for which it remained unclear whether they fell under air law or space law regimes.

22. Some delegations expressed the view that the geostationary orbit was a limited natural resource with great potential for the implementation of a wide array of programmes for the benefit of all States, and that it was at risk of becoming saturated, thereby threatening the sustainability of space activities in it; that the

exploitation of the geostationary orbit should be rationalized; and that it should be made available to all States, under equitable conditions, taking into account in particular the needs of developing countries and the geographical position of certain countries. Those delegations were also of the view that it was important to use the geostationary orbit in compliance with international law, in accordance with the decisions of ITU and within the legal framework established in the relevant United Nations treaties, while giving consideration to the contributions of space activities to sustainable development and the achievement of the 2030 Agenda for Sustainable Development.

23. The view was expressed that special attention should be given to equitable access for all States to orbit and spectrum resources in geostationary orbit while recognizing the potential of those resources to contribute to social programmes that benefited the most underserved communities, making educational and medical projects possible, ensuring access to information and communications technology, and improving links to necessary sources of information in order to strengthen social organization, as well as promoting knowledge and the exchange of that knowledge.

24. Some delegations expressed the view that, as the issue of the definition and delimitation of outer space and the character and utilization of the geostationary orbit was of crucial importance, the item should be retained on the agenda of the Subcommittee.

4. National legislation relevant to the peaceful exploration and use of outer space

25. The Committee took note of the discussion of the Legal Subcommittee under the item on national legislation relevant to the peaceful exploration and use of outer space, as reflected in the report of the Subcommittee ([A/AC.105/1122](#), paras. 114-123).

26. The Committee noted with satisfaction that some States members of the Committee continued to implement, or were considering initiating the implementation of, the recommendations on national legislation relevant to the peaceful exploration and use of outer space contained in General Assembly resolution [68/74](#).

27. The Committee agreed that the general exchange of information on national legislation relevant to the peaceful exploration and use of outer space provided States with a comprehensive overview of the current status of national space laws and regulations and assisted States in understanding the different approaches taken at the national level with regard to the development of national space-related regulatory frameworks. In that regard, the Committee greatly appreciated the continuously updated schematic overview of national regulatory frameworks that was made available on the website of the Office for Outer Space Affairs.

28. The view was expressed that all States should ensure that their national legislation on the exploration and use of outer space was closely aligned with the relevant international treaties, and that the promotion of laws and regulations relating to the commercialization of outer space, which was the heritage of humankind and belonged to all States under equitable conditions, should be avoided.

5. Capacity-building in space law

29. The Committee took note of the discussion of the Subcommittee under the item on capacity-building in space law, as reflected in the report of the Subcommittee ([A/AC.105/1122](#), paras. 124-136).

30. The Committee endorsed the recommendation of the Subcommittee on this agenda item ([A/AC.105/1122](#), para. 136).

31. The Committee agreed that international cooperation in research, training and education in space law was essential to build the capacity necessary at the national level to ensure that the increasing number of players in space activities would be in compliance with international space law.

32. The Committee reaffirmed that the regional centres for space science and technology education, affiliated to the United Nations, played an important role in providing teaching and training opportunities in space law. The Committee noted that greater use of the regional centres could be made to provide more opportunities for academic linkages with other institutes and universities, as appropriate.

33. The Committee appreciated with satisfaction the Tenth United Nations Workshop on Space Law, held from 5 to 8 September 2016 in Vienna, and organized by the Office for Outer Space Affairs, which had brought together experts in the field and representatives of permanent missions to the United Nations (Vienna) to enhance the understanding of the legal framework governing the conduct of space activities and by adopting a recommendation for further consideration by the Committee (A/AC.105/1131, para. 50 (a)-(k)).

34. Some delegations expressed the view that more effective and proactive efforts were needed to increase awareness of the importance of complying with international space law when carrying out space activities and programmes. Those delegations were also of the view that capacity-building in space law was a fundamental tool that should be enhanced through greater international cooperation among States and an increased number of workshops, seminars and events to promote space law, especially in developing countries.

35. Some delegations expressed the view that the Committee should focus the provision of technical assistance on those member States that wished to improve their domestic law.

36. The view was expressed that the Committee and its Legal Subcommittee should remain the prime international forum for the further development of space law and that the Office had an important role in promoting capacity-building in that regard and in offering technical assistance to those States wishing to accede to the treaties.

6. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space

37. The Committee took note of the discussion of the Subcommittee under the item on the review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, as reflected in the report of the Subcommittee (A/AC.105/1122, paras. 137-149).

38. Some delegations expressed the view that the Principles Relevant to the Use of Nuclear Power Sources in Outer Space should be reviewed.

39. The view was expressed that the Principles Relevant to the Use of Nuclear Power Sources in Outer Space should be reviewed, taking into account the latest developments in technology. The delegation expressing that view was also of the view that the use of nuclear energy as a source of fuel was permissible if environmental protection had been ensured in space and on the ground.

