

The Guidance Document to the five UN Treaties and Global Governance of Space Activities

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United Nations/Germany High Level Forum

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Wissen für Morgen

Mandate of the guidance document

- Thematic Priority 2 “Legal regime of outer space and global space governance: current and future perspectives” (COPUOS 59th session 2016, A/71/20 para. 296)

GA A/AC.105/1169 13 NOV 2017

- Sub para. (d): “Identifying, by 2018, approaches and possible criteria for developing, **by 2020**, a **guidance document** to be issued [by COPUOS] with **essential information** on the state of affairs of the legal regime governing outer space, **including relevant instruments** applied through national regulatory frameworks and **international mechanisms for cooperation**. Such a document should serve as valuable **guidance for States wishing to become a party to** the five [UN] treaties on outer space;”
- Draft working method in A/AC.105/C.2/**2018/CRP.14**



Mechanism and organization

- Mechanism:
 - The existing **Working Group on the Status and Application of the Five United Nations Treaties on Outer Space** of the Legal Subcommittee,
 - Coordinating its work with the **Working Group on Long-term Sustainability of Outer Space Activities** of the Scientific and Technical Subcommittee
- Chair: Dr. Bernhard Schmidt-Tedd, Germany
- Cooperation between the two Subcommittees of COPUOS
- Timeline:
 - 2017: Agreement on working method
 - 2018: Agreement on key points and proposed outline
 - 2019: Review of draft guidance document [and tool kit]
 - 2020: Finalization of guidance document



The need for the Guidance Document

- **Increasing number of actors** carrying on space activities
- In order to **assist a uniform understanding** of the UN space treaties, flow of information is crucial
- **Challenge:** to manage the **balance** between the content of the treaties, esp. the basic principles and organization, and avoiding an authoritative interpretation of the treaties
- **Cp. objective of TP2:**
 - To **promote the universality** of the five UN treaties on outer space
 - To **assess the state of affairs** of these treaties and their relationship with other relevant international instruments (e.g. principles, resolutions, guidelines)
 - To **analyze the effectiveness** of the legal regime of outer space in the 21st century, with eventually a view of identifying areas that might require additional regulation

