



# General Assembly

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**Committee on the Peaceful  
Uses of Outer Space**  
**Legal Subcommittee**  
**Sixty-first session**  
Vienna, 28 March–8 April 2022

## Draft report

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

1. Pursuant to General Assembly resolution [76/76](#), the Subcommittee considered agenda item 6, entitled “Status and application of the five United Nations treaties on outer space”, as a regular item on its agenda.
2. The representatives of Brazil, France, Germany, Indonesia, the Netherlands, the Russian Federation, South Africa, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 6. A statement was made by the representative of Morocco on behalf of the Group of 77 and China. During the general exchange of views, statements relating to the item were also made by representatives of other member States.
3. At its 1014th meeting, on 28 March, the Subcommittee reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, with Bernhard Schmidt-Tedd (Germany) as Chair.
4. At its [...] meeting, on [...], the Subcommittee endorsed the report of the Chair of the Working Group, contained in annex I to the present report.
5. The Subcommittee had before it the following:
  - (a) Document entitled “Bringing the benefits of space to all countries: a guidance document on the legal framework for space activities” ([A/AC.105/C.2/117](#));
  - (b) Background paper by the Secretariat entitled “Registration of large constellations and megaconstellations” ([A/AC.105/C.2/L.322](#));
  - (c) Conference room paper containing responses to the questionnaire on the application of international law to small-satellite activities received from Chile, Japan and Morocco ([A/AC.105/C.2/2022/CRP.8](#));
  - (d) Conference room paper containing updates to the schematic overview of national regulatory frameworks for space activities ([A/AC.105/C.2/2022/CRP.9](#));
  - (e) Conference room paper on the status of international agreements relating to activities in outer space as at 1 January 2022 ([A/AC.105/C.2/2022/CRP.10](#));



(f) Conference room paper containing an overview and final summary by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space on the responses from States members and permanent observers of the Committee to the set of questions provided by the Chair of the Working Group, taking into account the fiftieth anniversary of the United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE+50) process, and contained in the report of the Legal Subcommittee on its fifty-sixth session ([A/AC.105/1122](#), annex I, appendix I) and the report of the Legal Subcommittee on its sixtieth session ([A/AC.105/1243](#), annex I, appendix I) (A/AC.105/C.2/2022/CRP.18);

(g) Conference room paper containing an overview and final summary by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space on the responses from States members and permanent observers of the Committee to the questionnaire on the application of international law to small-satellite activities provided by the Chair and contained in the report of the Legal Subcommittee on its fifty-sixth session ([A/AC.105/1122](#), annex I, appendix II) and the report of the Legal Subcommittee on its sixtieth session ([A/AC.105/1243](#), annex I, appendix II) (A/AC.105/C.2/2022/CRP.19);

(h) Discussion paper by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space on the topic of registration of large constellations and megaconstellations (A/AC.105/C.2/2022/CRP.20).

6. The Subcommittee noted that, as at 1 January 2022, the status of the five United Nations treaties on outer space was as follows:

(a) The Outer Space Treaty had 112 States parties and had been signed by 23 additional States;

(b) The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space had 99 States parties and had been signed by 23 additional States; three international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Agreement;

(c) The Convention on International Liability for Damage Caused by Space Objects had 98 States parties and had been signed by 19 additional States; four international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(d) The Convention on Registration of Objects Launched into Outer Space had 72 States parties and had been signed by three additional States; four international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(e) The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies had 18 States parties and had been signed by four additional States.

7. The Subcommittee commended the Secretariat for updating, on an annual basis, the status of international agreements relating to activities in outer space; the most recent update had been made available to the Subcommittee in conference room paper A/AC.105/C.2/2022/CRP.10.

8. Some delegations welcomed with appreciation the growing number of States parties to the five United Nations treaties on outer space and encouraged those States that had not yet become parties to the treaties to consider doing so.

9. Some delegations expressed the view that the five United Nations treaties on outer space constituted a reliable international legal foundation for space activities that had proved its effectiveness over more than six decades.

10. Some delegations expressed the view that, as the five United Nations treaties on outer space formed the cornerstone of international space law, the Subcommittee had

a mandate to review their content in the light of scientific and technical developments and with a view to addressing the current challenges presented by the diversification of space actors and the increasing privatization and commercialization of space activities. The delegations expressing that view also expressed the view that, if the United Nations treaties on outer space were to remain relevant, the Subcommittee, as the main body for deliberating upon and negotiating provisions of international space law, must consider the need to incorporate modifications and updates to the treaties, or even to make other treaties, and to promote even broader adherence to the legal regime governing outer space activities.

