



Committee on the Peaceful Uses of Outer Space

Legal Subcommittee Sixtieth-Second Session

Vienna, 20-31 March 2023

Item 10 of the agenda item General exchange of views on potential legal models for activities in the exploration, exploitation, and utilization of space resources

The Hague Institute for Global Justice: The Washington Compact on Norms of Behavior for Commercial Space Operations

General Assembly Resolution 76/3. The “Space2030” Agenda: Space as a Driver for Sustainable Development recognizes that space systems are vital to sustainability, economic growth, scientific discovery, and the betterment of the human condition. It further underscores the importance of fulfilling the “Space2030” Agenda through global partnerships and strengthened cooperation among Members States, United Nations entities, intergovernmental and non-governmental organizations, industry, and private sector entities that take advantage of the practical experiences and contributions of different stakeholders.

It is in this spirit that the Hague Institute for Global Justice has created the Off-World Approach as the first comprehensive platform for civil society to share their views and take actions on the future of the space enterprise.

The Off-World Approach has produced the first civil society-generated set of high-level commitments taken on a voluntary basis by Signatories and applicable to their outer space activities in Earth-orbit and on the surface, subsurface, and in the orbit of the Moon and Other Celestial Bodies. It draws-on the six decades of experience in space exploration at all levels and in all sectors and applies it to a new paradigm in governance for commercial space activities.

The Institute presents The Washington Compact on Norms of Behavior for Commercial Space Operations (The Washington Compact). The list of its list of signatories can be found at www.thehagueinstituteforglobaljustice.org/the-washington-compact/.

The Compact is an unprecedented document generated by civil society to guide its presence in space. Non-governmental entities and leading personalities in the space arena formed this compact as a means toward the orderly and transparent use of space for the benefit of the global community.

The Compact is universal with signatories from the regions of Africa, Asia-Pacific, Eastern Europe, Latin America, North America and Western Europe.

Under the five-year workplan and methods of work for the Working Group on Legal Aspects of Space Resource Activities (A/AC.105/1260 Annex III), the Working Group in 2023 will, among other tasks,

exchange views on a study of the existing legal framework for activities on the Moon, in particular the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and other applicable United Nations treaties, also taking into account other relevant instruments, as appropriate.

The central role of civil society in shaping the future space enterprise is without question and must be incorporated at all levels. Indeed, Article VI of the Outer Space Treaty enshrined the principle that the activities of non-governmental entities could be undertaken with the authorization and continuing supervision of the appropriate State Party.

The treaty offers no opinion on what constitutes authorization or continuing supervision, how it is to be executed under national law or the activities that are to be covered. In other words, States Parties are free to determine their own ways and means for authorization and continuing supervision and non-governmental entities are free to choose what to pursue in space. Article VI allows for non-governmental entities to not only engage in space activities but to also chose the governance mechanisms (contracts or voluntary associations) they might employ with other non-governmental entities for trans-national commercial ventures. Bearing this in mind, The Compact offers a framework through which non-governmental entities could cooperate in activities related to the Moon and Other Celestial Bodies and is offered by the Institute as a contribution to the Working Group for its consideration.

THE WASHINGTON COMPACT

ON

NORMS OF BEHAVIOR FOR

COMMERCIAL SPACE OPERATIONS



The Hague Institute
for Global Justice

INTRODUCTION

Space systems are vital to sustainability, strategic stability, economic growth, scientific discovery, and the betterment of the human condition. Decision-makers would benefit enormously from a sustained and focused multidisciplinary examination of the current state-of-affairs in space law and policy, and the ways and means for civil society to mold the future of space utilization. While the body of international space law and practice instruments have been established and serve as a roadmap for national security, civil, and commercial space activities, work still needs to be done at the national level to give effect to the implementation of obligations under the United Nations space treaties. In particular, the private sector needs a global framework that is transparent, uniform, simple, and predictable. This can only be achieved through a bottom-up approach that relies on the advice and experience of civil society. The rule of law in space must be firmly established with alacrity for the next generation of space adventurers to succeed. Countries and companies transitioning towards the new global space economy will need an unbiased and thoughtful institution that looks at the totality of the challenges ahead.

