



Agenda Item 15 – Outer Space Institute Statement on the Duty to Assist Persons in Distress

Mr. Chairperson, distinguished delegates, I thank the Chair and the UNOOSA Secretariat for their outstanding work in facilitating discussions.

The Outer Space Institute is a global network of space experts united by their commitment to highly innovative, transdisciplinary research that addresses grand challenges facing the continued exploration and use of outer space. Much of OSI's work supports the Space2030 Agenda (adopted by the United Nations General Assembly in 2021) that aims to utilize space activities and tools in achieving the 2015 UN Sustainable Development Goals ("SDGs"). The Space2030 Agenda's four overarching objectives highlight the main contributions of the space sector to the attainment of the SDGs.

Space 2030 Agenda's Overarching Objective 4 is "Space Diplomacy" ("Build partnerships and strengthen international cooperation in the peaceful uses of outer space and in the global governance of outer space activities"). This Objective amplifies SDG Goal 17, "Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development, in particular "Multi-stakeholder partnerships" (subparagraphs 17.16 & 17.17). Objective 4.2 calls for promoting "the implementation by States parties of the United Nations treaties on outer space, to strengthen international cooperation and to complement and develop international law related to outer space, as appropriate to respond to emerging issues." OSI fully supports promoting the Objective's implementation by Parties to the UN space treaties and other States, including by developing responses to emerging issues.

One emerging challenge is ensuring human safety as the number and diversity of space activities and actors increase. At some point, human beings, who could well be non-state astronauts or tourists, will find themselves in distress in Earth orbit, on-or-around the Moon, or further into deep space. The OSI recommends a broad interpretation of the relevant treaty provisions on the duty to assist persons in distress.

The duty is set out in the 1967 Outer Space Treaty. The opening sentence of Article V reads, "States Parties to the Treaty shall regard astronauts as envoys of [hu]mankind in outer space and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of another State Party or on the high seas." It goes on to state that astronauts carrying out activities in space and on celestial bodies "shall render all possible assistance to the astronauts of other States Parties."

The importance attached to assisting persons in distress is demonstrated by the swift negotiation of the 1968 "Rescue Agreement". The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space was motivated, in part, by two space accidents – one American, one Soviet – in 1967. The Preamble to the 1968 "Rescue Agreement" shows that the negotiators were prompted by "sentiments of humanity", while Article 3 elaborates on Article V of the Outer Space Treaty, including by changing the reference to "astronauts" to "personnel of a spacecraft" and clarifying that the duty to assist applies in "any ... place not under the jurisdiction of any State."

Article 3 reads:

If information is received or it is discovered that the personnel of a spacecraft have alighted ... in any other place not under the jurisdiction of any State, those Contracting Parties which are in a position to do so shall, if necessary, extend assistance in search and rescue operations for such personnel to assure their speedy rescue.

Many experts have interpreted these provisions as applying everywhere in space, and with regard to all human beings in distress—including non-state astronauts as well as space tourists.

Support for a broad interpretation that covers all human beings in distress is found in numerous treaties concerning domains other than space, including the sea and airspace. For example, the 1914 International Convention for the Safety of Life at Sea requires parties “to ensure that any necessary arrangements are made ... for the rescue of persons in distress at sea round its coasts”, while the 1944 Chicago Convention on International Civil Aviation requires parties to assist survivors of accidents regardless of nationality. [Its annex 12 is entirely devoted to search and rescue.]

The Outer Space Institute therefore encourages Member States of COPUOS to discuss this matter and declare that the duty to assist persons in distress:

- applies everywhere in space, and
- with regard to all human beings.

Finally, we are saddened by the recent death of Marc Garneau, Canada's first astronaut and subsequently its Foreign Minister. Garneau was an individual who believed passionately in the importance of constructive global dialogue and of COPUOS's role in leading humanity's exploration of the final frontier.

The OSI wishes to affirm its support to the Chair and the work of Committee. Partnerships and cooperation among Member States, non-governmental organizations such as the OSI and commercial companies are essential in achieving the “Space2030” Agenda. OSI stands ready to do its part.

Thank you for your attention.