

**United Nations/Austria Symposium**

**Access to Space: Holistic Capacity-Building for the 21st Century**

**Graz, Austria, 3-7 September 2017**

**Session 6**

Workshop on specific tools for **Space Law Capacity-Building**

**Perspectives of the future Space Law Compendium  
as an outcome of UNISPACE+50**

**Dr. Bernhard Schmidt-Tedd**

# UNISPACE+50 thematic priorities – the context of the legal regime for outer space and of the Space Law Compendium

1. Global partnership in space exploration and innovation
- 2. Legal regime of outer space and global space governance: current and future perspectives**
- 3. Enhanced information exchange on space objects and events**
4. International framework for space weather services
5. Strengthened space cooperation and global health
6. International cooperation towards low-emission and resilient societies
- 7. Capacity-building for the 21<sup>st</sup> Century**

## **Thematic priority 2: Objective and Mechanism**

### **Legal regime of outer space and global space governance: current and future perspectives**

**Objective:** Promote the **universality** of the 5 UN Space Treaties  
State of affairs / Relation to other international instruments / Effectiveness /  
Identifying areas of additional regulation

- (a) Developing the questionnaire** - Perspective up to 2018
- (b) Studying potential future legal and institutional initiatives** –  
Space law as a relevant part of global space governance
- (c) Studying legal mechanisms to foster an internat. regime of responsibility/liability**
  - Perspectives of space traffic management
  - Enhanced information on objects and events
  - Avoidance of in-orbit-collisions and interference
- (d) Identifying by 2018 criteria for a guidance document 2020**
- (e) Considering means of strengthen the LSC** – Closer cooperation with STSC

**Mechanism:** WG Status and Application of the Five United Nations Treaties

## 02 Legal regime of outer space and global space governance: current and future perspectives

### Objectives:

Promote the **universality** of the five United Nations treaties on outer space. **Assess** the state of affairs of those treaties and their **relationship with other** relevant international instruments, such as principles, resolutions and guidelines governing space activities. **Analyse the effectiveness** of the legal regime of outer space in the twenty-first century, with a view to identifying areas that may require additional regulation.

Conduct an evaluation by:

a) **Developing the questionnaire** of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space to encompass an assessment of the **legal regime** of outer space as a pillar of **global space governance**. The questionnaire should be used in the period leading **up to 2018** to assist the Legal Subcommittee in addressing the status and scope of, and assessing and, as appropriate, addressing possible gaps in, the legal regime of outer space;

## 02 Legal regime of outer space and global space governance: current and future perspectives

(b) **Studying** potential future legal and institutional initiatives intended to ensure that outer space is explored and used for **peaceful purposes** and that **access** to outer space remains **open and free for the benefit of all countries**, in order to ensure that international space law is a relevant part of global space governance in the twenty-first century in the light of the **significant scientific developments and technical advances** that have affected space activities;

(c) **Studying** legal mechanisms to foster an international regime of **responsibility and liability** to cope with present and **future challenges** to the safety, security and sustainability of outer space activities and the safety of space operations, **perspectives of space traffic management** and an enhanced exchange of information on space objects and events. Specific consideration is to be given to current **practical concerns** of the international community, such as in-orbit collisions and interferences. In particular, there should be an assessment of the need for enhanced **registration and notification procedures** and their institutional requirements under the registration and notification platform maintained by the Office for Outer Space Affairs;

## 02 Legal regime of outer space and global space governance: current and future perspectives

(d) Identifying, **by 2018**, approaches and possible **criteria** for developing, **by 2020**, a **guidance document** to be issued by the Committee on the Peaceful Uses of Outer Space with essential information on the **state of affairs** of the legal regime governing outer space, **including** relevant instruments applied through **national regulatory frameworks and international mechanisms for cooperation**. Such a **document** should serve as valuable guidance for States wishing to become a party to the five United Nations treaties on outer space;

(e) Considering means to **strengthen the Legal Subcommittee** as the prime multilateral body with a mandate to promote the progressive development of international space law, **including procedural and institutional improvements** and closer cooperation with the Scientific and Technical Subcommittee.

## **Thematic priority 2: Legal regime of outer space and global space governance: current and future perspectives**

**Working method:** 3 clusters (A/AC.105/1122, Annex I, para. 7)

### **Cluster 1:**

Use **set of questions** of the working group to assess state of affairs of the 5 UN treaties, analyse effectiveness, status, scope and possible gaps in the legal regime. Assess customary law perspectives relating to international space law, as well as substantive, operational and conceptual gaps in the legal regime.

