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**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
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Draft report

VII. Capacity-building in space law

1. Pursuant to General Assembly resolution 69/85, the Subcommittee considered agenda item 8, entitled “Capacity-building in space law”, as a single issue/item for discussion.
2. The representatives of Algeria, Canada, China, Colombia, Costa Rica, France, Germany, Indonesia, Japan, Kenya, Mexico, Morocco, the Republic of Korea, the Russian Federation, South Africa and Venezuela (Bolivarian Republic of) made statements under agenda item 8. The representative of Chile made a statement on behalf of the Group of 77 and China, and a statement on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States.
3. The Subcommittee had before it the following:
 - (a) Report on the United Nations/China/Asia-Pacific Space Cooperation Organization Workshop on Space Law on the Role of National Space Legislation in Strengthening the Rule of Law, held in Beijing from 17 to 20 November 2014 (A/AC.105/1089);
 - (b) Proceedings of the United Nations/China Workshop on Space Law: The Role of National Space Legislation in Strengthening the Rule of Law, available on the website of the Office for Outer Space Affairs as ST/SPACE/66;
 - (c) Conference room paper containing information submitted by Austria on actions and initiatives to build capacity in space law (A/AC.105/C.2/2015/CRP.16).
4. The Subcommittee heard the following presentations made under the agenda item:



(a) “The Brazilian Air Force University: supporting the Brazilian space programme”, by the representative of Brazil;

(b) “Regulatory aspects of small satellite remote operations in radio amateur bands”, by the representative of Spain;

(c) “Japan’s capacity-building in space law: recent progress”, by the representative of Japan.

5. The Subcommittee agreed that capacity-building, training and education in space law were of paramount importance to national, regional and international efforts to further develop the practical aspects of space science and technology, especially in developing countries, and to increasing knowledge of the legal framework within which space activities were carried out. It was emphasized that the Subcommittee had an important role to play in that regard.

6. The Subcommittee 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. Those efforts included encouraging universities to offer modules and seminars on space law; providing fellowships for graduate and postgraduate education in space law; assisting in the development of national space legislation and policy frameworks; organizing workshops, seminars and other specialized activities to promote greater understanding of space law; providing financial and technical support for legal research; preparing dedicated studies, papers, textbooks and publications on space law; supporting space law moot court competitions; supporting the participation of young professionals in regional and international meetings relating to space law; providing for training and other opportunities to build experience, in particular through internships with space agencies; and supporting entities dedicated to the study of and research relating to space law.

7. The Subcommittee recalled the importance of promoting regional and interregional cooperation through organizations such as APRSAF, APSCO and ESA and through international events such as the Space Conference of the Americas and the African Leadership Conferences on Space Science and Technology for Sustainable Development.

8. The Subcommittee noted that some Member States provided financial assistance to enable students to attend the Manfred Lachs Space Law Moot Court Competition, held each year during the International Astronautical Congress.

9. The Subcommittee noted that the agenda item on national legislation relevant to the peaceful exploration and use of outer space and the agenda item on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space had great potential to further the contribution of the Subcommittee to capacity-building, as the discussions and exchange of information would be of practical value to States in setting up their space activities.

10. The Subcommittee welcomed the establishment of the Regional Centre for Space Science and Technology Education, affiliated to the United Nations, at Beihang University in Beijing, as it would supplement space law teaching and training opportunities for countries in the Asia-Pacific region.

