



**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
Sixtieth session
Vienna, 31 May–11 June 2021****Draft report****III. Information on the activities of international
intergovernmental and non-governmental organizations
relating to space law**

1. Pursuant to General Assembly resolution [75/92](#), the Subcommittee considered agenda item 4, entitled “Information on the activities of international intergovernmental and non-governmental organizations relating to space law”, as a regular item on its agenda.
2. The representative of Ukraine made a statement under agenda item 4. Statements were also made under the item by the observers for APSCO, IISL, Intersputnik and SWF. During the general exchange of views, statements relating to the item were made by observers for other international intergovernmental and non-governmental organizations.
3. For its consideration of the item, the Subcommittee had before it the following:
 - (a) Note by the Secretariat containing information on the activities of international intergovernmental and non-governmental organizations relating to space law received from Intersputnik and For All Moonkind ([A/AC.105/C.2/115](#));
 - (b) Note by the Secretariat containing information on the activities of international intergovernmental and non-governmental organizations relating to space law received from APSCO and IISL ([A/AC.105/C.2/116](#));
 - (c) Conference room paper containing information on the activities of international intergovernmental and non-governmental organizations relating to space law received from Intersputnik ([A/AC.105/C.2/2021/CRP.5](#)).
4. The Subcommittee heard the following presentations:
 - (a) “Effective and Adaptive Governance for a Lunar Ecosystem (EAGLE): a proposal for a lunar governance charter from the young generations at the United Nations”, by the observer for SGAC;
 - (b) “Cultural heritage in outer space: identifying international legal principles that define and promote its safeguarding within a space law framework”, by the observer for For All Moonkind.



5. The Subcommittee noted with appreciation the activities of international intergovernmental and non-governmental organizations relating to space law, and that those organizations had continued to hold conferences and symposiums, prepare publications and reports and hold training seminars for practitioners and students in order to broaden and advance knowledge of space law.

6. The Subcommittee also noted with appreciation the role of international intergovernmental and non-governmental organizations in the development, strengthening and furtherance of the understanding of international space law.

7. The Subcommittee welcomed the information provided by the observer for APSCO (see [A/AC.105/C.2/116](#)), including the information on the new development plan for APSCO activities for the period 2021–2030, approved by the APSCO Council in 2020. In that regard, the Subcommittee noted that a comprehensive vision for space law and policy for the new decade had been developed, referred to as the “Strategy for space law and policy of APSCO (2021–2030)”, which was focused on enhancing the role of APSCO in the field of space law and policy, with a view to providing more practical benefits to its member States and strengthening its contribution to the international community in the field of space law and policy. Furthermore, the Subcommittee noted the signing of an agreement between APSCO and the Office for Outer Space Affairs on capacity-building in national space legislation for APSCO member States, the organization’s engagement with ESA in the field of space law and policy under the joint protocol and its becoming a member of IISL as of 2021.

8. The Subcommittee welcomed the information provided by the observer for IISL (see [A/AC.105/C.2/116](#)), which had celebrated its sixtieth anniversary in 2020, including the information on the sixty-third IISL Colloquium on the Law of Outer Space, held online as part of the seventy-first International Astronautical Congress in October 2020; the International Symposium on Maintaining the Rule of Law in Outer Space in an Age of Rapid Innovation, organized in partnership with the Chinese Society of Astronautics, the China Institute of Space Law and the Space Law Centre of the China National Space Administration on 20 September 2020; and the fifteenth Eilene M. Galloway Symposium on Critical Issues in Space Law, held online in December 2020. The Subcommittee noted that, in 2021, the IISL/ECSL Space Law Symposium had been held during the current session of the Legal Subcommittee, on the topic “Space law for the global space economy”, and that the sixty-fourth IISL Colloquium would be held in conjunction with the seventy-second International Astronautical Congress in Dubai, United Arab Emirates, and would include the thirtieth Manfred Lachs Space Law Moot Court Competition.