The fundamental tenets of The Hague Institute for Global Justice – the rule of law, conflict resolution and governance – are as crucial for interactions in space as they are on Earth. That is why the Institute’s Off-World Approach (OWA) has, through a group of civil society experts, developed The Compact on Norms of Behavior for Commercial Space Operations (The Compact).

The Compact reflects the lessons learned from existing space activities and leverages the expertise of world-class public and private sector space policy experts. The Compact is not legally binding but represents a commitment by the signatories to support the principles described in The Compact.

DEFINITIONS

1. “*Civil Society*” means the global community of citizens linked by common interests and collective activity.
2. “*Benefit of Developing Nations Declaration*” refers to UNGA Resolution 51/122, 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.
3. “*Earth orbit*” means a low, mid, or high orbit around the Earth.
4. “*Guidelines for the Long-term Sustainability of Outer Space Activities*” refers to the guidelines adopted by the United Nations Committee on the Peaceful Uses of Outer Space on June 21, 2019.
5. “*Liability Convention*” refers to the Convention on International Liability for Damage Caused by Space Objects opened for signature on March 29, 1972.
6. “*Moon and Other Celestial Bodies*” means the Moon and any astronomical object or celestial object composed of an aggregation of matter in the universe.
7. “*Outer Space Treaty*” refers to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, opening for signature on January 27, 1967.
8. “*Registration Convention*” refers to the Convention on Registration of Objects Launched into Outer Space, opened for signature on January 14, 1975.

9. *“Rescue and Return Agreement”* refers to the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, opened for signature on April 22, 1968.
10. The Liability Convention, the Outer Space Treaty, the Registration Convention, and the Rescue and Return Agreement are collectively referred to as the *“Outer Space Treaties”*.
11. *“Signatories”* means any individual, scientific or technical organization, commercial entity, or State Party that ratifies The Compact.
12. *“State Party”* means a country that has ratified or acceded to any treaties pertaining to space activities.
13. *“The Compact”* refers to The Washington Compact on Norms of Behavior for Commercial Space Operations.
14. *“The Off-World Approach”* refers to the official space program of The Hague Institute for Global Justice.
15. *“UNCOPUOS”* means the United Nations Committee on the Peaceful Uses of Outer Space.

The Signatories to The Compact (the “Signatories”):

AFFIRM the importance of compliance with the *Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies*, opened for signature on January 27, 1967 (“Outer Space Treaty”); the *Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space*, opened for signature on April 22, 1968 (“Rescue and Return Agreement”), the *Convention on International Liability for Damage Caused by Space Objects*, opened for signature on March 29, 1972 (“Liability Convention”), and the *Convention on Registration of Objects Launched into Outer Space*, opened for signature on January 14, 1975 (“Registration Convention”); as well as the benefits of coordination via multilateral forums, such as the United Nations Committee on the Peaceful Uses of Outer Space (“COPUOS”) and the International Telecommunications Union (ITU), to further efforts toward a global consensus on critical issues regarding commercial activities;

UNDERScore the urgent need for transparent and predictable national and international legal and policy frameworks to accelerate the use by civil society of space for economic growth, societal well-being, and scientific achievement;

DESIRE to forge new relationships with governments to fulfill the goals of The Compact;

RECOGNIZE the immense value that civil society space exploration and development can provide to all of humanity and, in particular, to developing countries;

COMMIT to the education and nurturing of future generations of space explorers and entrepreneurs;

SHARE a common vision of peace and prosperity in outer space, on the Moon and Other Celestial Bodies;

NOTE the importance of 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 (UNGA Resolution 51/122); and

ADOPT the following principles:

SECTION 1 - PURPOSE AND SCOPE

1. The purpose of The Compact is to establish a common vision to ensure that civil space exploration and development is conducted in a manner that prevents conflict and supports cooperation, peace, and prosperity. The Compact is intended to enhance safety, reduce uncertainty, and promote the sustainable and beneficial use of space for all humankind. The Compact represents a commitment by the Signatories to uphold these principles, many of which provide for operational implementation of obligations contained in the Outer Space Treaties and other existing instruments.
2. The principles set out in The Compact apply to activities conducted by civil society in outer space including the Moon and Other Celestial Bodies.
3. The Signatories agree that all work on The Compact will be conducted on a consensus basis and shall be implemented in a fashion that is consistent with international law and the national laws and regulations of the Signatories.

SECTION 2 – INTEROPERABILITY

1. The Signatories recognize that the development of interoperable and common infrastructure and standards for space operations in Earth orbit and on and in the orbit of the Moon and Other Celestial Bodies will enhance civil society space exploration and development. The Signatories commit to supporting reasonable efforts to utilize existing interoperability standards for space-based infrastructure, to establish such standards when current standards do not exist or are inadequate, and to follow such standards.

SECTION 3 – THE HUMAN ELEMENT

1. The Signatories acknowledge that the presence of humans in space will be pursued by governmental and non-governmental entities and that such activities will require standards for managing non-government and government personnel to ensure safety. The

Signatories commit to taking all reasonable efforts to render necessary assistance to personnel in outer space including on the surface, subsurface, and in the orbit of the Moon and Other Celestial Bodies who are in distress, regardless of nationality, and acknowledge their obligations under the Outer Space Treaty and the Rescue and Return Agreement. The Signatories further commit to clarifying the status under international and domestic law of non-governmental personnel in outer space, including on the surface, subsurface, and in the orbit of the Moon and Other Celestial Bodies.

2. The Signatories desire to create a space culture that will inspire and educate future generations of young entrepreneurs, engineers, and scientists. To this end, the Signatories will use multi-media, public and private educational institutions, and professional societies to make the space culture a part of everyday life.
3. The Signatories reaffirm the value of the use and exploration of outer space for economic growth, societal well-being, and the improvement of the quality of life globally, particularly for developing countries. The Signatories commit to offer developing world government and non-government entities ways and means to take advantage of the range of commercial opportunities in Earth orbit and beyond, including activities on the surface, subsurface, and in the orbit of the Moon and Other Celestial Bodies.

SECTION 4 – COOPERATION BETWEEN CIVIL SOCIETY AND STATES PARTIES TO THE OUTER SPACE TREATIES ON IMPLEMENTATION AND COMPLIANCE MATTERS

1. The Signatories underscore the paramount need for enhancing the predictable and transparent application of the United Nations Outer Space Treaties to space activities in Earth orbit and on the surface, subsurface, and in the orbit of the Moon and Other Celestial Bodies, particularly as related to the registration of space objects, State Party responsibility and liability, authorization and continuing supervision, due regard, harmful contamination, adverse changes, harmful interference, and the extraction and utilization of space resources.

2. The Signatories affirm that the activities under The Compact should be conducted with due regard to the Long-Term Sustainability of Outer Space Activities Guidelines adopted by the United Nations COPUOS. The Signatories may adapt these Guidelines to reflect the nature of operations on the surface, subsurface, and in and around the orbit of the Moon and Other Celestial Bodies.
3. The Signatories commit to preserving outer space heritage landing sites and artifacts designated by their national regulatory framework or internationally endorsed within the United Nations system.
4. The Signatories may voluntarily preserve human or robotic landing sites, artifacts, spacecraft, and other evidence of activity on the surface, subsurface, or in the orbit of the Moon and Other Celestial Bodies, which are deemed to have historically significant value by them in accordance with relevant international standards and practices.
5. The Signatories commit to using their experience under The Compact to contribute to multilateral efforts to further develop international practices and rules applicable to identify and preserve outer space heritage.
6. The Signatories commit to working with their appropriate State Party to the Outer Space Treaties to clarify, where needed, the application of the Outer Space Treaties at the national and international levels by sharing their experiences on intentional or unintentional barriers created by the uneven application of one or more provisions of the Outer Space Treaties and the UNCOPUOS Guidelines for the Long-Term Sustainability of Outer Space Activities.
7. The Signatories commit to working with their appropriate State Party to the Outer Space Treaties to identify, where needed, gaps in existing international space law that create uncertainty for new and existing civil society space ventures.