### **Cluster 2:**

Observe progress of **LTS Working Group of STSC, as well as thematic priority 3** (Enhanced information exchange on space objects and events), with a view of connecting these results with objectives (c) of thematic priority 2. Also important in the context of strengthening LSC and establishing closer cooperation with STSC.

## **Thematic priority 2: Legal regime of outer space and global space governance: current and future perspectives**

**Working method:** 3 clusters (A/AC.105/1122, Annex I, para. 7)

### **Cluster 3:**

Identify **approaches and criteria for developing a guidance document** with the aim of promoting the universality of the five United Nations treaties on outer space:

- Explore ways and means to encourage COPUOS Member States to become parties to the OST
- Promote the increase of membership of COPUOS
- Develop the document in combination with other tools (e.g. online tools on the UNOOSA website, issuance of a report in the six official UN languages)
- Observe progress and outcome of past LSC working groups (e.g. concept of “launching state”, registration practice, national space legislation, etc.)
- Consider capacity-building and technical assistance of UNOOSA in the field of international space law and policy as fundamental tools in these efforts



## **Thematic priority 2: Legal regime of outer space and global space governance: current and future perspectives**

**Timeline for Cluster 3 guidance document** (A/AC.105/1122, Annex I, para. 8)

**2018:** Identify and agree on the key points for the guidance document and the online tool under cluster 3, including on efforts to strengthen capacity-building and assistance, on the basis of a proposed outline to be presented by the Chair in close consultation with the Secretariat

**2019:** On the basis of a proposal by the Chair, in close consultation with the Secretariat, review the draft guidance document and tools for the universality of the five United Nations treaties on outer space, in particular on the enhancement of accession to the Outer Space Treaty and membership of the Committee

**2020:** Finalize the guidance document and tools under cluster 3. Decide on any further consideration of topics identified under clusters 1-3, as appropriate, and identify the most suitable mechanism within the Legal Subcommittee for this purpose

# Working Group on the Status and Application of the Five United Nations Treaties on Outer Space

- Established in 2001 by the LSC with a mandate including **“the status of the treaties, review of their implementation and obstacles to their universal acceptance, as well as promotion of space law”** (A/AC.105/763, para. 118)  
**Reports annually on the status of intern. agreements** relating to activities in outer space
- Reviews the status of the five United Nations treaties on outer space **through a set of questions**, aimed at highlighting possible shortcomings, uncertainties and ambiguities in the treaties and draw the State Parties’ attention to it. **Current topics include**  
**the legal regime and global space governance,**  
**provisions related to the moon and other celestial bodies,**  
**international responsibility and liability,**  
**registration of space objects and**  
**international customary law in outer space**
- Constitutes the **mechanism for UNISPACE+50 thematic priority 2** (Legal regime of outer space and global space governance: current and future perspectives)

# Questionnaire on Status and Application of the 5 Treaties

- **The legal regime of outer space and global governance**
- **UN Treaties / provisions related to Moon and other celestial bodies**
- **International responsibility and liability**

Is there a need for traffic rules in outer space as a prerequisite of a fault-based liability regime?

- **Registration of space objects**

Does the concept of mega constellations raise legal and / or practical questions?

Is there a need for an adapted registration form?

Is there a possibility to introduce a registration 'on behalf' of a State?

## **STSC WG: 12 agreed upon LTS guidelines**

### **Between the 12 agreed upon guidelines are inter alia the following topics:**

- Adopt, revise and amend, as necessary, national regulatory frameworks for outer space activities
- Supervise national space activities
- Promote the collection, sharing and dissemination of space debris monitoring information
- Sharing of operational space weather data and forecasts
- Research/support of ways to support sustainable exploration and use of outer space
- Investigate/consider new measures to manage the space debris population in the long term

# LTS open issues / further guidelines under discussion

## Guideline topics for further discussion are inter alia:

- Enhance the practice of registering space objects
- Commitments in national policy of conducting space activities solely for peaceful purposes
- No intentional modification of natural space environment
- Policies precluding interference with foreign objects (unauthorized access)
- Information on space objects and orbital events
- Safety and security of terrestrial infrastructure
- Criteria and procedures for active removal of space objects from orbit
- Criteria and procedures for active removal under exceptional circumstances (spec. non-registered objects)
- **Normative and organizational frameworks for ensuring effective and sustained implementation of the guidelines**

# Relationship Questionnaire / Treaty Articles

## Set of questions of the WG 5 TRE

1. The legal regime of outer space and global space governance

1.1. ...

1.2. ...

2. United Nations treaties on outer space and provisions related to the Moon and other celestial bodies

3. International responsibility and liability

4. Registration of space objects

5. International customary law in outer space

Where is the need for... ?