11. Some delegations expressed the view that the regional centres for space science and technology education could offer specialized training and scholarships in space law and related fields such as space data, space traffic management and the general use of space for socioeconomic development.
12. The Subcommittee noted with appreciation the holding of the ninth United Nations workshop on space law, on the theme “The role of national space legislation in strengthening the rule of law”. The workshop, held in Beijing from 17 to 21 November 2014, had been hosted by the Government of China and organized jointly by the Office for Outer Space Affairs, APSCO and the China National Space Administration (CNSA).
13. The Subcommittee noted that the workshop had discussed the role of national space legislation in strengthening the rule of law to adequately address the complexity of regulatory mechanisms and policy development in space activities. The workshop had taken note of General Assembly resolution 60/1, entitled “2005 World Summit Outcome”, in which the Assembly acknowledged that good governance and the rule of law at the national and international levels were essential for sustained economic growth, sustainable development and the eradication of poverty and hunger.
14. The Subcommittee noted that the workshop had conducted a review of the objectives of international space law development and noted that, in view of the growing number of benefits derived from space science and technology applications and the continued expansion of space activities, greater attention must be paid to national regulatory and policy developments.
15. The Subcommittee also noted that the workshop had welcomed General Assembly resolution 68/74, on recommendations on national legislation relevant to the peaceful exploration and use of outer space, in which the Assembly had provided a set of elements for consideration, as appropriate, by States when enacting regulatory frameworks for national space activities, in accordance with their national legal systems. The workshop agreed that action could be taken by other States to cover those elements when developing national regulatory frameworks.
16. The Subcommittee noted that the workshops organized by the Office for Outer Space Affairs in cooperation with host countries were a valuable contribution to capacity-building in space law and international cooperation in the peaceful uses of outer space.
17. Some delegations expressed the view that it was necessary to strengthen the capacity of the Office for Outer Space Affairs with regard to capacity-building and training in space law.
18. The Subcommittee reaffirmed its satisfaction at the completion of the education curriculum on space law and the updated web-based compilation of reading materials, found on the website of the Office for Outer Space Affairs.
19. Some delegations expressed a willingness to assist the regional centres for space science and technology education, affiliated to the United Nations, to facilitate the introduction of the curriculum in their respective education programmes, as it was a dynamic educational tool that could be easily used by educators from different professional backgrounds.

20. Some delegations expressed the view that the Office for Outer Space Affairs should strengthen its efforts to support capacity-building in space law in the Latin American and Caribbean region, in particular through the organization of seminars or workshops.

21. The view was expressed that, while not all nations were spacefaring nations, they could still be affected by outer space-related incidents. In order to anticipate the enforcement of liability measures, it was necessary that all countries know their obligations and rights. With the growing involvement of actors in space-related activities, both public and private, building capacity in space law was more urgent than ever before.

22. The Subcommittee noted with satisfaction that the Office for Outer Space Affairs had updated the directory of education opportunities in space law (A/AC.105/C.2/2013/CRP.15), including with information on available fellowships and scholarships, and agreed that the Office should continue to update the directory. In that connection, the Subcommittee invited member States to encourage contributions at the national level for the future updating of the directory.

23. The Subcommittee expressed its appreciation to the delegation of Germany for having presented volume III of the Cologne Commentary on Space Law to delegations at the present session of the Subcommittee, as a contribution to capacity-building in space law. Together with volume I, which had been presented in 2010, and volume II, presented in 2013, it constituted a complete, article-by-article commentary on all five United Nations treaties on outer space.

24. The Subcommittee recommended that member States and permanent observers of the Committee inform the Subcommittee, at its fifty-fifth session, of any action taken or planned at the national, regional or international level to build capacity in space law.

IX. General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee

25. Pursuant to General Assembly resolution 69/85, the Subcommittee considered agenda item 10, entitled “General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee”, as a single issue/item for discussion.

26. The representatives of Brazil, Canada, the Czech Republic, Germany, Japan, Mexico, the Netherlands, the Republic of Korea, the Russian Federation, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 10. The representative of Chile made a statement on behalf of the Group of 77 and China, and a statement on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

27. The Subcommittee had before it a conference room paper on the compendium of space debris mitigation standards adopted by States and international organizations (A/AC.105/C.2/2015/CRP.20).
28. The Subcommittee recalled with satisfaction that the endorsement by the General Assembly, in its resolution 62/217, of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space had been an important step in providing all spacefaring nations with guidance on how to mitigate the problem of space debris.
29. The Subcommittee noted with satisfaction that some States were implementing space debris mitigation measures consistent with the Space Debris Mitigation Guidelines of the Committee and/or the Inter-Agency Space Debris Coordination Committee (IADC) Space Debris Mitigation Guidelines and that other States had developed their own space debris mitigation standards based on those guidelines. The Subcommittee also noted that some States were using the IADC Space Debris Mitigation Guidelines, the European Code of Conduct for Space Debris Mitigation and International Organization for Standardization (ISO) standard 24113:2011 (Space systems: space debris mitigation requirements) as references in their regulatory frameworks for national space activities.
30. The Subcommittee noted with satisfaction that some States had taken measures to incorporate internationally recognized guidelines and standards related to space debris into relevant provisions in their national legislation.
31. The Subcommittee noted that some States had strengthened their national mechanisms governing space debris mitigation through the nomination of governmental supervisory authorities, the involvement of academia and industry and the development of new legislative norms, instructions, standards and frameworks.
32. The Subcommittee expressed its appreciation to Canada, the Czech Republic and Germany for their initiative and action to develop a compendium of space debris mitigation standards adopted by States and international organizations.
33. The Subcommittee also expressed its appreciation to the Secretariat for the establishment of a dedicated web page for maintaining the compendium, and for making the information on the compendium available to the Scientific and Technical Subcommittee for consideration at its fifty-second session.
34. Some delegations expressed the view that since the future of space activities would depend largely on space debris mitigation measures, research should be deepened in the areas of technology for space debris observation, space debris environmental modelling and technologies to protect space systems from space debris and to limit substantially the creation of additional space debris. Those delegations were of the view that the outcome of the research should be used to improve the Space Debris Mitigation Guidelines of the Committee and to keep them updated.
35. Some delegations expressed the view that the Legal Subcommittee should undertake a legal analysis of the Space Debris Mitigation Guidelines of the Committee.

