



# General Assembly

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**Committee on the Peaceful  
Uses of Outer Space  
Legal Subcommittee  
Sixtieth session  
Vienna, 31 May–11 June 2021**

## **Draft report**

### **I. Introduction**

#### **A. Opening of the session**

1. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its sixtieth session at the United Nations Office at Vienna from 31 May to 11 June 2021, in a hybrid format (in person and online). The session was chaired by Aoki Setsuko (Japan).
2. The Subcommittee held [...] meetings.

#### **B. Adoption of the agenda**

3. At its 995th meeting, on 31 May, the Subcommittee adopted the following agenda:
  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.
10. 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.
11. General exchange of information on non-legally binding United Nations instruments on outer space.
12. General exchange of views on the legal aspects of space traffic management.
13. General exchange of views on the application of international law to small-satellite activities.
14. General exchange of views on potential legal models for activities in exploration, exploitation and utilization of space resources.
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-first session.
16. Report to the Committee on the Peaceful Uses of Outer Space.

### **C. Attendance**

4. Representatives of the following [...] States members of the Committee attended the session: Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechia, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Jordan, Kenya, Lebanon, Libya, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Singapore, Slovakia, South Africa, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam.
5. At its 995th and 1000th meetings, on 31 May and 2 June, the Subcommittee decided to invite, at their request, observers for Angola and the Lao People's Democratic Republic to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Committee concerning status.
6. At its 995th meeting, on 31 May, the Subcommittee also decided to invite, at their request, observers for the International Institute for the Unification of Private Law (UNIDROIT), the Open Lunar Foundation and the Square Kilometre Array Observatory to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Committee concerning status.
7. Observers for the Food and Agriculture Organization of the United Nations (FAO), the International Civil Aviation Organization (ICAO) and the International Telecommunication Union (ITU) attended the session.
8. The session was attended by representatives of the European Union, in its capacity as permanent observer of the Committee and in accordance with General Assembly resolutions 65/276 and 73/91.
9. The session was attended by observers for the following intergovernmental organizations having permanent observer status with the Committee: Asia-Pacific Space Cooperation Organization (APSCO), European Southern Observatory (ESO), European Space Agency (ESA), Inter-Islamic Network on Space Sciences and

Technology (ISNET), International Mobile Satellite Organization (IMSO), International Organization of Space Communications (Intersputnik) and Regional Centre for Remote Sensing of the North African States (CRTEAN).

10. The session was also attended by observers for the following non-governmental organizations having permanent observer status with the Committee: European Space Policy Institute, For All Moonkind, Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation, International Institute of Space Law (IISL), International Space University, Moon Village Association, National Space Society, Secure World Foundation, Space Generation Advisory Council, University Space Engineering Consortium-Global and World Space Week Association.

11. A list of the representatives of States, as well as of United Nations entities and other international organizations attending the session, is contained in document A/AC.105/C.2/2021/INF[...].

12. The Subcommittee was informed by the Secretariat of the applications for membership in the Committee submitted by Angola (A/AC.105/C.2/2021/CRP.3), Bangladesh (A/AC.105/C.2/2021/CRP.16), Panama (A/AC.105/C.2/2021/CRP.4) and Slovenia (A/AC.105/C.2/2021/CRP.17), which were to be considered by the Committee at its sixty-fourth session, in 2021.

13. The Subcommittee was also informed by the Secretariat of the applications for permanent observer status with the Committee submitted by UNIDROIT (A/AC.105/C.2/2021/CRP.14), the Open Lunar Foundation (A/AC.105/C.2/2021/CRP.9) and Square Kilometre Array Observatory (A/AC.105/C.2/2021/CRP.15), which were to be considered by the Committee at its sixty-fourth session, in 2021.

#### **D. Summary of the work of the Working Group on the “Space2030” Agenda of the Committee on the Peaceful Uses of Outer Space**

14. Pursuant to the decisions and actions by the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee taken by written procedure, by which the Committee extended the workplan of the Working Group on the “Space2030” Agenda for one year in order to enable the Working Group to consider a final consolidated draft of the “Space2030” agenda and implementation plan and submit it to the Committee at its sixty-fourth session, in 2021 (A/75/20, paras. 30–32), the Working Group held meetings during the sixtieth session of the Subcommittee, with interpretation services at its disposal. A summary of those meetings is contained in annex III to the present report.

#### **E. Symposium**

15. On 8 June, IISL and the European Centre for Space Law (ECSL) held a symposium on the theme “Space law for the global space economy”, co-chaired by Kai-Uwe Schrogl of IISL and Sergio Marchisio of ECSL. The symposium was opened with welcoming remarks by the Co-Chairs of the symposium and the Chair of the Subcommittee, after which the following presentations were made to the Subcommittee: “Cooperation and competition in space – the economic landscape”, by Tare Brisibe; “Space and international trade law”, by Lesley Jane Smith; “Economic aspects of national space legislation”, by Jairo Becerra; “Economic aspects of long-term sustainability of outer space activities and space traffic management”, by Olga Stelmakh-Drescher; and “Status of and way forward for the Unidroit Space Protocol”, by Bernhard Schmidt-Tedd and Ignacio Tirado. The presentations were made available on the website of the Office for Outer Space Affairs of the Secretariat ([www.unoosa.org/oosa/en/ourwork/copuos/lsc/2021/symposium.html](http://www.unoosa.org/oosa/en/ourwork/copuos/lsc/2021/symposium.html)). Following the presentations, concluding remarks were made by the Co-Chairs of the symposium and the Chair of the Subcommittee.

