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**Committee on the Peaceful  
Uses of Outer Space  
Fifty-eighth session  
Vienna, 10-19 June 2015**

## **Draft report**

### **Addendum**

## **Chapter II**

### **Recommendations and decisions**

#### **C. Report of the Legal Subcommittee on its fifty-fourth session**

1. The Committee took note with appreciation of the report of the Legal Subcommittee on its fifty-fourth session (A/AC.105/1090), which contained the results of its deliberations on the items considered by the Subcommittee in accordance with General Assembly resolution 69/85.
2. The Committee expressed its appreciation to Kai-Uwe Schrogl (Germany) for his able leadership during the fifty-fourth session of the Subcommittee.
3. The representatives representatives of Austria, Brazil, Canada, China, Colombia, the Czech Republic, Germany, Japan, Pakistan, Republic of Korea, Russian Federation, South Africa, United States and Venezuela (Bolivarian Republic of) made statements under the item. Statements were also made under the item by the representative of Chile on behalf of the Group of 77 and China and 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 other member States.
4. Some delegations reiterated the need to strengthen interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to synchronize the progressive development of space law with key scientific and technical developments in that area. They also expressed the view that the results attained by the working groups established under the Scientific and Technical Subcommittee should be submitted officially to the Legal Subcommittee for analysis.

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**1. Information on the activities of international intergovernmental and non-governmental organizations relating to space law**

5. The Committee took note of the discussion of the Subcommittee under the item on information on the activities of international intergovernmental and non-governmental organizations relating to space law, as reflected in the report of the Subcommittee (A/AC.105/1090, paras. 35-49).

6. The Committee noted the important role of international intergovernmental and non-governmental organizations and their contribution to its endeavours to promote the development of space law, and endorsed the recommendation of the Subcommittee that such organizations should again be invited to report to the Subcommittee at its fifty-fifth session on their activities relating to space law.

7. The Committee also noted that, in accordance with the decision of the Subcommittee, the International Institute for the Unification of Private Law (Unidroit) had made available to the Subcommittee information on recent developments in relation to the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets (A/AC.105/1090, para. 47).

**2. Status and application of the five United Nations treaties on outer space**

8. The Committee took note of the discussion of the Subcommittee under the item on the status and application of the five United Nations treaties on outer space, as reflected in the report of the Subcommittee (A/AC.105/1090, paras. 50-74).

9. The Committee endorsed the decisions and recommendations of the Subcommittee and its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, which had been reconvened under the chairmanship of Jean-François Mayence (Belgium) (A/AC.105/1090, para. 53, and annex I, paras. 13, 15 and 16).

10. Some delegations expressed the view that the United Nations treaties on outer space formed an indispensable legal basis for supporting the increasing scale of space activities and for strengthening international cooperation on the peaceful uses of outer space. Those delegations welcomed the growing adherence to the treaties and encouraged those States that had not yet become parties to the treaties to consider doing so.

11. Some delegations expressed the view that the Committee should review, update and modify the five treaties for the purpose of strengthening the guiding principles of outer space activities, in particular those principles protecting its peaceful use, establish the responsibility of States in space activities carried out by both governmental and non-governmental entities and encourage international cooperation.

12. The view was expressed that a universal, comprehensive convention on outer space should be developed with the aim of finding solutions for existing issues, which would allow the international legal regime on outer space to be taken to the next level of its development.

13. The view was expressed that an approach oriented towards a universal, comprehensive convention on outer space would be counterproductive, as the

principles contained in the existing space law instruments had established a framework that had encouraged the use and exploration of outer space for both spacefaring and non-spacefaring nations.

14. Some delegations expressed the view that, given the rapid increase in space activities and the emergence of new space actors, more coordination and synergy between the Legal Subcommittee and the Scientific and Technical Subcommittee were needed in order to promote the understanding, acceptance and application of the existing United Nations treaties and to strengthen the responsibility of States in carrying out space activities.

