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**Committee on the Peaceful  
Uses of Outer Space**  
**Sixty-fifth session**  
Vienna, 1–10 June 2022

## Draft report

Addendum

## Chapter II

### Recommendations and decisions

#### **B. Report of the Legal Subcommittee on its sixty-first session**

1. The Committee took note with appreciation of the report of the Legal Subcommittee on its sixty-first session ([A/AC.105/1260](#)), which contained the results of its deliberations on the items considered by the Subcommittee in accordance with General Assembly resolution [76/76](#).

2. The Committee expressed its appreciation to Nomfuneko Majaja (South Africa) for her able leadership as Chair during the sixty-first session of the Subcommittee.

3. The representatives of Austria, Brazil, Canada, Chile, China, Finland, Germany, Greece, Indonesia, Iran (Islamic Republic of), Italy, Japan, Luxembourg, the Republic of Korea, the Russian Federation, the United Kingdom, the United States and Venezuela (Bolivarian Republic of) made statements under the item. Statements were also made by the representative of Morocco on behalf of the Group of 77 and China. During the general exchange of views, statements relating to the agenda item were also made by other member States.

4. The Committee heard a presentation entitled “Progress report on the initiatives of the Asia-Pacific Regional Space Agency Forum for enhancing space policy and law capacity in the Asia-Pacific region”, by the representative of Japan.

#### **1. Information on the activities of international intergovernmental and non-governmental organizations relating to space law**

5. The Committee took note of the discussion of the Subcommittee under the item entitled “Information on the activities of international intergovernmental and non-governmental organizations relating to space law”, as reflected in the report of the Subcommittee ([A/AC.105/1260](#), paras. 36–38).



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

6. The Committee took note of the discussion of the Subcommittee under the item on the status and application of the five United Nations treaties on outer space, as reflected in the report of the Subcommittee (A/AC.105/1260, paras. 39–51).

7. The Committee endorsed the decisions and recommendations of the Subcommittee and its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, which had been reconvened under the chairmanship of Bernhard Schmidt-Tedd (Germany) (A/AC.105/1260, annex I, paras. 7–15).

8. Some delegations expressed the view that the discussions in the Working Group on the status and application of the five treaties, on the application of international law to small satellites and on broader issues such as the registration of satellites, as well as the preparation in the Working Group of the wide-ranging document entitled “Bringing the benefits of space to all countries: a guidance document on the legal framework for space activities” (A/AC.105/C.2/117), had all provided useful assistance to the Subcommittee and significantly contributed to formulating national space legislation and policies in various countries.

9. The view was expressed that the Legal Subcommittee was the right forum for promoting the progressive development of international space law for the peaceful uses of outer space, and that greater interaction with the Scientific and Technical Subcommittee was necessary to ensure that legal rules remained relevant and applicable to current and planned space activities.

10. Some delegations expressed the view that, in the light of the increasing participation and the evolving potential of the private sector in space activities, the negotiation of an international legally binding instrument that clearly defined and guided commercial activities in outer space could play an important role in expanding the use of outer space and stimulate space activities for the benefit of humanity, and could help to ensure that the rights of developing countries were considered and that those countries were not excluded from the benefits of space exploration.

11. The view was expressed that while the five United Nations treaties on outer space formed the cornerstone of international space law, and greater adherence by a growing number of countries was welcomed, the treaties needed to be further developed and complemented in order to be able to respond to new developments such as the rise of non-governmental entities and private sector actors in outer space.

12. Some delegations expressed the view that international space law was a key enabler that allowed actors to flourish in a safe and predictable environment, and that in that regard, meeting the obligation in the Outer Space Treaty to authorize and supervise the activities of non-governmental entities engaged in space activities played a crucial role in providing the legal certainty necessary to encourage large-scale investments by the private sector in space activities.

