

Italian Delegation

Statement on agenda item 8 on the Report of the 61st session of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space

**at the 65th session of the Committee on the Peaceful Uses of
Outer Space**

Wednesday, 1 of June 2022

The Italian Delegation is pleased to make this statement on point 8 of the agenda concerning the Report of the 61st session of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space, held in Vienna from 28 March to 8 April 2022. At the outset, we take this opportunity for reiterating our deep appreciation for the newly elected Chairperson, Ms Nemofuneko Majaja of South Africa, who conducted the work of the Subcommittee's session with efficiency and wisdom.

Mr Chairman,

The Italian Delegation welcomed the growing number of States parties to the UN treaties on outer space and emphasised their importance as the cornerstone of international space law. About the application of such treaties, Italy highlighted in particular the development of the commercial space sector and reminded that the diversification of space actors needed to be taken into consideration. Likewise, ongoing developments, such as the rising number of large constellations were pointed out in the discussion surrounding the registration of space objects. Our delegation

welcomed that the OOSA is developing an online registration portal with the aim to ensure an efficient processing of submitted registrations in the future.

Furthermore, the LSC reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space. Italy endorsed the adoption of the report by the WG during the Subcommittee's session. The report included the revised version of UNISPACE+50 Thematic Priority 2, and the guidance document 'Bringing the benefits of space to all countries: a guidance document on the legal framework for space activities'.

The Italian delegation expresses its great appreciation for the work of this Working Group under the chairmanship of Mr. Bernhard Schmitd-Tedd, for the very relevant achievements in leading the deliberations of Member States which, with the support of the Secretariat, brought to the elaboration of the abovementioned documents. The above achievements will guide us in our further deliberations over these crucial items.

Mr Chairman,

The prospective exploitation and use of space resources – and questions concerning its potential regulation – remain a topic of importance to States, as also reflected by the successfully established Working Group under the Chairmanship of Mr A Misztal of Poland and Mr S. Freeland of Australia. The Italian delegation considers this achievement as a remarkable result, which will allow a five years engagement of the LSC on an issue that still raises divergent arguments on the question of the

compatibility of the exploitation and utilisation of spaces resources with the non-appropriation principle.

The Working Group succeeded to agree on its detailed workplan and methods of work, as well as its name which will henceforth be the “Working Group on Legal Aspects of Space Resource Activities”.

In 2020, Italy participated with other countries in the negotiation and signature of the Artemis Accords, currently accepted by 19 countries, which provide non-legally binding guidance for outer space and celestial bodies exploration and sustainable use. They will enable the next generation of international partnerships for the exploration of the Moon and beyond. Principles such as transparency, interoperability, release of scientific data, sustainable use of resources, safe disposal of debris, and prevention of harmful interference in other’s activities are aimed in fact at ensuring the long-term sustainability of outer space. The Accords embody a high level political commitment and introduce some novel standards for a new kind of space exploration. They refer to three main objectives: reinforce core tenets of international space law, in compliance with the 1967 Outer Space Treaty; promote transparency, interoperability, and the sharing of scientific data; contribute to the reduction of the uncertainty surrounding the regulatory aspects of the space resources recovery and utilization.

Italy believes that two elements are relevant: the freedom of exploration and use of outer space, the Moon and celestial bodies, and their resources, and the principle of due regard to the interests of other States, as per Article IX of the OST and the

Guidelines on the Long-Term Sustainability of outer space activities.

The Artemis Accords recognize “the benefits of coordination via multilateral forums, such as... COPUOS” and the commitment of the signatories to contribute to multilateral efforts to further develop international practices and rules. The Italian Delegation is certain that the newly established Working Group will constitute a useful tool for achieving consensus on the main elements of a legal model for regulating the activities of exploration and use of space resources at multilateral level.

Mr Chairman,

The Italian Delegation also confirms its view that Capacity-building training and education in space law continue to be of paramount importance to national, regional, and international efforts for developing the practical aspects of space activities, especially in emerging space countries. Under this agenda item, we provided information on capacity initiatives under the on-going common projects between the Sapienza University of Rome and the Kenyan Space Agency. We can now add that this collaboration led the two partners to organize a Masterclass on Space Law and Policy on “Highlighting the Relevance of Space Law and Policy for Developing Space Ecosystems”, within the Global Conference on Space for Emerging Countries (GLEC 2022), organized by the International Astronautical Federation (IAF), and the Sideralis Foundation, in Quito Ecuador from 16 to 20 May 2022. The Masterclass on Space Law and Policy spurred conversations, created interest in and appreciation for space law and policy in

emerging space countries, and initiated discussions on legislation that emerging space countries could consider to guide and support the growth of their nascent space industry.

Mr Chairman,

Italy is following with attention the legal issues raised by the increased congestion in the outer space environment, in particular due to large constellations, the continued diversification of space actors, and the increased risks of collisions and interference. We concur on the need to establish a space traffic governance at multilateral level, and, in this regard, we highlighted the ongoing efforts of the EU on this topic, in particular the Joint Communication on “An EU Approach for Space Traffic Management”. We also support the opportunity of adopting norms and principles of responsible behaviour in outer space, in particular a general commitment of States to refrain from experiments of anti-satellites weapons producing long-lasting orbital debris.

Finally, Mr Chairman,

The Italian Delegation would like to commend the European Centre for Space Law (ECSL) and the International Institute of Space Law (IISL) for having co-organised during the LSC’s session period, the well appreciated symposium on the theme of “National Laws and Regulations to Ensure Space Sustainability”.

Thank you Mr Chairman