Treaty Articles

# Relationship LTS Guidelines / Treaty Articles

## LTS guidelines

1. Adopt, revise and amend, as necessary, national regulatory frameworks for outer space activities
2. Consider a number of elements when developing, revising or amending, as necessary, national regulatory frameworks for outer space activities
3. Supervise national space activities
4. Ensure the equitable, rational and efficient use of the radio frequency spectrum and the various orbital regions used by satellites
12. ...

Where are the specific treaty provisions being translated into operational form by the LTS guidelines?

Treaty Articles

# **The way forward to a 2020 Guidance Document Basics – Methods - Vision**

**Looking at the existing substance**

**Interpretation in the spirit of the treaties**

**Using the existing approaches for capacity building**

**Comparing the existing tools of documentation**

**Analysing gaps and needs for the future**

**Having a vision for the future**

**Making the realistic steps in the upcoming years**





# Perspectives on the further development of the legal framework of space activities

## Two-tiered approach to further develop the legal framework of space activities:

1. **Preserve, strengthen and universalize the legal framework** established by the five United Nations treaties on outer space, containing the basic principles governing space activities, as the overarching structure of international space law
2. Further develop the legal regime organizationally and regulatory through guidelines, technical standards, “best practices”, etc. in order **to move towards an operative-administrative system under the treaties**, able to adopt to changing conditions

# Aspects on future institutional developments

## Pending ideas for future challenges

- Strengthening COPUOS and UNOOSA

*The Committee further noted that UNISPACE+50 offered a unique opportunity for countries to reflect on the achievements of the more than 50 years of space exploration and look towards the future, **strengthening the mandates of the Committee on the Peaceful Uses of Outer Space, its subsidiary bodies and the Office for Outer Space Affairs**, as unique platforms for international space cooperation... (COPUOS Report 2017, A/72/20, para. 323)*

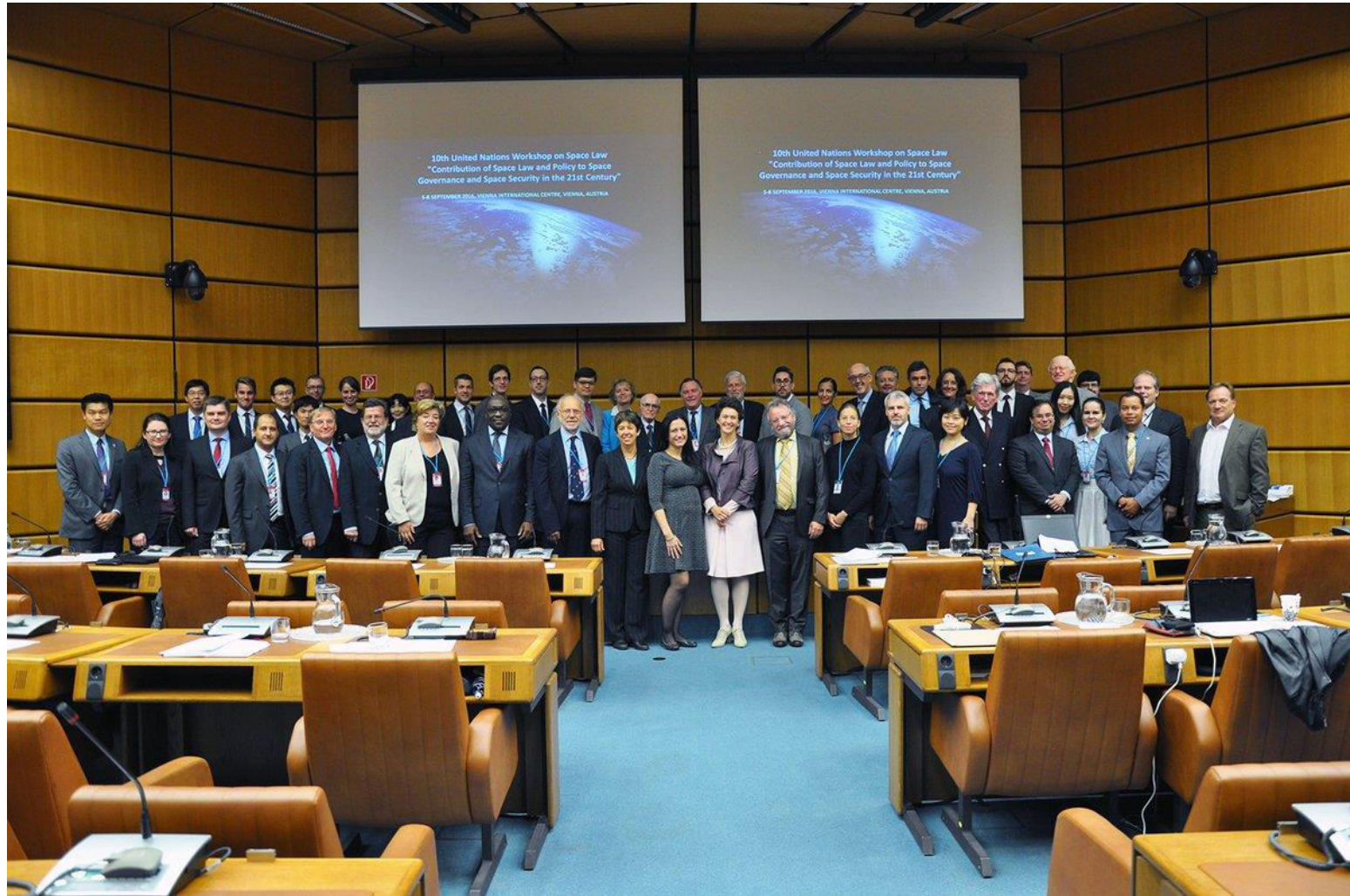
- International space monitoring platform (Proposal of the Russian Federation)