**3. Matters relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union**

15. The Committee took note of the discussion of the Subcommittee under the agenda item on matters relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of ITU, as reflected in the report of the Subcommittee (A/AC.105/1090, paras. 75-98).

16. The Committee endorsed the recommendations of the Subcommittee and its Working Group on the Definition and Delimitation of Outer Space, reconvened under the chairmanship of José Monserrat Filho (Brazil) (A/AC.105/1090, para. 78, and annex II, para. 17).

17. Some delegations welcomed the initiative of the Chair of the Working Group to define the term “space activities”, which was one of the areas yet to be regulated by space law, with the objective of building a consensus, even a preliminary one, while temporarily putting aside the task of defining and delimiting outer space.

18. The Committee noted with satisfaction that a joint aerospace symposium on the theme “Emerging space activities and civil aviation: challenges and opportunities” had been organized by ICAO and the Office for Outer Space Affairs and held in Montreal, Canada, from 18 to 20 March 2015. The Committee noted that follow-up symposiums would be held in the United Arab Emirates in 2016 and in Vienna in 2017. The Committee also noted that the Office for Outer Space Affairs and ICAO would lead the learning group set up as a forum for discussion and that States members of the Committee would be invited to nominate their experts for membership in the learning group.

19. Some delegations expressed the view that scientific and technological progress, the commercialization of outer space, the participation of the private sector, emerging legal questions and the increasing use of outer space in general had made it necessary for the Subcommittee to consider the question of the definition and delimitation of outer space. The delegations expressing that view were also of the view that the definition and delimitation of outer space would help to establish a single legal regime regulating the movement of an aerospace object and to bring about legal clarity in the implementation of space law and air law, as well as to clarify the issues of the sovereignty and international responsibility of States and the boundary between airspace and outer space.

20. Some delegations expressed the view that the geostationary orbit — a limited natural resource clearly in danger of saturation — needed to be used rationally and should be made available to all States, irrespective of their current technical capacities. That would give States the possibility of access to the geostationary orbit under equitable conditions, bearing in mind, in particular, the needs and interests of developing countries, as well as the geographical position of certain countries, and taking into account the processes of ITU and relevant norms and decisions of the United Nations.

21. Some delegations expressed the view that the geostationary orbit was a limited natural resource with great potential for the implementation of a wide array of programmes for the benefit of all States and that it was at risk of becoming saturated, thereby threatening the sustainability of space activities in that environment; that its exploitation should be rationalized; and that it should be made available to all States, under equitable conditions, taking into particular account the needs of developing countries. Those delegations were also of the view that it was important to use the geostationary orbit in compliance with international law, in accordance with the decisions of ITU and within the legal framework established in the relevant United Nations treaties, while giving consideration to the contributions of space activities to sustainable development and the achievement of the Millennium Development Goals.

22. Some delegations expressed the view that the geostationary orbit was part of outer space, that it was not subject to national appropriation by a claim of sovereignty, by occupation or by any other means, including by means of use or repeated use, and that its utilization was governed by the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and the ITU Constitution, Convention and Radio Regulations.

23. Some delegations expressed the view that, in order to ensure the sustainability of the geostationary orbit, it was necessary to keep that issue on the agenda of the Subcommittee and to explore it further, through the creation of appropriate working groups and legal and technical intergovernmental panels, as necessary. Those delegations were of the view that working groups or intergovernmental panels with technical and legal expertise should be established to promote equal access to the geostationary orbit, and called for the greater participation of ITU in the work of the Subcommittee on those matters.

#### **4. National legislation relevant to the peaceful exploration and use of outer space**

24. The Committee took note of the discussion of the Legal Subcommittee under the item on national legislation relevant to the peaceful exploration and use of outer space as reflected in the report of the Subcommittee (A/AC.105/1090, paras. 99-110).

25. The Committee noted with satisfaction that some States members of the Committee had already begun to implement the recommendations on national legislation relevant to the peaceful exploration and use of outer space contained in General Assembly resolution 68/74.