11. Some delegations expressed the view that, as a consequence of technological progress in the space field and the expansion of activities carried out in outer space, it was necessary to have clear regulations on important aspects such as space debris, the collision of space objects, especially those with nuclear power sources on board, with space debris, the equitable and rational use of the geostationary orbit and the use of outer space resources.

12. The view was expressed that article IX of the Outer Space Treaty obliged States to have due regard for the interests of other States. One element of the proper implementation of that obligation was the sharing of information. Article XI contained the obligation to inform the international community, to the greatest extent feasible and practicable, of the nature, conduct and results of activities in outer space. The Outer Space Treaty did not prescribe the way in which that information must be provided. The Registration Convention, however, elaborated upon that, but was limited to the registration of objects launched into space; it did not address the registration of space activities in a broader sense. In view of the increase in activities in outer space, in particular on the Moon but also, for instance, suborbital flights, it was important to address the way in which information was shared on such activities.

13. The view was expressed that the universalization and improvement of the implementation of the rules set out in the United Nations treaties on outer space were essential first steps in ensuring compliance with the three main principles that must govern space activities: (a) the freedom of access to outer space for peaceful uses; (b) the preservation of the security and integrity of satellites in orbit; and (c) the defence and security interests of States in space.

### **XIII. General exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources**

14. Pursuant to General Assembly resolution [76/76](#), the Subcommittee considered agenda item 15, entitled “General exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources”, as a single issue/item for discussion.

15. The representatives of Austria, Australia, Brazil, Canada, China, Finland, France, Germany, Greece, Indonesia, Iran (Islamic Republic of), Italy, Japan, Luxembourg, Malaysia, the Netherlands, New Zealand, Pakistan, the Russian Federation, the United Kingdom, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 15. The representative of Morocco also made a statement on behalf of the Group of 77 and China. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

16. At its 1014th meeting, on 28 March, the Subcommittee reconvened its Working Group established under the agenda item, with Andrzej Misztal (Poland) as Chair and Steven Freeland (Australia) as Vice-Chair.

17. At its [...] meeting, on [...], the Subcommittee endorsed the report of the Working Group, contained in annex I to the present report.

18. The Subcommittee had before it the following:

(a) Working paper submitted by Luxembourg and the Netherlands entitled “Building blocks for the development of an international framework on space resource activities” (A/AC.105/C.2/L.315);

(b) Conference room paper submitted by Greece containing a proposal for a questionnaire related to the discussion of item 15 on potential legal models for the exploration, exploitation and utilization of space resources (A/AC.105/C.2/2022/CRP.13);

(c) Conference room paper submitted by the Moon Village Association containing the report of the Moon Village Association on the Global Expert Group on Sustainable Lunar Activities (A/AC.105/C.2/2022/CRP.15);

(d) Conference room paper submitted by Belgium, Finland, Germany and Luxembourg on the endorsement of the workplan of the working group on space resources and proposals for a dedicated international space resources conference under the auspices of the United Nations (A/AC.105/C.2/2022/CRP.21).

19. The Subcommittee welcomed the establishment of a working group, under the agenda item, to develop a framework for activities in the exploration, exploitation and utilization of space resources.

20. Some delegations expressed the view that space resource activities should be undertaken only within a binding legal framework, and that such a framework should guide and define commercial activities in a way that stimulated space exploration for the benefit of humanity.

21. Some delegations expressed the view that the Outer Space Treaty provided the basic framework of international space law and that it contained principles that were relevant to the discussion on developing a framework for space resource activities, namely, that the exploration and use of outer space should be carried out for the benefit and in the interests of all countries and should be the province of all humankind, that outer space should be free for exploration and use by all States, and that neither outer space nor any celestial body or part thereof was subject to national appropriation, by claim of sovereignty, by means of use or occupation, or by any other means. The delegations expressing that view also expressed the view that discussions in the working group established under the agenda item were needed to develop a common understanding of those principles in the context of space resource activities.

22. The view was expressed that any international legal regime governing the exploration, exploitation and utilization of space resources should recognize the efforts of States contributing to and undertaking those activities, while also ensuring that all countries, irrespective of their degree of economic or scientific development, could benefit in ways that did not have a negative impact on investment incentives for public and private engagement and participation in such activities.