*It is possible to envisage a whole range of States and other legal entities joining forces on a multilateral and/or bilateral basis to analyse and exchange specific information. [...] Hypothetically, **the most feasible idea seems to be the creation of a single monitoring centre**... (Working paper at COPUOS in 2012, A/AC.105/2012/CRP.19, para. 30)*

- Global space organization

*There is no single global institution which fully oversees all space-related matters, which has the authority to take effective decisions and actions on behalf of humankind as well as to exercise coordination over all activities in the space sector on a global scale. [...] [I]t makes sense that **a single international organisation is created** to regulate space activities in holistic manner in consultation and collaboration with other specialised agencies of the UN and other stakeholders. (Prof. Dr. Ram Jakhu, Presentation at the High-Level Forum Preparatory Meeting, Vienna, 2015)*

# UN Space Law Workshop 2016: Contribution of Space Law and Policy to Space Governance and Space Security in the 21st Century



# Capacity-Building in space law



- Access to space law
- Common interpretation

# Already existing instruments



UNITED NATIONS  
Office for Outer Space Affairs



Search

About Us ▾ Our Work ▾ Benefits of Space ▾ Information for... ▾ Events ▾ Space Object Register ▾ Documents ▾ COPUOS 2017 ▾

Our Work ▾ Space Law ▾ National Space Law

## National Space Law Collection

The present collection of laws and regulations, relating to exploration and use of outer space, is based on submissions made by States. The texts are reproduced in the form and in the language(s) in which they were received from States and were not formally edited and/or translated by the United Nations.

Disclaimer: Reference to the external websites below does not imply endorsement by the United Nations Office for Outer Space Affairs (UNOOSA) of their contents. Any views expressed are those of the authors and do not necessarily reflect the policies or views of UNOOSA. The hyperlinks are provided solely for informational purposes.

- ▶ Argentina
- ▶ Australia
- ▶ Austria
- ▶ Belgium
- ▶ Brazil
- ▶ Canada
- ▶ Chile
- ▶ China

### Our Work

Secretariat of COPUOS

Programme on Space  
Applications

UN-SPIDER

ICG

UN-Space

UNISPACE+50

Space Law

Treaties & Principles  
General Assembly Resolutions  
Legal Subcommittee  
Capacity Building  
**National Space Law**  
Bilateral & Multilateral Agreements  
Non-legally Binding UN Instruments  
on Outer Space  
Space Object Register  
Publications  
Did you know?

High Level Forum

Topics



UNITED NATIONS  
Office for Outer Space Affairs



Search

About Us ▾ Our Work ▾ Benefits of Space ▾ Information for... ▾ Events ▾ Space Object Register ▾ Documents ▾ COPUOS 2017 ▾

Our Work ▾ Topics ▾ Space Debris ▾ Space Debris Compendium

## Compendium of space debris mitigation standards adopted by States and international organizations

The compendium of space debris mitigation standards adopted by States and international organizations has been developed as a contribution of Canada, the Czech Republic and Germany to the Committee on the Peaceful Uses of Outer Space, and in reference to the agenda item of its Legal Subcommittee on "General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee". The aim of the compendium is to inform States of the current instruments and measures that have been implemented by States and international organizations.

