

UN – UAE High Level Forum

Space as a driver for socio-economic sustainable development

Dubai, United Arab Emirates, 6 – 9 November 2017

**HLF Panel: International Cooperation and Challenges
towards UNISPACE+50**

Perspectives of the future **Space Law Compendium
as an outcome of UNISPACE+50**

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

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: Objective and Mechanism

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

(a) Developing the questionnaire - Perspective up to 2018

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

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

- Perspectives of space traffic management
- Enhanced information on objects and events
- Avoidance of in-orbit-collisions and interference

(d) Identifying by 2018 criteria for a guidance document 2020

(e) Considering means of strengthen the LSC – Closer cooperation with STSC

Mechanism: WG Status and Application of the Five United Nations Treaties

Thematic priority 2: Legal regime of outer space and global space governance: current and future perspectives

Working method: 3 clusters (A/AC.105/1122, Annex I, para. 7)

Cluster 1:

Use **set of questions** of the working group to assess state of affairs of the 5 UN treaties, analyse effectiveness, status, scope and possible gaps in the legal regime. Assess customary law perspectives relating to international space law, as well as substantive, operational and conceptual gaps in the legal regime.

Cluster 2:

Observe progress of **LTS Working Group of STSC, as well as thematic priority 3** (Enhanced information exchange on space objects and events), with a view of connecting these results with objectives (c) of thematic priority 2. Also important in the context of strengthening LSC and establishing closer cooperation with STSC.

Thematic priority 2: Legal regime of outer space and global space governance: current and future perspectives

Working method: 3 clusters (A/AC.105/1122, Annex I, para. 7)

Cluster 3:

Identify **approaches and criteria for developing a guidance document** with the aim of promoting the universality of the five United Nations treaties on outer space:

- Explore ways and means to encourage COPUOS Member States to become parties to the OST
- Promote the increase of membership of COPUOS
- Develop the document in combination with other tools (e.g. online tools on the UNOOSA website, issuance of a report in the six official UN languages)
- Observe progress and outcome of past LSC working groups (e.g. concept of “launching state”, registration practice, national space legislation, etc.)
- Consider capacity-building and technical assistance of UNOOSA in the field of international space law and policy as fundamental tools in these efforts

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?

STSC WG: 12 agreed upon LTS guidelines

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**

Relationship LTS Guidelines / Treaty Articles

LTS guidelines

1. Adopt, revise and amend, as necessary, national regulatory frameworks for outer space activities
2. Consider a number of elements when developing, revising or amending, as necessary, national regulatory frameworks for outer space activities
3. Supervise national space activities
4. Ensure the equitable, rational and efficient use of the radio frequency spectrum and the various orbital regions used by satellites
12. ...

Where are the specific treaty provisions being translated into operational form by the LTS guidelines?