40. The view was expressed that the Legal Subcommittee should establish new legal instruments addressing the current activities of States in outer space, and could start by exchanging views on the principles relevant to the use of nuclear power sources in outer space.

7. General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee

41. The Committee took note of the discussion of the Legal Subcommittee under the item on the general exchange of information and views on legal mechanisms

relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee, as reflected in the report of the Legal Subcommittee (A/AC.105/1122, paras. 150-173).

42. The Committee endorsed the decisions of the Subcommittee as contained in its report (A/AC.105/1122, para. 173).

43. The Committee noted with satisfaction that the endorsement by the General Assembly, in its resolution 62/217, of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space was a key step in providing all spacefaring nations with guidance on how to mitigate the problem of space debris, and urged Member States to consider voluntary implementation of the Guidelines.

44. The Committee noted with satisfaction that some States had taken measures to enforce the implementation of internationally recognized guidelines and standards relating to space debris through relevant provisions in their national legislation.

45. The Committee agreed that States members of the Committee and international intergovernmental organizations having permanent observer status with the Committee should be invited to further contribute to the compendium of space debris mitigation standards adopted by States and international organizations by providing or updating the information on any such legislation or standards adopted, using the template provided for that purpose. The Committee also agreed that all other States Members of the United Nations should be invited to contribute to the compendium, and encouraged States with such regulations or standards to provide information on them.

46. Some delegations expressed satisfaction with the amendment of the agenda item to include space debris remediation measures.

47. The view was expressed that the Legal Subcommittee should develop new legal instruments regulating activities of States in outer space, and could begin with an exchange of views on existing non-legally binding instruments such as the space debris mitigation guidelines.

48. The view was expressed that the increased amount of space debris and a growing gap between technological progress and the regulatory framework increased the relevance and importance of the work of the Committee and its Subcommittees.

49. The view was expressed that the absence of an international normative regulation of the safe and secure conduct of operations for the active removal of objects (both fragments of debris and intact defunct space objects) from orbit in such operations had an effect on the safety and security of outer space activities.

8. General exchange of information on non-legally binding United Nations instruments on outer space

50. The Committee took note of the discussion of the Subcommittee under the item on the general exchange of information on non-legally binding United Nations instruments on outer space, as reflected in the report of the Subcommittee (A/AC.105/1122, paras. 174-184).

51. The Committee noted with appreciation the compendium of mechanisms adopted by States and international organizations in relation to non-legally binding United Nations instruments on outer space, which had been made available on a dedicated web page of the Office.

52. The Committee invited States members of the Committee and international intergovernmental organizations having permanent observer status with the Committee to submit their responses to the Secretariat for inclusion in the compendium and to continue to provide updated information.

53. Some delegations expressed the view that non-legally binding United Nations instruments related to space activities were important instruments that provided

guidance to States and other relevant actors on conducting their activities in a safe and secure manner. Those delegations were of the view that although such instruments played an important role in complementing and supporting the United Nations treaties on outer space, they could not serve as a substitute for existing legally binding instruments and nor should they hinder the progressive development of international space law.

9. General exchange of views on the legal aspects of space traffic management

54. The Committee took note of the discussion of the Subcommittee under the item on the general exchange of views on the legal aspects of space traffic management, as reflected in the report of the Subcommittee ([A/AC.105/1122](#), paras. 185-203).

55. The Committee noted that under this item States members of the Committee exchanged information on a number of measures that were being undertaken at 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 the radio frequency spectrum and geostationary orbits, the reporting of annual launch plans and the submission of pre-launch notifications about space launch vehicles.

56. The Committee endorsed the recommendation by the Legal Subcommittee to continue to consider this item, particularly given that the space environment was 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, which were factors that increased the chance of collisions in outer space.

57. The view was expressed that space traffic management should be considered in a context of reaching a constructive understanding of what should be done within the currently developed concept of safety of space operations, allowing sufficient time for space operations safety regulation to mature and become a truly shared practice. That delegation was of the view that agreeing to a common set of interests within the space traffic management concept would not be possible without a well-established practice of sustaining safety of space operations and without transforming many of the provisions of the guidelines into a legally binding document in the future.

10. General exchange of views on the application of international law to small-satellite activities

58. The Committee took note of the discussion of the Legal Subcommittee under the item on the general exchange of views on the application of international law to small-satellite activities, as reflected in the report of the Subcommittee ([A/AC.105/1122](#), paras. 204-220).

59. The Committee noted with satisfaction the continuation of this item on the agenda of the Subcommittee and agreed that it would provide valuable opportunities to address and raise awareness of a number of issues relating to the use of small satellites by various actors.

60. Some delegations expressed the view that, in order to ensure the safe and responsible use of outer space in the future, it was important to include small-satellite missions, as appropriate, in the scope of application of international and national regulatory frameworks.