13. The view was expressed that, as space activities evolved, the norms, rules and principles that guided outer space activities must also evolve, and that maintaining and updating domestic legislation on the authorization and continuing supervision of non-governmental entities was a way to promote certainty and predictability for private sector actors in outer space. The delegation expressing that view also expressed the view that sharing information on States’ national legislation that addressed obligations under the Outer Space Treaty could encourage a common understanding and approach to the interpretation and implementation of the Treaty.

**3. Matters relating to the definition and delimitation of outer space and 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**

14. The Committee took note of the discussion of the Subcommittee under the agenda item on matters relating to the definition and delimitation of outer space and

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 ITU, as reflected in the report of the Subcommittee ([A/AC.105/1260](#), paras. 52–77).

15. Some delegations expressed the view that the lack of a definition or delimitation of outer space brought about legal uncertainty concerning the applicability of space law and air law and that matters concerning State sovereignty and the boundary between airspace and outer space needed to be clarified in order to reduce the possibility of disputes among States.

16. Some delegations expressed the view that the geostationary orbit, as a limited natural resource clearly in danger of saturation, needed to be used rationally and should be made available to all States, irrespective of their current technical capacities. That would give States access to the geostationary orbit under equitable conditions, taking into account, in particular, the needs and interests of developing countries and the geographical position of certain countries, and taking into account the processes of ITU and relevant norms and decisions of the United Nations.

17. Some delegations expressed the view that the geostationary orbit was not to be subject to national appropriation, by means of use, repeated use or occupation or by any other means, and that its utilization was to be governed by applicable international law.

18. The view was expressed that the geostationary orbit should be viewed as a specific area and special part of outer space that needed specific technical and legal governance and thus should be regulated by a sui generis regime.

19. The view was expressed that there were shortcomings in equitable access to the geostationary orbit. Several actions should therefore be considered, such as the establishment of a dedicated working group of the Legal Subcommittee, modifications to the corresponding agenda item of the Scientific and Technical Subcommittee in order to consider technical aspects of the issue, the establishment of an intergovernmental panel of experts, and closer cooperation with ITU on issues related to the equitable utilization of orbital resources.

#### **4. National legislation relevant to the peaceful exploration and use of outer space**

20. The Committee took note of the discussion of the Legal Subcommittee under the item on national legislation relevant to the peaceful exploration and use of outer space, as reflected in the report of the Subcommittee ([A/AC.105/1260](#), paras. 78–91).

21. The Committee endorsed the recommendation of the Subcommittee on this agenda item (see [A/AC.105/1260](#), para. 91).

22. The Committee noted various activities of member States to review, strengthen, develop or draft national space laws and policies, as well as to reform or establish their governance of national space activities.

23. The Committee noted with satisfaction the update prepared by the Secretariat to the schematic overview of national regulatory frameworks for space activities ([A/AC.105/C.2/2022/CRP.9](#)), which enabled States to gain an understanding of existing national regulatory frameworks, share experiences on national practices and exchange information on national legal frameworks.

24. The Committee took note of the regional efforts by the National Space Legislation Initiative study group of the Asia-Pacific Regional Space Agency Forum. The Initiative had moved on to a second phase that covered the implementation of the Guidelines for the Long-term Sustainability of Outer Space Activities of the Committee on the Peaceful Uses of Outer Space ([A/74/20](#), annex II), and new States had joined the study group, making for a total of 12 States involved in the study.

25. The view was expressed that national space legislation should be developed in accordance with international law and should not include regulations associated with the commercialization of outer space.

#### **5. Capacity-building in space law**

26. The Committee took note of the discussion of the Subcommittee under the item on capacity-building in space law, as reflected in the report of the Subcommittee (see [A/AC.105/1260](#), paras. 92–102).

27. The Committee endorsed the recommendation of the Subcommittee on this agenda item (see [A/AC.105/1260](#), para. 102).

28. The Committee agreed that, in order to build the national capacity necessary to ensure that the increasing number of participants in space activities complied with international space law, international cooperation in research, training and education in space law was essential.