16. The Subcommittee noted with appreciation that the symposium had made a valuable contribution to its work.

#### **F. Adoption of the report of the Legal Subcommittee**

17. At its [...] meeting, on [...], the Subcommittee adopted the present report and concluded the work of its sixtieth session.

### **IV. Status and application of the five United Nations treaties on outer space**

18. Pursuant to General Assembly resolution 75/92, the Subcommittee considered agenda item 5, entitled “Status and application of the five United Nations treaties on outer space”, as a regular item on its agenda.

19. The representatives of Germany, Indonesia, Mexico, the Philippines, the Russian Federation and Venezuela (Bolivarian Republic of) made statements under agenda item 5. A statement was made by the representative of Costa Rica on behalf of the Group of 77 and China. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

20. At its 995th meeting, on 31 May, the Subcommittee reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, with Bernhard Schmidt-Tedd (Germany) as Chair.

21. At its [...] meeting, on [...], the Subcommittee endorsed the report of the Chair of the Working Group, contained in annex I to the present report.

22. The Subcommittee had before it the following:

(a) Working paper submitted by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space entitled “Revised draft guidance document under UNISPACE+50 thematic priority 2. ‘Legal regime of outer space and global governance: current and future perspectives’” (A/AC.105/C.2/L.313);

(b) Conference room paper on the status of international agreements relating to activities in outer space as at 1 January 2021 (A/AC.105/C.2/2021/CRP.10);

(c) Conference room paper containing responses to the set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space and to the questionnaire on the applicability of international law to small-satellite activities received from Chile, Finland, Germany, Morocco, Nicaragua and the European Southern Observatory (A/AC.105/C.2/2021/CRP.23);

(d) Conference room paper containing responses to the questionnaire on the application of international law to small-satellite activities received from the Space Generation Advisory Council (A/AC.105/C.2/2021/CRP.6);

(e) Conference room paper containing responses to the questionnaire on the application of international law to small-satellite activities received from Chile, Morocco, Nicaragua and the Philippines (A/AC.105/C.2/2021/CRP.24).

23. The Subcommittee noted that, as at 1 January 2021, the status of the five United Nations treaties on outer space was as follows:

(a) The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, had 111 States parties and had been signed by 23 additional States;

(b) The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space had 98 States parties and had been

signed by 23 additional States; three international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Agreement;

(c) The Convention on International Liability for Damage Caused by Space Objects had 98 States parties and had been signed by 19 additional States; four international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(d) The Convention on Registration of Objects Launched into Outer Space had 70 States parties and had been signed by three additional States; four international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(e) The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies had 18 States parties and had been signed by four additional States.

24. The Subcommittee commended the Secretariat for updating, on an annual basis, the status of international agreements relating to activities in outer space; the current update had been made available to the Subcommittee in conference room paper A/AC.105/C.2/2021/CRP.10.

25. Some delegations welcomed with appreciation the growing number of States parties to the five United Nations treaties on outer space and encouraged those States that had not yet become parties to the treaties to consider doing so.

26. Some delegations expressed the view that the five United Nations treaties on outer space constituted a reliable international legal foundation for space activities that had proved its effectiveness over more than six decades of space development.

27. Some delegations expressed the view that, as the five United Nations treaties on outer space formed the cornerstone of international space law, the Legal Subcommittee had a mandate to review their contents in the light of scientific and technical developments and with a view to addressing the current challenges presented by the diversification of space actors and the increasing privatization and commercialization of space activities. The delegations expressing that view also expressed the view that, if the United Nations treaties on outer space were to remain relevant, the Subcommittee, as the main body for deliberating on and negotiating provisions of international space law, must consider the need to incorporate modifications and updates to the treaties, or even to make other treaties, as well as the need to promote even broader adherence to the legal regime governing outer space activities.

28. The view was expressed that the five United Nations treaties on outer space continued to form the universal legal basis for present and future space exploration and use and that the principles enshrined therein were equally valid for both countries with long-standing space programmes and emerging space actors. The delegation expressing that view also expressed the view that the five treaties contributed to the safe and peaceful conduct of space activities and were for the benefit and in the interests of all countries.

29. Some delegations expressed the view that, as a consequence of technological progress in the space field and the expansion of activities carried out in outer space, it was necessary to have clear regulations on important aspects such as space debris, the collision of space objects, especially those with nuclear power sources on board, with space debris, the equitable and rational use of the geostationary orbit and the use of outer space resources.