23. The view was expressed that the working group established under the agenda item should address a number of questions that arose under the Outer Space Treaty with respect to space resource activities, including how it could be ensured that space resource activities were carried out for the benefit and in the interests of all countries, how it could be ensured that outer space remained free for exploration and use by all States without discrimination of any kind, how free access to all areas of celestial bodies could be ensured, how it could be ensured that space resource mining activities did not amount to national appropriation by means of use or occupation or by another means, how it could be ensured that due regard was paid to the corresponding interests of other States parties to the Treaty and, finally, how it could be ensured that all stations, installations, equipment and space vehicles were open to other States parties on the basis of reciprocity.

24. The view was expressed that a framework for space resource activities should be a product of a multilateral approach and be based on the principles of sustainable use of natural resources, avoidance of harmful contamination of the space or Earth

environment, and efficiency of operations, and that any such activities undertaken with the framework should be implemented in a coherent, sustainable and equitable manner and coordinated at the international level to avoid conflicts and competing interests.

25. Some delegations expressed the view that the Moon Agreement was the proper basis upon which to develop a framework for space resource activities as it contained an appropriate mechanism for States parties to develop an international regime for space resources when such activities were about to become feasible.

26. Some delegations expressed the view that the legal governance of activities in the exploration, exploitation and utilization of space resources must also take into account environmental aspects, specifically avoiding harmful contamination and adverse changes to the environment on the Moon and other celestial bodies, as well as avoiding adverse changes to the environment of the Earth resulting from the introduction of extraterrestrial matter. The delegations expressing that view also expressed the view that scientific and technical assistance and information coordination should address the relationship between the long-term sustainability of outer space activities with respect to space resource utilization and international space law.

27. The view was expressed that the development of technologies to locate and secure space resources should be encouraged through the implementation of national space laws and policies that respected the principles of international space law, such as the peaceful exploration and use of outer space, cooperation, non-interference and non-appropriation of celestial bodies. The delegation expressing that view also expressed the view that further elaboration of practical measures contained in the Outer Space Treaty could be considered that would increase transparency, such as notifications of activities of States to the United Nations in order to ensure that States paid due regard to the corresponding interests of other States.

28. Some delegations expressed the view that States should be encouraged to share information on their activities in relation to space resource utilization, including on their nature, conduct and location. The delegations expressing that view also expressed the view that information on the types of missions and technology employed was necessary to ensure that any resulting framework for space resource activities remained appropriate for those activities.

29. Some delegations expressed the view that agreements such as the Artemis Accords on the Principles for Cooperation in the Civil Exploration and Use of the Moon, Mars, Comets, and Asteroids for Peaceful Purposes provided an initial starting point and a practical set of principles to guide States in the exploration and use of celestial bodies and space resource activities.

30. The view was expressed that unilateral regulation of space resource activities in national legislation or through the development of agreements outside the multilateral setting of the Committee could lead to fragmentation of approaches and encourage conflict among States in the conduct of space resource activities.

31. The view was expressed that the Outer Space Treaty did not provide a comprehensive international regime for space resource utilization activities but that neither a need nor a practical basis to create such a regime currently existed. The delegation expressing that view also expressed the view that focus should be placed on ensuring that all States engaged in space resource activities shared a common set of fundamental beliefs, including adherence to the rule of law, transparency and the conduct of space resource activities for peaceful purposes.

32. The view was expressed that space resources could be categorized as material, such as those that would be the subject of extraction and utilization, and non-material, such as orbital slots and frequency spectrum.

33. The view was expressed that orbital slots, the geostationary orbit and the frequency spectrum were aspects affecting space activities that fell under the remit of

ITU and that focus should be placed on in situ resource utilization as a first step in developing a framework for space resource activities.

34. Some delegations expressed the view that scientific and technical aspects related to the exploration, exploitation and utilization of space resources should be taken into account when developing an international legal framework governing such activities. The delegations expressing that view also expressed the view that greater coordination between the Legal Subcommittee and the Scientific and Technical Subcommittee with regard to space resource activities could facilitate the development of a practical legal framework that was responsive to the operational needs of space actors. Those delegations were also of the view that input on the scientific and technical aspects of space resource activities and related exploration activities might be obtained through appropriate engagement with external stakeholders, such as civil society, non-governmental organizations, academia and the private sector.

35. Some delegations expressed the view that discussions on a legal framework governing space resource activities should take into account relevant work already undertaken, such as the building blocks for the development of an international framework on space resource activities contained in the working paper submitted by Luxembourg and the Netherlands ([A/AC.105/C.2/L.315](#)).

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