29. The Committee noted with appreciation that a number of national, regional and international efforts to build capacity in space law were being undertaken by governmental and non-governmental entities.

30. Some delegations expressed the view that capacity-building in space law was a fundamental tool that should be enhanced through international cooperation and that greater support was needed from the Office and member States to foster both North-South and South-South cooperation with a view to facilitating the sharing of knowledge and expertise in the field of space law.

31. The Committee noted with satisfaction that the Space Law for New Space Actors project was aimed at providing support to enhance capacity in developing national space law and policy.

32. The Committee noted with appreciation the United Nations/Chile Conference on Space Law and Policy, held online from 10 to 12 May 2022. It noted that such events contributed to capacity-building in space law by connecting space law experts, practitioners and representatives of government, industry and civil society.

#### **6. Future role and method of work of the Committee**

33. The Committee took note of the discussion of the Subcommittee under the item on the future role and method of work of the Committee, as reflected in the report of the Subcommittee ([A/AC.105/1260](#), paras. 103–121).

34. The Committee endorsed the decisions of the Subcommittee as reflected in its report ([A/AC.105/1260](#), para. 106).

#### **7. 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**

35. The Committee took note of the discussion of the Legal Subcommittee under the item on the 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, as reflected in the report of the Legal Subcommittee ([A/AC.105/1260](#), paras. 122–149).

36. The Committee endorsed the decisions of the Subcommittee as reflected in its report ([A/AC.105/1260](#), para. 149).

37. The Committee noted with satisfaction that the endorsement by the General Assembly, in its resolution [62/217](#), of the Space Debris Mitigation Guidelines of the Committee had been a crucial step in providing guidance on ways to mitigate the problem of space debris, and urged all States Members of the United Nations to consider voluntary implementation of the Guidelines.

38. The Committee noted with satisfaction that some States had taken measures to implement internationally recognized guidelines and standards relating to space debris, including the Space Debris Mitigation Guidelines of the Committee and the Guidelines for the Long-term Sustainability of Outer Space Activities of the Committee, through relevant provisions in their national legislation.

39. The view was expressed that the Subcommittee should expand its review of the Space Debris Mitigation Guidelines of the Committee, taking into account that space debris may be generated by space platforms with nuclear power sources on board and that such platforms may collide with space debris. The delegation expressing that view also expressed concern over the atmospheric re-entry of such debris in the southern hemisphere, in particular in the South Pacific region, and called upon launching States to adopt measures to avoid the generation of space debris.

40. The view was expressed that the recommendations of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities, as well as the Guidelines for the Long-term Sustainability of Outer Space Activities in Outer Space, would contribute to the monitoring and mitigation of space debris and to the conduct of space operations in a safe and sustainable manner.

41. The view was expressed that it was necessary to develop new, binding instruments to reduce space debris.

42. The view was expressed that it was important to address the space debris issue through legal means, and that the Legal Subcommittee should discuss legal issues such as the State of registry, jurisdiction, control and liability for damage to space objects.

43. The view was expressed that the Legal Subcommittee should closely cooperate with the Scientific and Technical Subcommittee to address issues related to the problems of space debris and the long-term sustainability of space activities and to develop internationally recognized definitions of basic terms in the field of human-caused space debris.

44. The Committee welcomed recent updates and additions to the compendium of space debris mitigation standards adopted by States and international organizations, and encouraged States and relevant organizations to contribute to the compendium.

## **8. General exchange of information on non-legally binding United Nations instruments on outer space**

45. The Committee took note of the discussion within the Legal Subcommittee under the item on the general exchange of information on non-legally binding United Nations instruments on outer space, as reflected in the report of the Subcommittee ([A/AC.105/1260](#), paras. 150–164).

