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

Draft report

II. General exchange of views

1. Statements were made by representatives of the following States members of the Committee during the general exchange of views: Algeria, Australia, Austria, Azerbaijan, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechia, Egypt, Finland, France, Germany, Greece, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Kenya, Luxembourg, Mexico, Netherlands, New Zealand, Pakistan, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Singapore, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey, United Arab Emirates, Ukraine, United Kingdom, United States and Venezuela (Bolivarian Republic of). A statement was made by the representative of Costa Rica on behalf of the Group of 77 and China. The representative of the European Union, in its capacity as observer, made a statement on behalf of the European Union and its member States. The observers for ESA, For All Moonkind, the Moon Village Association, the National Space Society, the Open Lunar Foundation, SGAC, SKAO, UNIDROIT and UNISEC Global also made statements.

2. The Subcommittee heard a presentation entitled “Moon Village Association contribution to peaceful and sustainable lunar activities”, by the observer for the Moon Village Association.

3. At the 995th meeting, on 31 May, the Chair made a statement in which she referred to the programme of work and the organizational matters pertaining to the current session of the Subcommittee. She highlighted the sixtieth anniversary of the first human space flight, by Yuri Gagarin, and the celebration on 12 April 2021 of the International Day of Human Space Flight, as declared by the General Assembly. The Chair noted that, given the increasing role of space activities for all nations, there would be an ongoing expectation to coordinate, within the United Nations, activities of a legislative nature to strengthen international cooperation in space activities. She also noted the importance of international cooperation to promote the enhanced use of space technologies for socioeconomic development and to address global challenges.

4. At the same meeting, the Subcommittee heard a statement prepared by the Director of the Office for Outer Space Affairs, in which she reviewed the role of the Office in discharging the responsibilities of the Secretary-General under the United



Nations treaties on outer space, including the maintenance of the Register of Objects Launched into Outer Space. In particular, the Subcommittee was informed that, in 2020, the Office had registered, on behalf of the Secretary-General, 1,260 functional and 34 non-functional space objects and had received 132 notifications of re-entries and 19 notifications of a change in status of space objects. Since the beginning of 2021, the Office had received registration submissions for 1,024 functional and 26 non-functional objects. That was a substantial increase in the number of space objects registered in a single year: nearly 4 times the number registered in 2019 and almost 10 times the number registered in 2011.

5. The Subcommittee reaffirmed the importance of implementing, at the national level, the principles enshrined in the United Nations treaties governing space activities and called upon all States operating in outer space and States with operators conducting activities in outer space to develop and implement, to the extent that they had not already done so, national laws and regulations to govern those activities and operations.

6. Some delegations reiterated the view that the Committee and its subsidiary bodies continued to be the only forum within the United Nations for comprehensive discussions of matters related to the peaceful uses of outer space, including the Moon and other celestial bodies, and that there should be more interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to promote advances in space law and keep space law aligned with major scientific and technical advances. In the view of those delegations, coordinating the work of the Subcommittees and using the synergies between them would also promote understanding and acceptance and would further the implementation of existing United Nations legal instruments.

7. The view was expressed that the only way to ensure the sustainability of space activities was to develop space technology and space applications on the basis of the principle of fair and mutual benefit, as well as full respect for territorial integrity and the sovereignty of States. The delegation expressing that view was also of the view that the transfer of space technology through, inter alia, technical assistance and the provision of adequate resources remained important as a way to build national capacity, as it contributed to the capabilities of, in particular, developing countries to enhance their activities in outer space and their efforts to become spacefaring nations.

8. Some delegations expressed the view that discussions held within the Legal Subcommittee should not lead to norms, guidelines, standards or other measures that would limit the access of nations with emerging space capabilities, in particular developing countries, to outer space. The delegations expressing that view were also of the view that the international legal framework should be developed in a manner that addressed the concerns of all States and that, with assistance from the Office for Outer Space Affairs, the Committee therefore needed to devote more effort to legal capacity-building and making the required expertise available to developing countries.