The initial version of the Compendium has been made available to the Legal Subcommittee at its fifty-third session held in Vienna from 24 March to 4 April 2014 under agenda item 11 of the provisional agenda of the session ( [A/AC.105/C.2/L.292](#) ) as a conference room paper [A/AC.105/C.2/2014/CRP.15](#), supplemented by a contribution to the Compendium, contained in [A/AC.105/C.2/2014/CRP.15/Add.1](#).

At that session, the Legal Subcommittee noted with appreciation the development of the Compendium by Canada, the Czech Republic and Germany, and requested those delegations to continue their work on the compendium with a view to increasing the number of States and international organizations included therein. The Subcommittee further requested that the compendium be provided to the Secretariat prior to the fifty-seventh session of the Committee, in June 2014 ( [A/AC.105/1067](#), para 154 ).

An updated Compendium was provided to the Committee on the Peaceful Uses of Outer Space at its fifty-seventh session held in Vienna from 11 to 20 June 2014 as a conference room paper [A/AC.105/2014/CRP.13](#). Editorial support in compiling and finalizing the Compendium was provided to Canada, the Czech Republic and Germany by the Legal Services Department of the European Space Agency (ESA).

The Committee expressed its appreciation to Canada, the Czech Republic and Germany for the development of the compendium and requested the Secretariat to maintain the compendium on a dedicated page of the website of the Office for Outer Space Affairs ( [A/69/20](#), para. 261 ).

The Committee agreed that member States of the Committee and international intergovernmental organizations with permanent observer status with the Committee should be invited to provide or update the information on any legislation or standards adopted with regard to space debris mitigation, using the template provided for that purpose. The Committee also agreed that all other States Members of the United Nations should be invited to contribute to the compendium, encouraging States with such regulations or standards to provide information on them.