46. The Committee took note of the compendium on mechanisms adopted by States and international organizations in relation to non-legally binding United Nations instruments on outer space, which the Office for Outer Space Affairs had made available on a dedicated web page, and invited States members of the Committee and international intergovernmental organizations having permanent observer status with the Committee to continue to submit responses to the Secretariat for inclusion in the compendium.

47. The Committee noted the importance of the development of non-legally binding United Nations instruments that complemented and supported the existing United Nations treaties on outer space, were responsive to new developments in space activities and contributed to further enhancing the safety, security and sustainability of outer space activities.

48. Some delegations recalled 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, noting that it was

an important instrument for the promotion of international cooperation with a view to maximizing the benefits of the utilization of space applications for all States, and called upon all spacefaring nations to contribute to promoting and fostering international cooperation on an equitable basis, with particular attention to the interests of developing countries and to strengthening the role of the Committee as the main platform for the exchange of information in the field of international cooperation in the exploration and use of outer space.

49. The view was expressed that non-legally binding United Nations instruments were also an important means of establishing codes of conduct to ensure the safe and sustainable use of outer space. The delegation expressing that view called upon States to support and continue to work with the open-ended working group established by the General Assembly in its resolution [76/231](#) to develop norms, rules and principles of responsible behaviours in outer space.

## **9. General exchange of views on the legal aspects of space traffic management**

50. The Committee took note of the discussion of the Subcommittee under the item entitled “General exchange of views on the legal aspects of space traffic management”, as reflected in the report of the Subcommittee ([A/AC.105/1260](#), paras. 165–178).

51. The Committee endorsed the recommendation by the Subcommittee to continue to consider the item, in particular in view of the increasingly complex and congested space environment resulting from the growing number of objects in outer space, the diversification of actors in outer space and the increase in space activities, which were phenomena that posed a challenge to the safety, security and sustainability of outer space activities.

52. Some delegations expressed the view that the development of a global space traffic management regime, which would contribute to the creation, development and implementation of common international rules, would be timely and essential, since the issues concerning the safety, security and sustainability of outer space activities were a growing concern for all space actors and society.

53. Some delegations expressed the view that it was also important to adopt norms and principles of responsible behaviour in outer space, in particular a general commitment by States to refrain from experiments with anti-satellite weapons producing long-lasting orbital debris.

54. The view was expressed that although the United Nations treaties on outer space as well as the international regulations of ITU already contained basic provisions relevant to the management of space traffic, and although a number of issues related to space traffic management had already been covered by non-binding international instruments, such as the Space Debris Mitigation Guidelines and the Guidelines on the Long-term Sustainability of Outer Space of the Committee, there was an urgent need for the development of an international space traffic governance regime consisting of technical and regulatory provisions that could fill the legal gaps in existing instruments. The delegation expressing that view was also of the view that the Subcommittee was the appropriate forum to develop such a comprehensive multilateral approach with a view to effectively managing space traffic, and that any singular national or regional efforts in that regard carried the risk of legal fragmentation, which could lead to a deterioration of the safety of space activities.

55. The view was expressed that a definition and delimitation of outer space was not required in the consideration of future space traffic management approaches.

## **10. General exchange of views on the application of international law to small-satellite activities**

56. The Committee took note of the discussion of the Subcommittee under the item entitled “General exchange of views on the application of international law to

small-satellite activities”, as reflected in the report of the Subcommittee ([A/AC.105/1260](#), paras. 179–202).

57. The Committee noted that the item continued to be on the agenda of the Subcommittee and agreed that its retention contributed to addressing and raising awareness of issues relating to the use of small satellites.

58. The Committee noted that activities involving small satellites, regardless of the size of those satellites, should be carried out in compliance with the existing international regulatory framework, which included international space law.

59. The Committee was informed about programmes of States and international organizations focused on the development and operation of small satellites and about regulatory frameworks applicable to the development and use of small satellites.