9. The view was expressed that, in the light of the growing number of objects launched into outer space and the anticipated growth in the volume of registrations, it was increasingly challenging for the Office for Outer Space Affairs to maintain the Register of Objects Launched into Outer Space. The allocation of adequate resources from within the United Nations system was therefore required in order to support the Office in that core function.

10. Some delegations reaffirmed their strict adherence to the principles governing the activities of States in the exploration and use of outer space, including those outlined in General Assembly resolutions 1884 (XVIII) and 1962 (XVIII), specifically: (a) universal and equal access to outer space for all countries without discrimination, regardless of their level of scientific, technical and economic development, as well as the equitable and rational use of outer space for the benefit and in the interests of all humankind; (b) the principle of non-appropriation of outer space, including the Moon and other celestial bodies, which could not be appropriated

by any State, by claim of sovereignty, by means of use or occupation or by any other means; (c) the non-militarization of outer space, which was never to be used for the placement and/or deployment of weapons of any kind, and, as the province of humankind, its strict use for the improvement of living conditions and peace among peoples; and (d) international cooperation in the development of space activities, in particular those referred to in 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.

11. Some delegations expressed the view that it was important to prevent an arms race and the placement of weapons of any kind in outer space, and called upon all States, in particular those with major space capabilities, to contribute actively and commit to preserving outer space as a peaceful environment. The delegations expressing that view were also of the view that the sustainability of outer space activities, in both the short and the long term, required that the international community ensure that no weapons were ever placed or used there.

12. Some delegations expressed the view that, bearing in mind upcoming planetary missions, more complicated joint operations needed a common framework among the Artemis programme partners. The Artemis Accords on the Principles for Cooperation in the Civil Exploration and Use of the Moon, Mars, Comets, and Asteroids for Peaceful Purposes, a non-legally binding set of principles, signalled an understanding between the participating space agencies of the signatory States to adhere to a set of principles to ensure safe and sustainable space activities in full compliance with the Outer Space Treaty. In that sense, the Artemis Accords were not an end but rather a foundation to begin the discussion on a framework for deep-space missions.

13. Some delegations expressed the view that unilateral approaches and other initiatives with limited participation were counterproductive and ran the risk of making outer space an area of international controversy, with the risk of fragmenting international space law. The delegations expressing that view were also of the view that the Artemis Accords were an attempt to develop rules for the exploration and exploitation of space resources that bypassed the United Nations and the Committee on the Peaceful Uses of Outer Space.

14. The view was expressed that there was a growing discrepancy between international and country-specific sources of space law. Such initiatives must not go beyond what was permissible under the norms of general international law as reflected in the principles laid down in the Outer Space Treaty.

15. Some delegations expressed the view that space technology was changing rapidly, space activities were becoming increasingly diversified, commercial spaceflight was flourishing and the governance of outer space activities had therefore entered a new phase. In that regard, it was important to recognize the Committee on the Peaceful Uses of Outer Space as a unique platform for coordinating international cooperation in the peaceful uses of outer space and the Legal Subcommittee as the main body at the international level dealing with legal issues related to outer space activities, and as such a fundamental pillar for multilateralism.

16. The Subcommittee expressed its gratitude to the organizers of the following events, held on the margins of its sixtieth session:

(a) Side event entitled “The role of the national space legislation in advancing the rule of law in outer space: efforts and challenges in the Asia-Pacific region”, organized by the delegation of Japan and hosted in cooperation with the Asia-Pacific Regional Space Agency Forum and the Office for Outer Space Affairs;

(b) Side event entitled “Artemis Accords: safe and sustainable space exploration”, organized by the delegation of Canada;

(c) Side event entitled “The role of private actors in shaping national space law and policy: dynamics and stumbling blocks”, organized by the delegation of

Austria and the European Centre for Space Law National Point of Contact for Space Law of Austria.