### Our Work

Secretariat of COPUOS

Programme on Space  
Applications

UN-SPIDER

ICG

UN-Space

UNISPACE+50

Space Law

High Level Forum

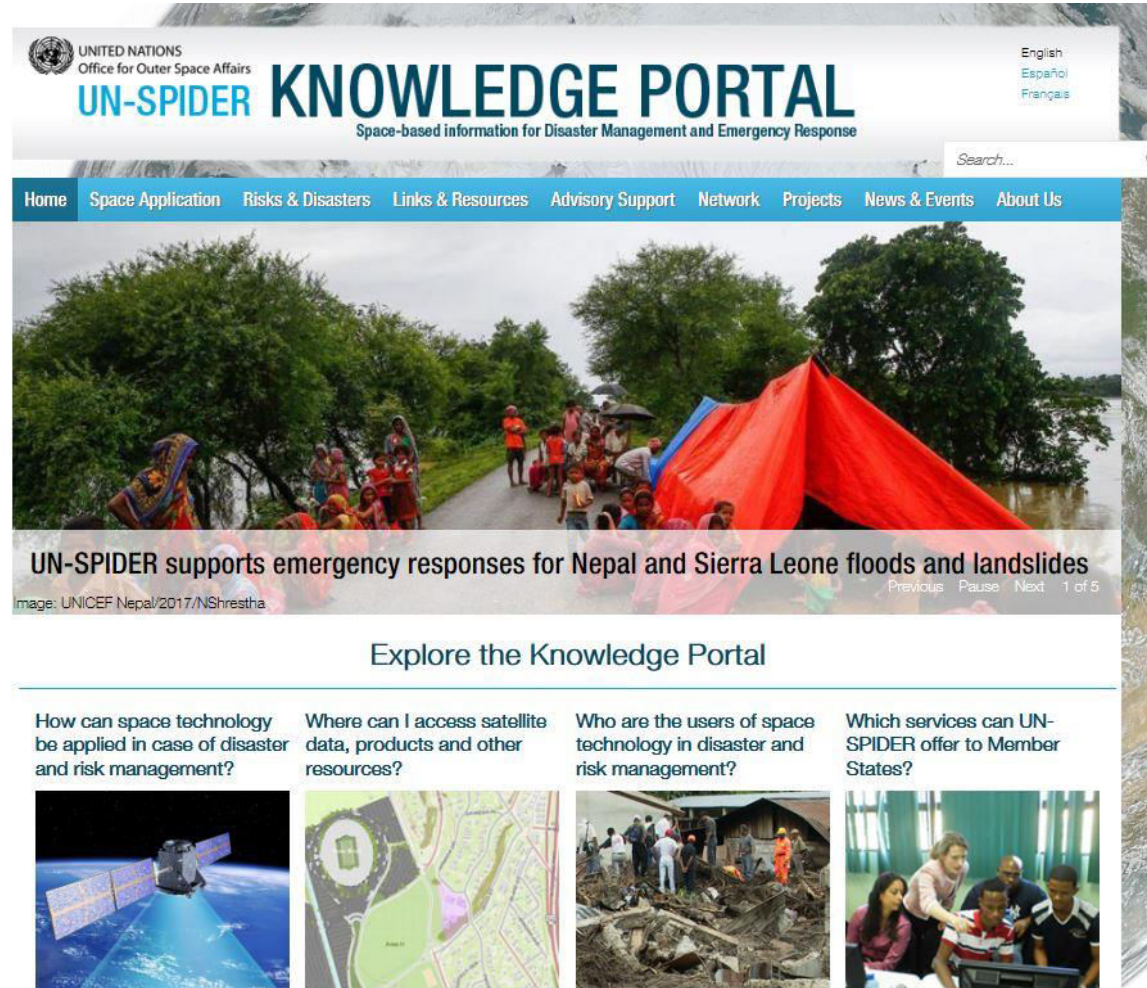
Topics

Capacity Building  
Long-term Sustainability of Outer  
Space Activities  
Disaster Management  
Near Earth Objects  
Space and Climate Change  
Nuclear Power Sources  
Space and Water  
GNSS  
Remote Sensing  
Space Treaty Implementation  
Space Debris  
**Space Debris Compendium**  
Space Weather  
Space for Women



# UN-SPIDER Knowledge Portal

- Online tool providing resources for disaster management and emergency response



- ...
- ...

# Knowledge portal for space law?



- Online portal for space law resources
- Existing resources on UNOOSA's website:
- Space debris compendium
- National space law collection
- ITU/UNOOSA Small satellite guidance document

# Universalisation of the UN Space Treaties

- **The Outer Space Treaty and the four special treaties as a comprehensive framework**

Assistance/ Return (Art. V)	→	ARRA	into force	03 Dec 1968
Liability (Art. VII)	→	LIAB	into force	01 Sept 1972
Registration (Art. VIII)	→	REG	into force	15 Sept 1976
Moon Regime (Art. IV, XII)	→	MOON	into force	11 July 1984

- **Status quo of ratification / signature** (1<sup>st</sup> Jan. 2017)

OST	(1967)	> 105 Ratifications / 25 Signatures
ARRA	(1968)	> 95 Ratifications / 24 Signatures
LIAB	(1972)	> 94 Ratifications / 21 Signatures
REG	(1976)	> 63 Ratifications / 4 Signatures
MOON	(1984)	> 17 Ratifications / 4 Signatures

- **Open issue: Consensus by Resources and exploitation**

**Operative implementing instruments in specific areas**





# Vision for the future

## **The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (OST)**

Preamble	
Article I	Freedom of Exploration and Use and the Benefits Clause
Article II	Non-Appropriation
Article III	Application of International Law
Article IV	Military Uses of Outer Space
Article V	Rescue and Return of Astronauts and Space Objects
Article VI	International Responsibility
Article VII	Liability
Article VIII	Registration, Jurisdiction and Control, Ownership
Article IX	Principle of Due Regard and Protection of the Space Environment
Article X	Observation of Flight of Space Objects
Article XI	Provision of Information
Article XII	Visits of Stations by Other States
Article XIII	International Intergovernmental Organizations
Article XIV-XVII	Miscellaneous Clauses (Signature, Ratification, Withdrawal)

**Outer Space Treaty (OST)**

**Rescue Agreement (ARRA)**

**Liability Convention (LIAB)**

**Registration Convention (REG)**

**Moon Agreement (MOON)**

# Vision for the future

## **The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (OST)**

Preamble	
Article I	Freedom of Exploration and Use and the Benefits Clause
Article II	Non-Appropriation
Article III	Application of International Law
Article IV	Military Uses of Outer Space
Article V	Rescue and Return of Astronauts and Space Objects
Article VI	International Responsibility
Article VII	Liability
Article VIII	Registration, Jurisdiction and Control, Ownership
Article IX	Principle of Due Regard and Protection of the Space Environment
Article X	Observation of Flight of Space Objects
Article XI	Provision of Information
Article XII	Visits of Stations by Other States
Article XIII	International Intergovernmental Organizations
Article XIV-XVII	Miscellaneous Clauses (Signature, Ratification, Withdrawal)

## OST

- Principles
- Basic Rights and Obligations
- Role of IGOs

## General Part

- Definitions
- Institutional Framework
- Guidelines and administrative - procedural rules