60. Some delegations expressed the view that, considering the essential role of space objects, regardless of their size, in the socioeconomic development of Member States, the Committee and its Subcommittees should not create an ad hoc legal regime or any other mechanisms that might impose limitations on the design, construction, launch and use of space objects.

61. Some delegations expressed the view that ongoing developments in outer space, such as the rising number of large constellations, should be taken into consideration in discussions on the registration of space objects.

62. The view was expressed that megaconstellations had implications for the long-term sustainability of outer space activities and that the Legal Subcommittee should conduct targeted discussions on that topic.

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

63. The Committee took note of the discussion of the Subcommittee under the item entitled “General exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources”, as reflected in the report of the Subcommittee ([A/AC.105/1260](#), paras. 203–230).

64. The Committee endorsed the decisions and recommendations of the Subcommittee and its working group established under this agenda item, which had been reconvened under the chairmanship of Andrzej Misztal (Poland) and the vice-chairmanship of Steven Freeland (Australia) ([A/AC.105/1260](#), annex II, paras. 5–8).

65. The Committee noted that the working group established under that agenda item had been named the Working Group on Legal Aspects of Space Resource Activities and had agreed on its detailed workplan and methods of work, which were contained in the appendix to the report of the Working Group ([A/AC.105/1260](#), annex II).

66. The view was expressed that the exploration, exploitation and utilization of space resources were best coordinated at the international level, through multilateral forums, such as the Committee and its Subcommittees, for the peaceful and sustainable exploration and use of outer space in order to ensure that those activities were carried out in accordance with international law and for the benefit and in the interests of all States.

67. The view was expressed that any output of the Working Group, be it in the form of recommendations or a set of principles, that laid out the framework for space resource utilization activities, should be undertaken in a way that ensured that the rules established by the five United Nations treaties on outer space were applied to space resource activities in a manner that did not impede technological progress and private space activities, while at the same time realizing the promise in article I of the Outer Space Treaty that the exploration and use of outer space shall be carried out for the benefit and in the interests of all States.

68. The view was expressed that the progression of the agenda item on space resources, which had moved from a topic of discussion to a goal-oriented working group, could be a potential model for future methods of work for the Subcommittee as a whole, as it demonstrated the concerted interest of States in working multilaterally to deliver specific and practical outcomes on difficult matters of common concern and provide useful legal guidance for all space actors.

69. The view was expressed that the adoption of the five-year workplan of the Working Group to clarify important provisions of the Outer Space Treaty was to be welcomed. The delegation expressing that view also expressed the view that a step-by-step approach to developing the framework for space resource activities should be used and that the output should be consistent with the fundamental principles of international space law set out in the Outer Space Treaty.

70. Some delegations noted that the number of States that had signed the Artemis Accords on the Principles for Cooperation in the Civil Exploration and Use of the Moon, Mars, Comets, and Asteroids for Peaceful Purposes had grown to 19, and expressed the view that the Accords represented a set of commitments laying out the rules and principles that would guide those States in the exploration of the Moon, Mars and beyond. The delegations expressing that view also expressed the view that the Artemis Accords were grounded in the Outer Space Treaty and that they demonstrated that signatories were committed to behaving responsibly and transparently as they expanded the human presence beyond the Earth.

71. The view was expressed that a key principle set out in the Artemis Accords was transparency and that States should remain committed to sharing and disseminating information on their national space policies and space exploration plans. The delegation expressing that view also expressed the view that it was imperative that multilateral discussions focus on identifying practical tools for sharing information about States' lunar activities in a transparent way that were consistent with international obligations and commitments stemming from the Outer Space Treaty.

72. The view was expressed that, while the Artemis Accords could serve as a starting point, with some of its provisions readily acceptable, some aspects would need to be pared back and reconciled with a broader understanding of the principle of non-appropriation in order to achieve greater support.

73. The view was expressed that any activity in the exploration, exploitation and utilization of space resources should be conducted in accordance with the five United Nations treaties on outer space, which established international space law, and that any activity by States, individually or as a club of countries, outside of the multilateral framework of the United Nations should be avoided.

