

10TH UNITED NATIONS WORKSHOP ON SPACE LAW

**Contribution of Space Law and Policy to Space Governance and
Space Security in the 21st Century**

Vienna, 5-8 Sept 2016

Panel 6

**Legal Regime of Outer Space and Global Space Governance:
Current and Future Perspectives**

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UNISPACE+50 thematic priorities – and the context of the legal regime for outer space

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 21st Century

Thematic priority 2: 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

Developing the questionnaire - perspective up to 2018

Studying potential future legal and institutional initiatives –
space law as a relevant part of global space governance

Studying legal mechanisms to foster an internat. regime of responsibility/liability

- Challenges for safety / security / sustainability
- enhanced information on objects and events
- avoidance of in-orbit-collisions and interference

Identifying by 2018 criteria for a guidance document 2020

Considering means of strengthen the LSC – closer cooperation with STSC

Mechanism: WG Status and Application of the 5 treaties

Cross-discipline perspectives

- Means to promote understanding, acceptance and implementation of the UN Treaties and Principles on Outer Space
- Objective to study trends and challenges to the progressive development of space law
- Take note of observations and recommendations of *Panel 1* – Identifying possible ways and innovative solutions for the progressive development of space law
 - LTS and lacking implementation of Art. VI OST / national mechanisms of implementation
 - International arena: technical coordination / lower level documents
- Assessment of the status of the legal regime / *potential gaps* / future regulatory perspectives

Universality 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** (April 2016)

OST	(1967)	>	104 Ratifications / 25 Signatures
ARRA	(1968)	>	95 Ratifications / 24 Signatures
LIAB	(1972)	>	93 Ratifications / 21 Signatures
REG	(1976)	>	62 Ratifications / 4 Signatures
MOON	(1984)	>	16 Ratifications / 4 Signatures

- **Open issue: Consensus by Resources and exploitation**
Operative implementing instruments in specific areas

Updated 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?

The international regime of responsibility / liability – Need for institutional / operative structures

- No fault liability without traffic rules
- Basic principles of responsibility/liability an element of international law –
operative traffic rules a layer of administrative law
- How to implement traffic rules in the setting of international law?
- ITU and ICAO as comparative examples for future space governance
- Need for an institutional setting of space law?
- Reflections on a future role of UNOOSA
(institutionalized process of discussion for a progressive development of space
law and its implementing practice; focal point for the development of
administrative/ operational rules)

Registration and space traffic information – two different legal regimes, goals and functions

- Registration is a prerequisite for jurisdiction and control over an space object in outer space
(indicative orbit information, not real time)
- Traffic information is a prerequisite for safety, security and sustainability of outer space activities
(real time information necessary)
- Registration system well established in the UN system
(regular improvements possible)
- Traffic information / Information on objects and events remains an challenging open subject (information access for all space actors; legal regime and practical organisational matters)

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

LSC as the prime multilateral body with a mandate for the progressive development of international space law

UNCOPUOS Report of its 59th Session, June 2016

GA Official Records A/ 71/20

(284.) The Committee agreed that it served, together with its two Subcommittees, as a unique common platform for promoting international cooperation in the peaceful uses and exploration of outer space on a global scale, facilitating rule of law in outer space and capacity-building in space technology and its applications, for the benefit of all nations, in particular developing countries.

Interlinkage between the rule of law and its infrastructure for implementation
(see UNOOSA Database for registration of space objects)

Interlinkage between OOSA as focal point of information and
on the national level a single point of contact

STSC WG on Long-term sustainability of Outer Space Activities: first set of guidelines agreed in 2016

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

Introduction of the Panelists

Ms. Tanja Masson-Zwaan

Treaties, resolutions, principles, guidelines: the relevance of hard law and soft law in the further development of space law

Mr. Armel Kerrest

Effectiveness of legal regime for responsibility and liability of national space activities – assessment and gaps

Ms. Olga Volynskaya

Legal perspectives of space operations and sustainability of outer space activities

Ms. Teresita Alvarez

Enhancing cooperation and coordination between STSC and LSC of COPUOS