# Outer Space Treaty and Implementing Agreements

## The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (OST)

Preamble	
Article I	Freedom of Exploration and Use and the Benefits Clause
Article II	Non-Appropriation
Article III	Application of International Law
Article IV	Military Uses of Outer Space
Article V	Rescue and Return of Astronauts and Space Objects
Article VI	International Responsibility
Article VII	Liability
Article VIII	Registration, Jurisdiction and Control, Ownership
Article IX	Principle of Due Regard and Protection of the Space Environment
Article X	Observation of Flight of Space Objects
Article XI	Provision of Information
Article XII	Visits of Stations by Other States
Article XIII	International Intergovernmental Organizations
Article XIV-XVII	Miscellaneous Clauses (Signature, Ratification, Withdrawal)

Assistance/ Return (**Art. V**)

Liability (**Art. VII**)

Registration (**Art. VIII**)

Moon regime (**Art. IV, XII**)

ARRA

LIAB

REG

MOON

# Vision for the future

## ARRA

### **The 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (ARRA)**

Preamble

Article 1	Notification of Accidents/ Distress/ Emergency or Unintended Landing
Article 2	Rescue and Assistance/ Territory under Jurisdiction of Contracting Party
Article 3	Assistance and Rescue/ Territory not under Jurisdiction of Contracting Party
Article 4	Prompt Return of Personnel
Article 5	Notification, Recovery and Return of Space Objects
Article 6	Launching Authority
Article 7	Signature/ Ratification/ Accession/ Entry into Force
Article 8	Proposed Amendments
Articles 9-10	Final Provisions

- Notification of Accidents
- Rescue and Assistance
- Prompt Return

# Vision for the future

## The 1972 Convention on International Liability for Damage Caused by Space Objects (LIAB)

Preamble	
Article I	Definitions
Article II	Absolute Liability
Article III	Fault Liability
Article IV	Damage Caused Jointly by Two or More Space Objects/ Third Party Liability
Article V	Joint Launch/ Joint and Several Liability
Article VI	Exoneration from Absolute Liability
Article VII	No Application to Nationals and Foreign Participants in Launching State(s)
Article VIII	Eligibility of Claimant States
Article IX	Diplomatic Channels
Article X	Term for Claims
Article XI	Relation to National Jurisdiction
Article XII	Determination of Compensation
Article XIII	Currency of Compensation
Article XIV	Lack of Settlement/ Claims Commission
Article XV	Composition of the Claims Commission
Article XVI	Lack of Appointment/ Vacancy/ Procedures
Article XVII	Joint and Collective Appointment
Article XVIII	Content of the Decision
Article XIX	Final and Binding Decision
Article XX	Expenses
Article XXI	Large-Scale Danger
Article XXII	International Intergovernmental Organizations
Article XXIII	Relation to International Agreements
Article XXIV	Signature/ Ratification/ Accession/ Entry into Force
Article XXV	Proposed Amendments
Article XXVI	Review/ Revision
Articles XXVII-XXVIII	Final Provisions

## LIAB

- Absolute Liability
- Fault Liability
- Diplomatic Channels
- Procedures

# Vision for the future

## REG

### The 1975 Convention on Registration of Objects Launched into Outer Space (REG)

Preamble	
Article I	Definitions
Article II	National Registries/ Registration Obligation
Article III	UN Register/ Registration Obligation
Article IV	Information by Each State of Registry
Article V	Designator or Registration Number
Article VI	Request for Identification/ Assistance
Article VII	International Intergovernmental Organizations
Article VIII	Signature/ Ratification/ Accession/ Entry into Force
Article IX	Proposed Amendments
Article X	Review/ Revision
Article XI-XII	Final Provisions

- Registration
- National Registries
- UN Register

# Vision for the future

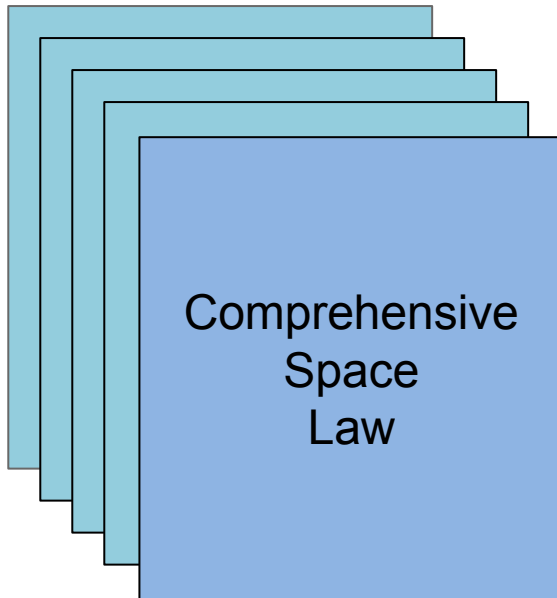
## The 1979 Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (MOON)