61. The Committee noted that the questionnaire on the application of international law to small-satellites activities (see [A/AC.105/1122](#), annex I, paras. 14 and 15, and appendix II) had been useful in guiding the discussion under the agenda item.

11. General exchange of views on potential legal models for activities in exploration, exploitation and utilization of space resources

62. The Committee took note of the discussion of the Subcommittee under the item on the general exchange of views on potential legal models for activities in exploration, exploitation and utilization of space resources, as reflected in the report of the Subcommittee ([A/AC.105/1122](#), paras. 221-250).

63. Some delegations welcomed the continuation of this item on the agenda, and were of the view that, in the light of the increasing participation of the private sector in space activities, an international legal framework that clearly defined and guided commercial activities in outer space could play an important role in expanding the use of outer space and stimulate space activities for the benefit of humanity.

64. Some delegations expressed the view that a broad debate about the implications of space resource utilization activities should be undertaken. In particular, the debate must include developing countries in the discussion and take into consideration their rights with respect to such activities.

65. The view was expressed that there was a need to adopt a multilateral approach to further develop the common understanding of the principles relevant to the utilization of space resources set out in the Outer Space Treaty.

66. The view was expressed that it was desirable to have greater information exchange and discussion about States' efforts to adopt their own national legislation regarding outer space, in particular with respect to commercial activities, in order to best ensure the compliance of all States with the international legal framework governing outer space activities.

67. The view was expressed that national legislation on outer space activities should strictly conform to the principles enshrined in the United Nations treaties on outer space and that as space was to be considered the common heritage of humanity, belonging to all States on an equal footing, legislation regarding the commercialization of outer space should neither exist nor be promoted.

68. The view was expressed that free and open access to all parts of outer space for all States must be maintained and the obligation of common public ownership of outer space should be reflected in the national legislation of States, in particular with respect to legislation regarding space resources.

12. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space

69. The Committee took note of the discussion of the Legal Subcommittee under the item on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, in accordance with its five-year workplan, as reflected in the report of the Subcommittee ([A/AC.105/1122](#), paras. 251-266).

70. The Committee endorsed the decisions and recommendations of the Subcommittee and its Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, which had been reconvened by the Subcommittee at its fifty-sixth session, under the chairmanship of Setsuko Aoki (Japan) ([A/AC.105/1122](#), para. 253, and annex III, paras. 6-8).

71. The Committee had before it the report of the Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space on the work conducted under its multi-year workplan ([A/AC.105/C.2/112](#)), as finalized by the Working Group at the fifty-sixth session of the Subcommittee.

72. The Committee noted with satisfaction that the Working Group had completed its multi-year work by presenting a comprehensive report under its mandate. In that regard, the Committee noted that the final report represented an important source of

information for further joint undertakings by spacefaring nations and emerging space nations, as appropriate, and provided useful guidance in that complex area which had various layers of cooperation mechanisms.

73. The Committee noted with appreciation the dedicated efforts by the Chair of the Working Group in successfully guiding the Working Group to its conclusion, and noted that the final report presented to the Committee would constitute a basis for the further strengthening of international cooperation in the peaceful exploration and use of outer space.

13. Draft provisional agenda for the fifty-seventh session of the Legal Subcommittee

74. The Committee took note of the discussion of the Subcommittee under the item on proposals to the Committee for new items to be considered by the Legal Subcommittee at its fifty-seventh session, as reflected in the report of the Subcommittee (A/AC.105/1122, paras. 267-276).

75. On the basis of the deliberations of the Legal Subcommittee at its fifty-sixth session, the Committee agreed that the following substantive items should be considered by the Subcommittee at its fifty-seventh session:

Regular items

1. Adoption of the agenda.
2. Election of the Chair
3. Statement by the Chair.
4. General exchange of views.
5. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
6. Status and application of the five United Nations treaties on outer space.
7. Matters relating to:
 - (a) The definition and delimitation of outer space;
 - (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.
8. National legislation relevant to the peaceful exploration and use of outer space.
9. Capacity-building in space law.

Single issues/items for discussion

10. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
11. General exchange of information and views on legal mechanisms relating to space debris mitigation and remediation measures, taking into account the work of the Scientific and Technical Subcommittee.
12. General exchange of information on non-legally binding United Nations instruments on outer space.
13. General exchange of views on the legal aspects of space traffic management.
14. General exchange of views on the application of international law to small-satellite activities.
15. General exchange of views on potential legal models for activities in exploration, exploitation and utilization of space resources.

New items

16. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-eighth session.
 76. The Committee agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space and the Working Group on the Definition and Delimitation of Outer Space should be reconvened at the fifty-seventh session of the Legal Subcommittee.
 77. The Committee endorsed the agreement reached by the Subcommittee that the International Institute of Space Law and the European Centre for Space Law should again be invited to organize a symposium, to be held during the fifty-seventh session of the Subcommittee (A/AC.105/1122, para. 275).
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