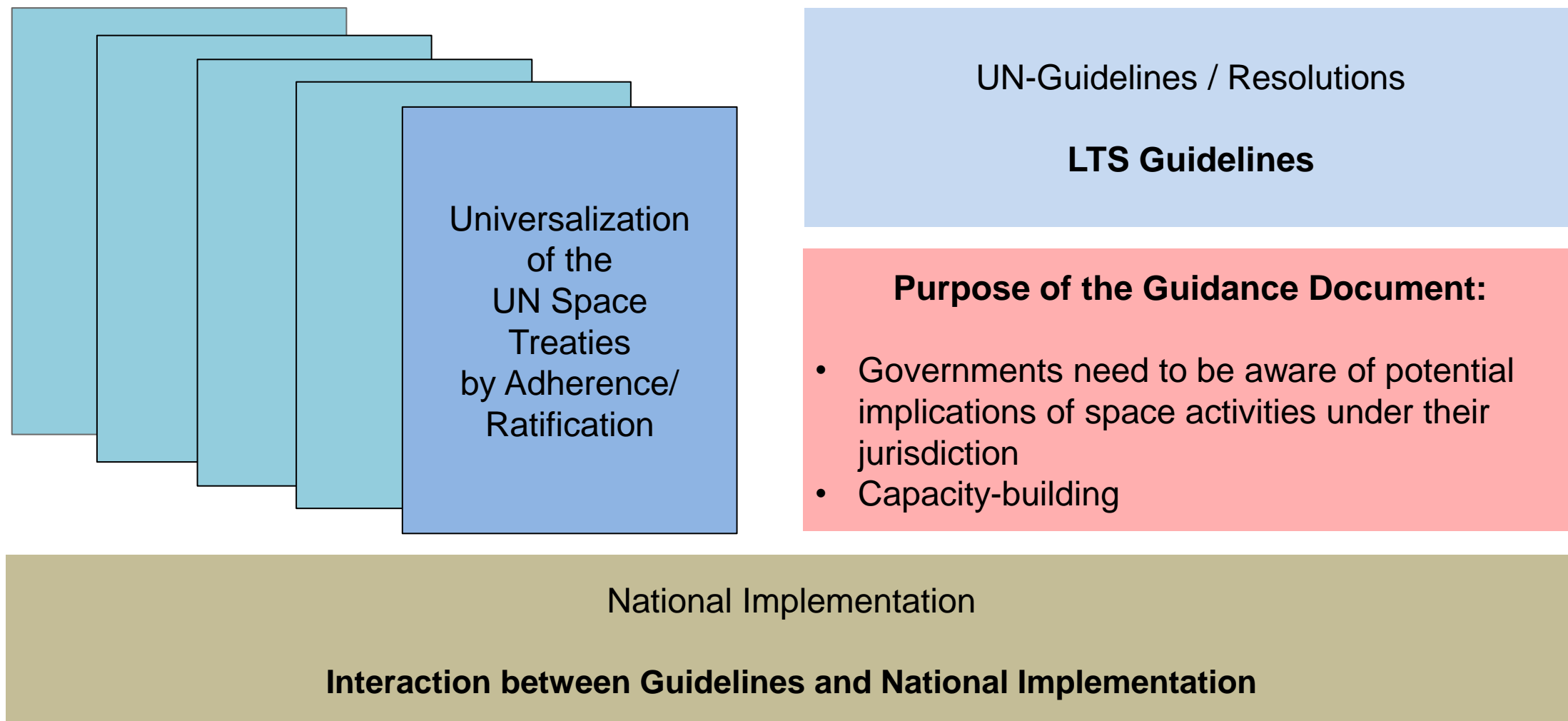


Purpose and Rationale of the Guidance Document

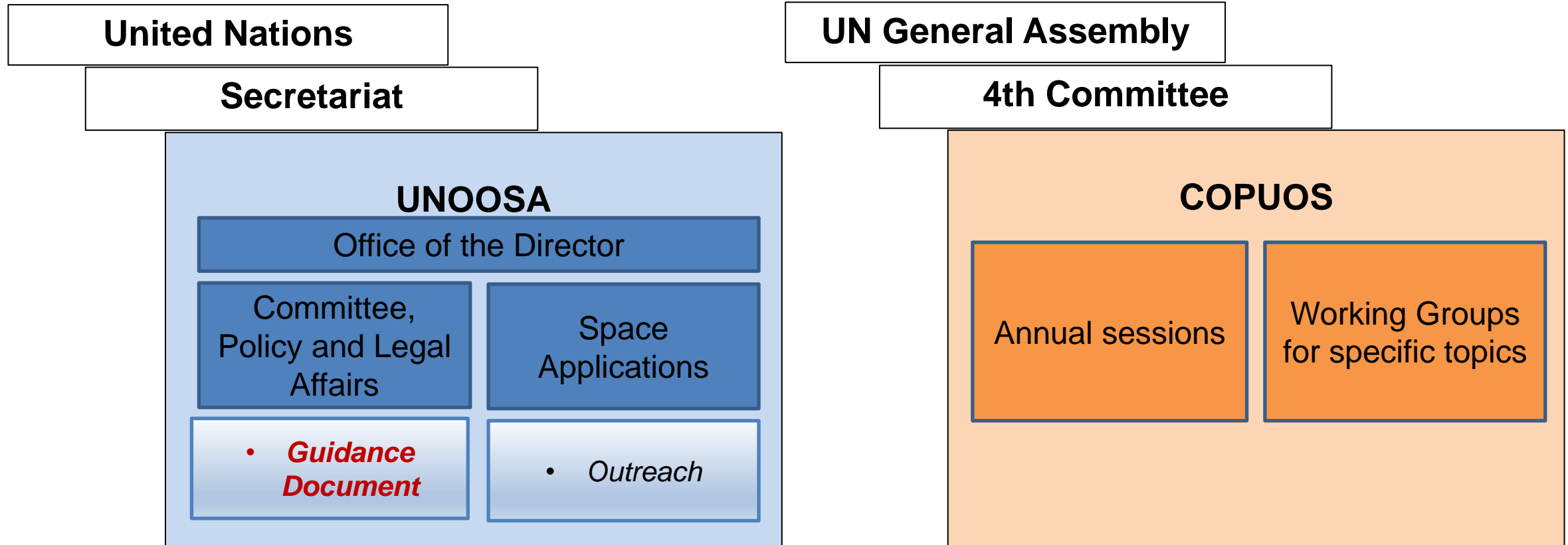
- The Guidance Document is intended to **assist States** in acceding to the space treaties
- Rationale: governments need to be aware of potential implications of space activities that are carried on under their **jurisdiction**
- The Guidance Document serves as a **capacity-building instrument**
- Potential of **cooperation** in space matters among parties to the five UN space treaties
- The Guidance Document could lead to **Outreach activities** on application of the treaties
- Connection of the Guidance Document with the **online repository tool** that will be developed for UNOOSA's Webpage



Purpose and place of the Guidance Document



The Structure to discuss the Space Law Regime



- Organizational-institutional setting under the UN Charter

- Intergovernmental setting
- Negotiating bodies



Character and Content of the Guidance Document

- **Voluntary** character
- **Overview** of legal regime of outer space

Benefits, rights and obligations

Interlinkages of substantive areas of work in the LSC

- UN Space Law documents, GA Res
- WG on the concept of the 'launching State'
- WG on registration practice
- WG on national space legislation
- WG on international mechanisms for cooperation

Specific operative considerations

- Licensing
- Authorization procedures
- Registration procedures
- Space Debris Mitigation
- Operation of small satellites

Elements for consideration in international cooperation

- Agreements, arrangements
- Active COPUOS participation
- Capacity building

Elements for consideration of the development of national space policies and strategies

- Space economy, space society, space accessibility, space diplomacy



Structure of the Guidance Document

- Follows UN Document A/AC.105/C.2/2018/CRP.14

A. Introduction and overview

B. Elements to assess when considering becoming Party to the United Nations treaties on outer space

C. Work done by the Legal Subcommittee related to the operation of space activities

D. Development of national space policy, strategy and regulatory frameworks

E. Specific considerations in implementing and applying the legal regime on outer space

F. Elements for consideration in international cooperation



The Guidance Document in the general context

- Link to **Space2030 Agenda** (space diplomacy – regulatory framework)
- Link to efforts to **safeguard** the basic principles of space law and a predictable legal regime
- Link to the **further development** of space law and its implementing mechanisms at national, regional and global level

The Guidance Document has the function

- To **integrate ‘new comers’** with a practical tool for space law application
- To give the growing space community an **oversight** over a complex legal regime and its application
- To offer **guidance and connected support activities**
- To offer a meaningful **completion** to classical space law teaching





Thank you for your attention

Any questions?

Image: UNOOSA