9. The Subcommittee welcomed the information provided by the observer for Intersputnik (see [A/AC.105/C.2/115](#) and [A/AC.105/C.2/2021/CRP.5](#)), which had celebrated its fiftieth anniversary in 2021, including the information on the growing membership of the organization, which had grown from nine founding countries to its current worldwide membership of 26 member countries; the organization was aimed at promoting cooperation in the field of space communications and, at the same time, served as a satellite operator, carrying out the commercial exploitation of its space systems. In addition, the Subcommittee noted its Programme for the Development of Business in the Field of Space Communications, launched to support private space activities in its member States, including through interest-free financial support to local companies on the basis of tenders.

10. The Subcommittee welcomed the information provided by the observer for SWF, including on its events and conferences focused on the three core activities of the Foundation: ensuring the long-term sustainability of outer space activities; fostering the development of sound space policy and law; and enhancing the use of space technology and international cooperation to support human and environmental security on Earth. The Subcommittee noted that the second Summit for Space Sustainability had been held online in September 2020 and that the Summit for 2021 would be held online from 22 to 24 June 2021. The Subcommittee also noted that the *Handbook for New Actors in Space*, which had first been published in 2016, had been

published in Spanish, in partnership with the Mexican Space Agency, and that the French and Chinese versions would be released in 2021, with electronic versions of all editions to be made available on the SWF website (<http://swfound.org/handbook>).

11. The Subcommittee agreed that it was important to continue to exchange information on recent developments in the area of space law with international intergovernmental and non-governmental organizations, and that such organizations should once again be invited to report to the Subcommittee, at its sixty-first session, on their activities relating to space law.

XII. General exchange of views on the application of international law to small-satellite activities

12. Pursuant to General Assembly resolution 75/92, the Subcommittee considered agenda item 13, entitled “General exchange of views on the application of international law to small-satellite activities”, as a single issue/item for discussion on its agenda.

13. The representatives of India, Indonesia, Iran (Islamic Republic of), Japan, Mexico and the Russian Federation made statements under agenda item 13. The representative of Costa Rica also made a statement on behalf of the Group of 77 and China. During the general exchange of views, statements relating to the item were made by the representatives of other member States.

14. The Subcommittee agreed that the continuation of its work under the item would provide valuable opportunities to address a number of topical issues relating to international and national policy and regulatory measures regarding the use of small satellites by various actors.

15. The Subcommittee took note with appreciation of the questionnaire on the application of international law to small-satellite activities (A/AC.105/1203, annex I, appendix II), considered by the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space. The Subcommittee noted that both the questionnaire and the replies received from member States and a permanent observer, which were contained in two conference room papers (A/AC.105/C.2/2021/CRP.6 and A/AC.105/C.2/2021/CRP.24), enhanced the discussion of the legal issues raised with regard to small-satellite activities at the international level.

16. The Subcommittee reaffirmed that small-satellite activities had provided opportunities and benefits for accessing space, in particular to developing States and related governmental and non-governmental organizations, including universities, educational and research institutes, and private industries with limited resources available to join in the exploration and peaceful uses of outer space and become developers of space technology.

17. The Subcommittee recognized that technological progress had made the development, launch and operation of small satellites increasingly affordable and that such satellites could provide substantial assistance in various areas, including education, telecommunications, Earth observation and disaster mitigation.

18. The Subcommittee noted with appreciation the programmes of the Office for Outer Space Affairs, including the United Nations/Japan Cooperation Programme on CubeSat Deployment from the International Space Station Japanese Experiment Module (Kibo), known as “KiboCUBE”, which provided opportunities to educational and research institutions in developing countries that were States members of the Committee, as well as the “KiboCUBE Academy”, a series of webinars providing technical insights to aid KiboCUBE programme applicants in developing better project plans.

19. The Subcommittee was informed about existing and emerging practices and regulatory frameworks applicable to the development and use of small satellites, and about the programmes of States and international organizations in that field.

