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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

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

1. Pursuant to General Assembly resolution [76/76](#), the Subcommittee considered agenda item 12, entitled “General exchange of information on non-legally binding United Nations instruments on outer space”, as a single issue/item for discussion.
2. The representatives of Chile, Indonesia, Japan, Mexico, the Russian Federation, the United Kingdom and Venezuela (Bolivarian Republic of) made statements under agenda item 12. 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 made by representatives of other member States.
3. The Subcommittee had before it a conference room paper entitled “Compendium on mechanisms adopted in relation to non-legally binding United Nations instruments on outer space: submissions by Chile, Japan, Jordan, Pakistan and the Philippines” (A/AC.105/C.2/2022/CRP.22).
4. The Subcommittee took note of the compendium on mechanisms adopted by States and international organizations in relation to non-legally binding United Nations instruments on outer space, which was available on a dedicated page on the website of the Office for Outer Space Affairs, and encouraged States members of the Committee and international intergovernmental organizations having permanent observer status with the Committee to continue to share information on their practices related to non-legally binding United Nations instruments on outer space.
5. The Subcommittee noted that non-legally binding United Nations instruments on outer space complemented and supported the existing United Nations treaties on outer space, and were important mechanisms for further enhancing the safety, security and sustainability of outer space activities.
6. The Subcommittee noted that some States were implementing non-legally binding United Nations instruments on outer space through their national legislation and that further capacity-building was important in that regard.
7. The Subcommittee noted the project of the Office for Outer Space Affairs entitled “Awareness-raising and capacity-building related to the implementation of the LTS Guidelines”, funded by the United Kingdom, under which interviews with



representatives of member States and international intergovernmental organizations had been held in recent months.

8. The view was expressed that, owing to the development of space activities, it was important to continue to develop non-legally binding United Nations instruments on outer space, while also avoiding any possible contradictions between existing ones and those newly adopted. The delegation expressing that view also noted that, while the Space Debris Mitigation Guidelines of the Committee were of crucial significance and still played an important role, several provisions contained in the recently adopted Guidelines for the Long-term Sustainability of Outer Space Activities of the Committee ([A/74/20](#), annex II) were more up to date, in particular those pertaining to the issue of preventing accidental collisions in outer space.

9. Some delegations expressed the view that the Guidelines for the Long-term Sustainability of Outer Space Activities of the Committee constituted an important non-legally binding United Nations instrument that served as a valuable source of guidance on how to conduct space activities, and encouraged States to implement them.

10. The view was expressed that, while non-legally binding United Nations instruments could not replace legally binding norms, they were still an important means of establishing codes of conduct to ensure the safe and sustainable use of outer space. The delegation expressing that view also called upon States to support and continue to work with the open-ended working group established by the General Assembly in its resolution [76/231](#) in developing norms, rules and principles of responsible behaviours in outer space that were non-binding but that could provide a basis for future legally binding instruments to prevent an arms race in outer space.

11. Some delegations, in connection with the agenda item, recalled General Assembly resolutions 1721 A and B (XVI), on international cooperation in the peaceful uses of outer space, and Assembly resolution 1962 (XVIII), on the Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space, and encouraged States launching objects into orbit to furnish information on those objects to the Secretary-General and to consider establishing a national registry for the purpose of exchanging information on space objects, as appropriate.

12. Some delegations recalled the Principles Relating to Remote Sensing of the Earth from Outer Space, in connection with the agenda item, and highlighted the importance of promoting the availability of remote sensing data on a non-discriminatory basis, as such data were essential for sustainable development and promoted transparency and confidence among States.

13. Some delegations recalled the 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, in connection with the agenda item, and expressed the view that it was an important instrument for the further promotion of international cooperation with a view to maximizing the benefits of space applications for all States, highlighting that, in the Declaration, all spacefaring nations were called upon to contribute to promoting and fostering international cooperation on an equitable basis.

14. The view was expressed that, in order to strengthen international cooperation in the peaceful uses of outer space and make space technology available to all, attention should be paid to addressing the current gaps in the international legal regime on outer space and to the progressive development of international law.

15. The view was expressed that instruments such as memorandums of understanding and bilateral agreements among States in the area of space activities, based on good faith, also constituted non-binding instruments that could often provide timely, effective and efficient solutions for the benefit of all parties to such agreements.

XIV. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its sixty-second session

16. Pursuant to General Assembly resolution 76/76, the Subcommittee considered agenda item 16, entitled “Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its sixty-second session”, as a regular item on the agenda.

17. The representatives of Canada, Chile, Egypt, Iran (Islamic Republic of), the Netherlands, South Africa and the United States made statements under agenda item 16. The observer for CANEUS International also made a statement. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

18. The Subcommittee heard a presentation entitled “Challenges and opportunities for integrating indigenous knowledge into the space legal framework”, by the observer for CANEUS International.

19. The Subcommittee agreed that the following items would be proposed to the Committee for inclusion in the agenda of the Subcommittee at its sixty-second session:

Regular items

1. Adoption of the agenda.
2. Statement by the Chair.
3. General exchange of views.
4. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
5. Status and application of the five United Nations treaties on outer space.
6. 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.
7. National legislation relevant to the peaceful exploration and use of outer space.
8. Capacity-building in space law.
9. Future role and method of work of the Committee.

Items under workplans

10. General exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources.
(Work for 2023 as reflected in the multi-year workplan of the Working Group on Legal Aspects of Space Resource Activities (see para. [...] above and para. [...] of the appendix to annex II))

Single issues/items for discussion

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.

New items

15. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its sixty-third session.
 20. The Subcommittee took note of a proposal by the delegation of Egypt to postpone, to the sixty-second session, the consideration of a new item for the agenda of the Subcommittee, to be entitled "Space culture: a new era for human civilization" (A/AC.105/C.2/2021/CRP.20/Rev.1).
 21. Some delegations expressed the view that the Legal Subcommittee should consider a new agenda item, starting from its sixty-second session, on reviewing and improving the guidelines for low Earth orbit satellite constellations and addressing the impact of such constellations on radio astronomy and optical and infrared astronomy.
 22. Some delegations expressed the view that the consideration of the item on dark and quiet skies for science and society should continue within the framework of the Scientific and Technical Subcommittee, and that the technical discussions needed to be completed before the item could be placed on the agenda of the Legal Subcommittee.
 23. The view was expressed that the protection of outer space was a shared responsibility and that, where possible, synergies should be created between the Subcommittees to mitigate the negative impact of megaconstellations on astronomy.
 24. The view was expressed that, before adding new items to the agenda of the Subcommittee, other items needed to be removed from the agenda.
 25. The view was expressed that the proposed practice of making the addition of new items to the agenda contingent upon the deletion of other items would be difficult to achieve.
 26. The Subcommittee agreed that IISL and ECSL should again be invited to organize a symposium, to be held during the sixty-second session of the Subcommittee, with due account to be taken of equitable geographical and gender representation among the participants in order to reflect a broad range of opinions, and that the organizers should seek the cooperation of interested academic entities for that purpose.
 27. The Subcommittee noted that its sixty-second session had been tentatively scheduled to be held from 20 to 31 March 2023.
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