Preamble	
Article 1	Scope of Application
Article 2	International Law/ Cooperation
Article 3	Peaceful Purposes/ Demilitarization
Article 4	Province of All Mankind
Article 5	Mission Information/ Scientific Community
Article 6	Scientific Investigations/ Samples/ Minerals
Article 7	Environment/ Radioactive Materials
Article 8	Exploration and Use/ Consultations
Article 9	Stations/ Free Access
Article 10	Safeguard of Life and Health
Article 11	Common Heritage of Mankind/ International Regime
Article 12	Jurisdiction and Control/ Ownership/ Emergency
Article 13	Crash, Forced or Unintended Landing
Article 14	International Responsibility/ Liability
Article 15	Verification/ Access/ Consultations/ Dispute Settlement
Article 16	International Intergovernmental Organizations
Article 17	Proposed Amendments
Article 18	Review/ Revision
Article 19	Signature/ Ratification/ Accession/ Entry into Force
Articles 20-21	Final Provisions

## MOON

- Demilitarization
- Common Heritage
- Space Resources
- International Regime for Exploitation

# Vision for the future



UN-Guidelines / Resolutions

Operative-Administrative Rules

as a living document  
with an institutionalized procedure

National Implementation



# First steps for the future



UN-Guidelines / Resolutions

**LTS Guidelines**

Operative-Administrative Rules

as a living document  
with an institutionalized procedere

**Implementation, review and updating of the  
Guidelines**

**Discussion on Space Traffic Management**

National Implementation

**Interaction between Guidelines and National Implementation**

# LTS Guidelines and (national) implementation

## National Implementation of the first set of Guidelines, e.g.

The **UK's implementation** of the first set of guidelines on LTS of Outer Space Activities (STSC 2017, CRP. 21)

General presentation of **French** activities and views for LTS of outer space, in relation with the **implementation** of the first set of guidelines (STSC 2017, CRP. 26)

## LTS Guidelines – Implementation and updating

(A/AC.105/C.1/L.354 of 20 June 2016: Guideline 29 ; A/AC.105/L.308, unedited version of 15 Feb. 2017: Chapter E 23-26)

(24) The UN should be regarded...as the principal forum for continued **institutionalized dialogue** on issues related to the implementation of the guidelines.

(25) ...the guidelines should be **periodically reviewed and revised** to ensure that they continue to provide effective guidance to States...



## Comparative Example

### Following the ITU mechanism for revisions of the Administrative Regulations by the World Conferences:



- By ratifying the Constitution the State accepts also the binding mechanism of the Administrative Regulations
- the revisions are only binding for those states which accept them in an explicit way
- For members states that do not agree to the revisions:
  - » the revision is applicable in a provisional manner to all member states which have signed the final act of the conference, except if they have explicitly contradicted them
  - » such provisional application shall continue for a Member State until it notifies the Secretary-General of its decision concerning its consent to be bound by any such revision
  - » if a Member State fails to notify the Secretary-General of its decision concerning its consent to be bound within thirty-six months following the date or dates of entry into force of the revision, that Member State shall be deemed to have consented to be bound by that revision

# UNGA Resolution 1962 (XVIII) of 13 Dec. 1963 – Declaration of Legal Principles ...

- **Basic Principles governing the Activities of States in the Exploration and Uses of Outer Space:**
  1. Province of all mankind
  2. Freedom for exploration and use
  3. Non-Appropriation
  4. Use in accordance with international law/ UN Charter
  5. International Responsibility for national activities
  6. Cooperation, mutual Assistance, Consultations
  7. Registration as connecting point for jurisdiction and control
  8. Liability for launching States
  9. Assistance for astronauts in distress
- **Principles are implemented by the OST and generally accepted / customary international law**
- **Today's challenge: Safeguarding the consent on those Principles, strengthen awareness and knowledge, add operational tools for its adaptation to challenges of the 21st Century**



# The way forward to a 2020 Guidance Document

In the frame of the UNISPACE+50 process , until 2018,  
approaches and possible **criteria should be identified**

for an **UNCOPUOS Guidance Document** by 2020  
with essential information

- on the state of affairs of the legal regime governing outer space
- incl. relevant instruments applied through national regulatory frameworks and international mechanisms for cooperation.

## **Goal:**

Guidance for States wishing to become a party to the 5 UN Space Treaties

**Perspective 2030:** Implementing provisions for the UNCOPUOS Guidance Document thereby creating Space Traffic Management rules