20. The Subcommittee noted that the activities of small satellites, regardless of their size, should be carried out in compliance with existing international regulatory frameworks, including the United Nations treaties and principles on outer space, the ITU Constitution and Convention and the ITU Radio Regulations, and certain non-binding instruments, including the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space, in order to guarantee the safety and sustainability of outer space activities.
21. Some delegations expressed the view that the evolving nature of space technologies and the growing number of space actors required clarity in the application of existing space law and administrative procedures.
22. Some delegations expressed the view that the elaboration of provisions on small satellites, including the possibility of an ad hoc legal regime, could be considered. Such provisions could address the operations of small satellites, including the consideration of ways and means of ensuring the rational and equitable use of the low Earth orbit and frequency spectrum.
23. Some delegations expressed the view that an ad hoc legal regime or any other mechanism that could impose limitations on the design, building, launch or use of space objects should not be created.
24. Some delegations expressed the view that small satellites usually lacked the specific capability of post-mission disposal and relied on natural perturbation-induced decay to remove themselves from their operational orbits. Consequently, they posed a significant short-term debris hazard, in particular in the near-Earth orbit. Those delegations were of the view that, considering the uniqueness of small satellites, they should be given further consideration in the Subcommittee, in particular with regard to debris mitigation.
25. Some delegations expressed the view that small satellites posed potential risks of physical accidents and interference owing to their lack of a propulsion system for orbital manoeuvres.
26. The view was expressed that, under the agenda item, further consideration should be given to how to register megaconstellation satellites and small satellites.

XIII. General exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources

27. Pursuant to General Assembly resolution [75/92](#), the Subcommittee considered agenda item 14, entitled “General exchange of views on potential legal models for activities in exploration, exploitation and utilization of space resources”, as a single issue/item for discussion.
28. The representatives of Australia, Belgium, Brazil, Canada, Finland, France, Germany, Greece, Indonesia, Iran (Islamic Republic of), Israel, Japan, Luxembourg, Mexico, the Netherlands, New Zealand, the Russian Federation, Ukraine, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 14. The representative of Costa Rica also made a statement 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.
29. The Subcommittee had before it the following:
 - (a) Working paper submitted by Luxembourg and the Netherlands entitled “Building blocks for the development of an international framework on space resource activities” ([A/AC.105/C.2/L.315](#));
 - (b) Proposal submitted by Austria, Belgium, Czechia, Finland, Germany, Greece, Poland, Portugal, Romania, Slovakia and Spain for the establishment of a working group on space resources ([A/AC.105/C.2/2021/CRP.22](#));

(c) Proposal submitted by China for the establishment of a working group on potential legal models for activities in the exploration, exploitation and utilization of space resources (A/AC.105/C.2/2021/CRP.18);

(d) Proposal submitted by the Russian Federation on the establishment of a working group on potential legal models for activities in the exploration, exploitation and utilization of space resources (A/AC.105/C.2/2021/CRP.26);

(e) Note by the Secretariat containing responses to the set of questions provided by the Moderator and Vice-Moderator of the scheduled informal consultations on space resources (A/AC.105/C.2/2021/CRP.8);

(f) Paper submitted by the Moon Village Association containing the report of the Moon Village Association on the Global Expert Group on Sustainable Lunar Activities (A/AC.105/C.2/2021/CRP.12);

(g) Paper submitted by the Space Generation Advisory Council on the Effective and Adaptive Governance for a Lunar Ecosystem Lunar Governance Report (A/AC.105/C.2/2021/CRP.13).

30. The Subcommittee welcomed the various proposals of member States to establish a working group under the current agenda item to develop a framework for activities in the exploration, exploitation and utilization of space resources.

31. Some delegations expressed the view that, because the Legal Subcommittee was the forum in which States had created the existing international legal framework consisting of the five United Nations treaties on outer space, it was the most appropriate venue for developing a framework for activities in the exploration, exploitation and utilization of outer space. The delegations expressing that view also expressed the view that activities related to space resources must be conducted in accordance with those treaties and that the legal framework for such activities must be in accordance with international law.