8. The Signatories recognize that cooperation with all entities engaged in space activities requires interactions of a different scope and nature depending upon the matters involved. Possible methods for such work include:
 - i. State Party or Parties to another State Party or Parties;
 - ii. Commercial entity or entities to another Commercial entity or entities;
 - iii. Commercial entity or entities to their appropriate State Party or Parties; and
 - iv. Commercial entity or entities to another State Party or Parties.
9. The Signatories will seek to refrain from any intentional actions that may create harmful interference with other's peaceful use of outer space in their commercial activities under The Compact.
10. The Signatories commit to be guided by the principles of cooperation and mutual assistance and to conduct all of their activities including on the surface, subsurface, and in the orbit of the Moon and other Celestial Bodies with due regard to the corresponding interests of others.
11. The Signatories commit to providing information regarding their activities to their appropriate State Party in a sufficient and timely manner, allowing such governments to meet notification, consultation, and other requirements or exercise relevant rights under the United Nations Outer Space Treaties.
12. If a Signatory has reason to believe that the activities of another Signatory or Signatories may in the future or are already resulting in harmful interference with or pose a safety hazard to its space-based activities, the Signatory may make a request for information and dialogue to coordinate with the other Signatory or Signatories to address the harmful

interference. The Signatories commit to respond to and honor such requests within the bounds of relevant national laws and regulations.

13. The Signatories recognize their unique role in displaying lawful behavior in the use and exploration of outer space. The Signatories recognize the value of effectively communicating the elements of good corporate stewardship of Earth orbit and on the surface, subsurface and in and around the orbit of the Moon and Other Celestial Bodies. Through the framework of The Compact, the Signatories will share their experiences in developing their own concepts that comprise corporate responsibility in their space activities.

SECTION 5 – SPACE LAW

1. The Signatories acknowledge that the rule of law in space must be adaptable, flexible, inclusive, and permissive for the next generation of space exploration to succeed. Moreover, countries and companies transitioning towards the new global space economy will need an unbiased and thoughtful institution that looks at the totality of the challenges ahead. As the leading institution in the Hague focused on global justice, the Institute's ability to explore collaborations of the emerging body of international space law and policy could redefine the global architecture for new and innovative transnational commercial space ventures.
2. The Signatories will examine humanity's transformation into a space faring civilization and what needs to be done to achieve a peaceful and prosperous future. Finance, insurance, multimedia space ventures, challenges to young space entrepreneurs, law and policy, *inter alia*, will all be explored. Robust Signatory collaboration will be essential to address this transformation.

SECTION 6 – FINAL PROVISIONS

1. The Signatories commit to periodically meet to review the implementation of The Compact, consider revisions to the existing principles and/or the adoption of new principles. The Signatories agree that, should the need arise, working groups may be organized to consider specific matters in greater detail.
2. The Hague Institute for Global Justice will maintain the original text of this Compact and transmit to the Secretary-General of the United Nations a copy of this Compact, which is not eligible for registration under Article 102 of the Charter of the United Nations, with a view to its circulation to members of the United Nations as an official document of the United Nations.
3. Any civil society entity seeking to become a Signatory to The Compact may submit its signature to The Hague Institute for Global Justice for consent.

Adopted on 04 July 2022 in the English language.