74. Some delegations expressed the view that the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies offered meaningful inspiration for the work of the Working Group, as that instrument contained provisions calling for the establishment of an international regime for the exploitation of space resources and as such exploitation was about to become feasible. The delegations expressing that view also expressed the view that such an international regime would be a way to consider both the efforts of those countries that have contributed directly or indirectly to the exploration of the Moon and the interests of developing countries.

75. Some delegations expressed the view that an authoritative interpretation of important principles found in the Outer Space Treaty, such as the principles of non-appropriation and the free exploration and use of outer space, would enable States to make concrete future commitments for space resource activities. The delegations expressing that view also expressed the view that a common understanding of the obligation in the Outer Space Treaty to conduct space activities with due regard for the corresponding interests of all other States parties to the Treaty, and a common understanding of what acts constituted, or did not constitute, due regard, would help to ensure that space resources remained available to all.

76. The view was expressed that because only a limited number of States would be able to carry out space resource activities, it was important to ensure that the accumulation of assets resulting from such activities was not concentrated in the hands of just a few stakeholders, and that the Outer Space Treaty outlined socially responsible behaviours that supported peaceful, inclusive and sustainable space activities while promoting international participation in a way that took into account the particular needs and interests of developing countries.

77. The view was expressed that, in developing a framework for space resource activities, greater interaction with the Scientific and Technical Subcommittee should be ensured so that the resulting framework was responsive to the actual activities undertaken. The delegation expressing that view also expressed the view that there was a need to develop an internationally recognized set of definitions for basic terms related to space resource activities as a first step in developing legal rules governing such activities, and that a set of definitions could only be prepared with technical input.

78. The view was expressed that space resources did not include radio frequencies or orbits, such as the geostationary orbit, as those resources fell under the remit of ITU.

79. Some delegations expressed the view that, in developing a framework for the exploration, exploitation and utilization of space resources, the Working Group could consider existing work that had been done in that area, such as the building blocks for the development of an international framework on space resource activities developed by the Hague International Space Resources Governance Working Group, available as a working paper in all official languages of the United Nations ([A/AC.105/C.2/L.315](#)).

## **12. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its sixty-second session**

80. The Committee took note of the discussion of the Legal Subcommittee under the item on proposals to the Committee for new items to be considered by the Subcommittee at its sixty-second session, as reflected in the report of the Subcommittee ([A/AC.105/1260](#), paras. 231–244).

81. On the basis of the deliberations of the Subcommittee at its sixty-first session, the Committee agreed that the following substantive items should be considered by the Subcommittee at its sixty-second session:

### *Regular items*

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.

*Items under workplans*

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

(Work for 2023 as reflected in the multi-year workplan of the Working Group on Legal Aspects of Space Resource Activities (A/AC.105/1260, para. 206 and annex II, appendix))

*Single issues/items for discussion*

11. 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.
12. General exchange of information on non-legally binding United Nations instruments on outer space.
13. General exchange of views on the legal aspects of space traffic management.
14. General exchange of views on the application of international law to small-satellite activities.

*New items*

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-third session.
82. The Committee agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, the Working Group on the Definition and Delimitation of Outer Space and the Working Group on Legal Aspects of Space Resource Activities should be reconvened at the sixty-second session of the Subcommittee.
83. The Committee endorsed the agreement reached by the Subcommittee that the International Institute of Space Law and the European Centre for Space Law should again be invited to organize a symposium, to be held during the sixty-second session of the Subcommittee.
84. The view was expressed that the Subcommittee should periodically review agenda items with a view to either suspending items in which there was a lack of interest or which no longer appeared necessary, or establishing a workplan to realize specific outcomes under items of interest. The delegation expressing that view was also of the view that it was important that previously suspended items could be reintroduced if there was interest in or a need for doing so.

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