32. Some delegations expressed the view that scientific and technical aspects related to the exploration, exploitation and utilization of space resources should be taken into account when developing an international legal framework governing such activities. The delegations expressing that view also expressed the view that greater coordination between the Legal Subcommittee and the Scientific and Technical Subcommittee with regard to space resource activities could facilitate the development of a practical legal framework that was responsive to the operational needs of space actors. Those delegations were also of the view that input on the scientific and technical aspects of space resource activities and related exploration activities might be obtained through appropriate engagement with external stakeholders, such as civil society, non-governmental organizations, academia and the private sector.

33. Some delegations expressed the view that, while a potential legal framework for activities in the exploration, exploitation and utilization of space resources might be inspired by various sources, including States members of the Committee, permanent observers to the Committee, non-governmental organizations, industry and the private sector, the framework must be developed in accordance with the established practice of the Committee. The delegations expressing that view also expressed the view that any discussion of a future legal framework on exploration, exploitation and utilization should be led by the States members of the Committee as a multilateral process and remain consistent with the basic principles of existing international space law.

34. Some delegations expressed the view that the exploration, exploitation and utilization of space resources, including commercial utilization, was consistent with the United Nations treaties on outer space. The delegations expressing that view also expressed the view that the Outer Space Treaty set the standards under which space resource utilization activities could be carried out and that such activities remained permissible in accordance with the principle allowing for the free exploration and use of outer space. Those delegations were also of the view that space resource utilization

activities were not precluded by the equally important principle set out in the Outer Space Treaty that neither outer space nor celestial bodies are subject to national appropriation.

35. The view was expressed that any international legal regime governing the exploration, exploitation and utilization of space resources should recognize the efforts of States contributing to and undertaking those activities, while also ensuring that all countries, irrespective of their degree of economic or scientific development, could benefit in ways that did not have a negative impact on investment incentives for public and private engagement and participation in such activities.

36. Some delegations expressed the view that the exploration, exploitation and utilization of space resources should be based on principles of equitable access and collaboration in order to include all countries, both developing countries and developed, spacefaring nations.

37. The view was expressed that an international legal regime for space resource activities was needed in order to ensure that those activities were developed in an orderly and safe manner, that space resources were managed rationally and sustainably and that the expansion of opportunities in the use of space resources was promoted by providing legal certainty and predictability.

38. The view was expressed that the primary source for the regulation on space resource activities was not found in article I of the Outer Space Treaty, but rather in the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies. The delegation expressing that view also expressed the view that the creation of an international regime to govern the exploitation of space resources should contain appropriate adaptive governance procedures for addressing new and changing technological and scientific circumstances.

39. The view was expressed that the further development of norms under the Moon Agreement could serve as a basis for rational and sustainable management of the natural resources of the Moon and other celestial bodies, with emphasis on the applicability of article 6, on the freedom of scientific exploration, and article 11, regarding the establishment of an international regime to govern the exploitation of the natural resources of the Moon, as such exploitation was about to become feasible.

40. Some delegations expressed the view that discussions on a legal framework governing space resource activities should take into account relevant work already undertaken, such as the building blocks for the development of an international framework on space resource activities contained in the working paper submitted by Luxembourg and the Netherlands ([A/AC.105/C.2/L.315](#)).

41. The view was expressed that the legal governance of activities in the exploration, exploitation and utilization of space resources must also take into account environmental aspects, specifically avoiding harmful contamination and adverse changes to the environment on the Moon and other celestial bodies, as well as avoiding adverse changes in the environment of the Earth from the introduction of extraterrestrial matter. The delegation expressing that view also expressed the view that, in the creation of a potential working group, scientific and technical assistance and information coordination should address the relationship between the long-term sustainability of outer space activities with respect to space resource utilization and international space law.

42. The view was expressed that the exploration, exploitation and utilization of space resources should promote the long-term sustainability of future space exploration and be encouraged by all stakeholders, including private actors, while being carried out within the existing principles of international space law. The delegation expressing that view also expressed the view that the discussions on developing a framework for space resources should reflect the economic reality, current technology and the needs of industry and national space exploration programmes.