36. The view was expressed that it was necessary to involve experts, industry, academia and the competent authorities in the development of standards and criteria for strengthening the Space Debris Mitigation Guidelines of the Committee.
37. The view was expressed that the development of a legally binding instrument for space debris mitigation would not automatically result in its comprehensive acceptance and implementation.
38. Some delegations expressed the view that the transformation of technical debris mitigation guidelines into a legally binding instrument was not necessary, as spacefaring nations were motivated to reduce space debris by their self-interest in preserving the safety and sustainability of space activities.
39. Some delegations expressed the view that non-binding international principles and guidelines on space debris mitigation should be flexible and easily adaptable to new technological and situational circumstances and that it was not reasonable to establish debris mitigation standards in international law at that time.
40. The view was expressed that a non-binding approach could be effective and benefit all nations if implemented domestically through policies, regulations and standards.
41. The view was expressed that it was necessary to examine the compendium of space debris mitigation standards adopted by States and international organizations in order to determine whether and how the information contained in the compendium could be used to update the Space Debris Mitigation Guidelines of the Committee.
42. The view was expressed that the compendium of space debris mitigation standards could be a starting point for international regulation.
43. Some delegations expressed the view that information on actions to reduce the creation of space debris should be made available to the Subcommittee, in particular by those States that were largely responsible for creating space debris and by the States that had the capacity to take action with regard to space debris mitigation.
44. The view was expressed that reporting on the status of implementation of the Space Debris Mitigation Guidelines of the Committee would contribute to improving transparency and developing confidence-building measures among States.
45. Some delegations expressed the view that the Subcommittee should consider the issue of space debris in connection with the growing number of deployments of small satellites.
46. Some delegations expressed the view that the Subcommittee should pay greater attention to space debris in the geostationary orbit.
47. Some delegations expressed the view that the Subcommittee should pay greater attention to space debris derived from space platforms with nuclear power sources on board and from the collision of such objects with space debris, and to technology for monitoring space debris.
48. Some delegations expressed the view that the issue of space debris should not be treated in a way that limited access to outer space or impaired the development of space capabilities by the least developed or developing countries, and that it was

necessary to take into account the principle of proportionate liability in allocating responsibility for space debris removal.

49. Some delegations expressed the view that the removal of large pieces of debris was necessary to prevent the proliferation of space debris and that the removal should be carried out by those space actors that were responsible for space debris generation.

50. Some delegations expressed the view that addressing the issue of active removal required the clarification of a number of legal questions.

51. The view was expressed that any active debris removal operations should be based on legal documents developed under the auspices of the United Nations, and that the development of a legal instrument on active debris removal outside the framework of the United Nations was not acceptable.

52. Some delegations expressed the view that cooperation between the Legal Subcommittee and the Scientific and Technical Subcommittee was increasing and that the progress achieved by the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee could be of benefit for the Legal Subcommittee.

53. Some delegations expressed the view that cooperation between the Legal Subcommittee and the Scientific and Technical Subcommittee should be strengthened and that the Subcommittees should cooperate in developing binding rules for space debris mitigation. Those delegations were of the view that the results obtained in the working groups of the Scientific and Technical Subcommittee should be officially presented to the Legal Subcommittee for examination and for the identification of legal issues that should be addressed by the Legal Subcommittee.

54. The view was expressed that the recommendations of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities could also contribute to the mitigation of space debris.

55. The Subcommittee agreed that States members of the Committee and international intergovernmental organizations with permanent observer status with the Committee should be invited to further contribute to the compendium of space debris mitigation standards adopted by States and international organizations by providing or updating the information on any legislation or standards adopted with regard to space debris mitigation, using the template provided for that purpose. The Subcommittee also agreed that all other States Members of the United Nations should be invited to contribute to the compendium, encouraging States with such regulations or standards to provide information on them.