

28 January 2015

English only

**Committee on the Peaceful
Uses of Outer Space**
Scientific and Technical Subcommittee
Fifty-second session
Vienna, 2-13 February 2015
Long-term sustainability of outer space activities

**Comments on and proposed amendments to the Updated set
of draft guidelines for the long-term sustainability of outer
space activities (A/AC.105/C.1/L.340)**

Submission by Germany

Germany welcomes the progress made by the Working Group on the Long-term Sustainability of Outer Space Activities. Its work will provide valuable guidance for attaining sustainability in the use of outer space. Germany would like to share some observations on the current status of work on the set of draft guidelines and to propose corresponding amendments for consideration by the Working Group (newly added formulations are underlined).

1. Consistency in formulating recommendations

Several guidelines express the recommendation addressed to States and international intergovernmental organizations by the formulation “are encouraged to”. The majority of guidelines use the more appropriate “should” for formulating a behavioural norm. One guideline is not formulated as a recommendation, at all (guideline 35). In order to achieve an adequate and consistent use of terminology, all guidelines should be formulated as “should” recommendations, while retaining their voluntary character.

2. Avoiding the reformulation of existing legal obligations (guideline 4 and guideline 6)

Guideline 4 and guideline 6 restate existing legal obligations under international law in the form of recommendations. In order to avoid any ambiguity as to the legal status of the obligations addressed, the guidelines should be reformulated in a way that appropriately reflects their binding nature.



Guideline 4 recommends that States and international intergovernmental organizations should ensure compliance of space activities with the Constitution, Convention and Radio Regulations of the International Telecommunication Union (ITU). The instruments are binding under international law and Art. 6 of the ITU Constitution sets forth that States are required to take the necessary steps to impose observance of the instruments. The following reformulation of guideline 4 is proposed:

“States and international intergovernmental organizations should, in fulfilling their obligations under the Constitution, Convention and the Radio Regulations of the International Telecommunication Union as Member States or Sector Members, respectively, pay particular attention to the long-term sustainability of space activities and sustainable development on Earth as well as to the prompt resolution of identified harmful radio frequency interference.”

Guideline 6 among others recommends that States and international intergovernmental organizations provide registration information as soon as practicable. The recommendation reflects Art. IV of the Registration Convention. The following reformulation of guideline 6 is proposed:

“States and international intergovernmental organizations should, in fulfilling their obligations under the Registration Convention, make additional efforts in providing registration information as soon as practicable in order to assist in the identification of space objects.”

3. Ensure consistency with international space law terminology and language (guideline 9+12 and guideline 14+32+33)

In referring to activities carried out in outer space, the guidelines should adhere to the established language of the United Nations space treaties and resolutions, in particular to Art. VI of the Outer Space Treaty and United Nations General Assembly Resolution 68/74, in order to avoid ambiguities and to ensure consistency with international space terminology and language. The following reformulation of guidelines is proposed:

Guidelines 9+12:

“States should adopt national regulatory frameworks, taking into account their obligations under the United Nations treaties on outer space as States responsible for national activities in outer space and as launching States. When adopting or implementing national regulatory frameworks, States should consider the long-term sustainability of outer space activities.”

Guidelines 14+32+33:

“In supervising space activities of non-governmental entities, states should ensure that these entities have the appropriate structures and procedures for planning and conducting space activities in a manner that supports the objective of promoting the long-term sustainability of outer space activities, and that they have the means to comply with relevant national and international regulatory frameworks, requirements, policies and processes in this regard. States should ensure that appropriate communication and consultation mechanisms are in place within and among the competent bodies that oversee or conduct space activities.”

4. States and international organizations as addressees of guideline 25

Conjunction assessment during orbital phases of controlled flight should be performed for any space activity. Guideline 25 currently only requires States and international organizations to ensure that the entities under their jurisdiction and/or control perform such conjunction assessment. The recommendation should instead also apply to the space activities carried out by States and international organizations. The following reformulation is proposed:

“States and international intergovernmental organizations should perform conjunction assessment during orbital phases of controlled flight. States should ensure that non-governmental entities carrying out their national activities in outer space perform such conjunction assessment.”

5. Active debris removal

The achievement of sustainability in the use of outer space necessitates a comprehensive approach. In addition to the universal application of established space debris mitigation measures, recent studies on evolution of the future space debris environment indicate that individual debris objects may need to be actively removed from orbit in order to avoid an uncontrolled growth in the space debris population in the long-term perspective. Debris removal necessitates the clarification of legal questions related to the active removal of debris. This pertains in particular to the rights and interests of States having jurisdiction and/or control over the object to be removed. In order to prepare the ground for the future implementation of debris removal missions these questions need to be addressed. Legal certainty constitutes a requisite for the achievement of sustainability in the use of outer space.

The further elaboration and eventual adoption of the guidelines should therefore be accompanied by the common understanding that the legal implications of active debris removal should be on the agenda of the Legal Subcommittee.