Treaty Articles



The way forward to a 2020 Guidance Document Basics – Methods - Vision

Looking at the existing substance

Interpretation in the spirit of the treaties

Comparing the existing tools of documentation

Analysing gaps and needs for the future

Having a vision for the future

Making the realistic steps in the upcoming years

Developing the 2020 Guidance Document

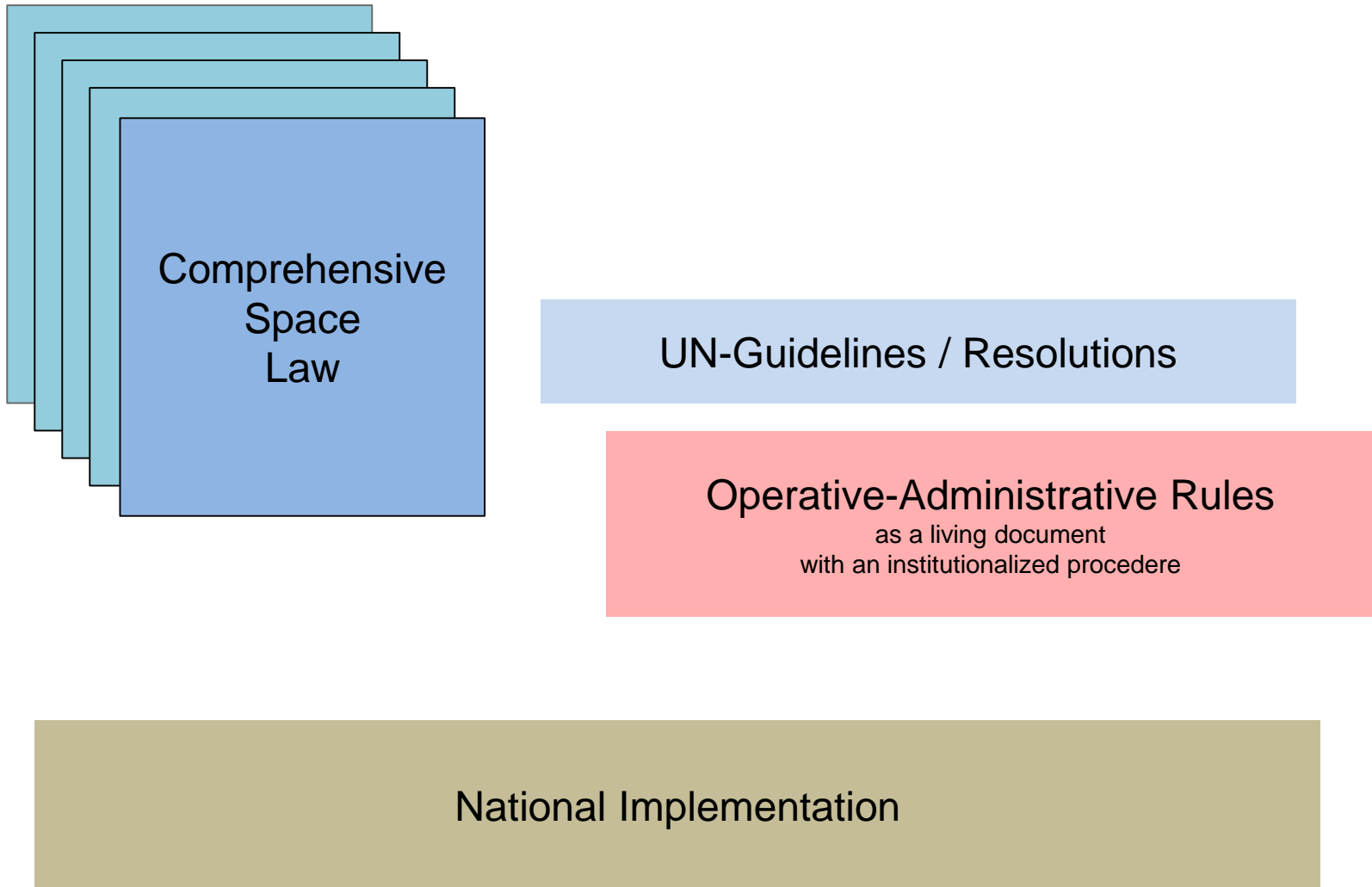


Perspectives on the further development of the legal framework of space activities

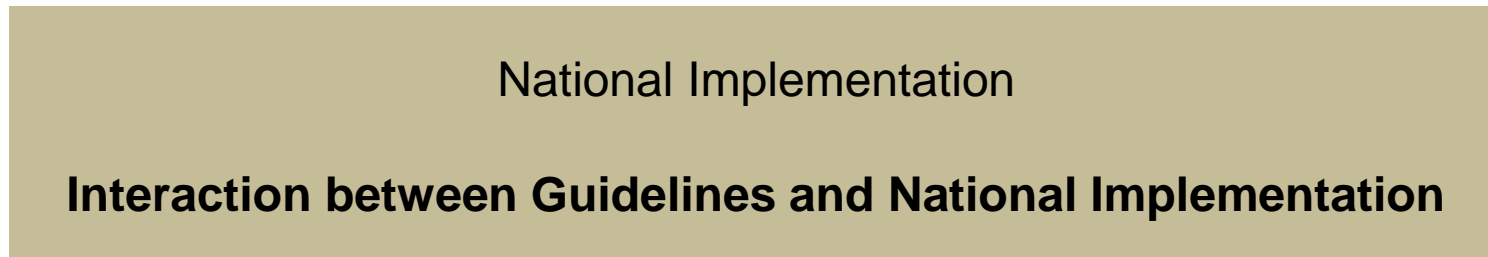
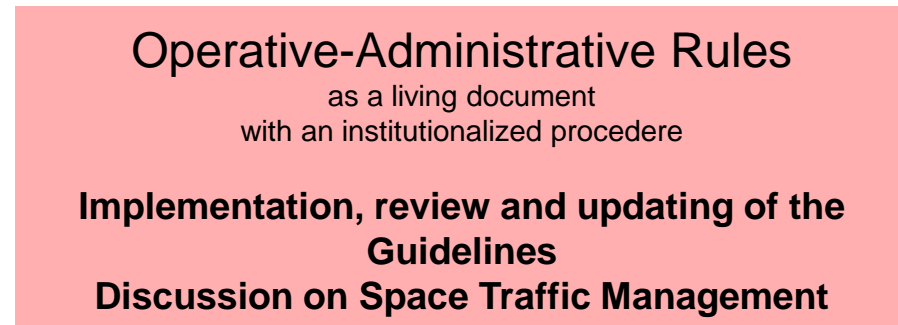
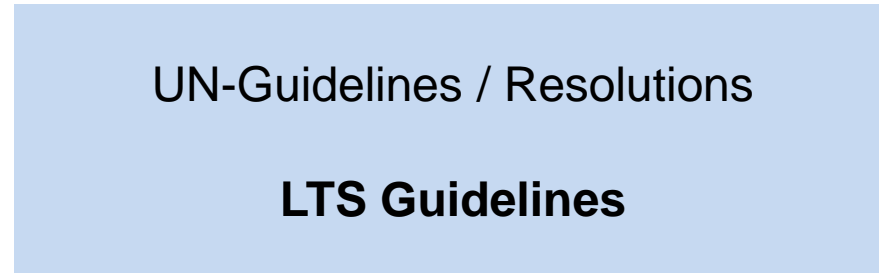
Two-tiered approach to further develop the legal framework of space activities:

1. **Preserve, strengthen and universalize the legal framework** established by the five United Nations treaties on outer space, containing the basic principles governing space activities, as the overarching structure of international space law
2. Further develop the legal regime organizationally and regulatory through guidelines, technical standards, “best practices”, etc. in order **to move towards an operative-administrative system under the treaties**, able to adopt to changing conditions

Vision for the future



First steps for the future



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

Perspective 2030: Implementing provisions for the UNCOPUOS Guidance Document thereby creating Space Traffic Management rules