26. The Committee commended the Office for Outer Space Affairs and ITU for preparing a handout on issues related to registration, authorization, debris mitigation

and frequency management with respect to small and very small satellites that would become an important source of information for space actors intending to operate such satellites.

27. The Committee noted various activities of member States in strengthening or developing their national space laws and policies, as well as in reforming or establishing the governance of national space activities. In that connection, the Committee also noted that those activities were aimed at improving management, increasing competitiveness, involving academia, better responding to challenges posed by the development of space activities and better implementing international obligations.

28. The Committee noted with satisfaction the increasing number of space-related international cooperation programmes and projects, and stressed the importance of the development of space legislation by States, as national regulatory frameworks played a significant role in regulating and promoting such cooperation activities.

29. The view was expressed that it was important to take into account the increased level of commercial and private activities in outer space when developing a national space-related regulatory framework, particularly with respect to the responsibilities of States regarding their national space activities.

30. The Committee agreed that the general exchange of information on national legislation relevant to the peaceful exploration and use of outer space provided States with a comprehensive overview of the current status of national space laws and regulations and assisted States in understanding the different approaches taken at the national level with regard to the development of national space-related regulatory frameworks.

## **5. Capacity-building in space law**

31. The Committee took note of the discussion of the Subcommittee under the item on capacity-building in space law, as reflected in the report of the Subcommittee (A/AC.105/1090, paras. 111-134).

32. The Committee endorsed the recommendation of the Subcommittee on the agenda item (A/AC.105/1090, para. 134).

33. The Committee agreed that international cooperation in research, training and education in space law was essential in order to further develop space activities and increase knowledge of the legal framework within which space activities were carried out.

34. The Committee noted that more efforts were needed to increase awareness of space law and its importance to space activities and programmes. Endeavours in that area such as the holding of workshops and the development of a curriculum played a vital role in building relevant capacity.

35. The Committee reaffirmed that the regional centres for space science and technology education, affiliated to the United Nations, had an important role in providing teaching and training opportunities in space law. The Committee noted that greater use of the regional centres could be made in order to provide more opportunities for academic linkages.

36. The Committee 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.

37. The Committee noted with appreciation that the next APSCO Space Law and Policy Forum would be held in Beijing from 21 to 23 September 2015 and would be co-hosted by APSCO and the Institute of Space Law of the Beijing Institute of Technology. The Forum would focus on regional space cooperation and the latest developments in space law and policy.

38. The Committee 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, and welcomed the recent translation of the curriculum into all official United Nations languages.

#### **6. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space**

39. The Committee took note of the discussion of the Subcommittee under the item on the review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, as reflected in the report of the Subcommittee (A/AC.105/1090, paras. 135-153).

40. Some delegations expressed the view that it was exclusively States, irrespective of their level of social, economic, scientific or technical development, that had an obligation to engage in regulatory activity associated with the use of nuclear power sources in outer space and to adapt national legislation to relevant international standards. Those delegations were also of the view that Governments bore international responsibility for national activities involving the use of nuclear power sources in outer space conducted by governmental and non-governmental organizations and that such activities must be beneficial, not detrimental, to humanity.

41. Some delegations called on the Legal Subcommittee to undertake a review of the Safety Framework for Nuclear Power Source Applications in Outer Space and to promote binding standards, with a view to ensuring responsible use of those sources.

42. Some delegations expressed the view that there should be greater coordination and interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to promote greater understanding, acceptance and implementation of the legal instruments and the development of new legal instruments related to the use of nuclear power sources in outer space.

43. Some delegations expressed the view that more consideration should be given to the use of nuclear power sources in outer space, specifically in the geostationary orbit and low-Earth atmosphere, in order to address the legal aspects of the problem of potential collisions of nuclear-powered space objects in orbit and the incidents or emergencies that could be created by the accidental re-entry of such objects into the

Earth's atmosphere, as well as the impact of such a re-entry on the Earth's surface, human life and health and the ecosystem.

**7. 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**

44. The Committee took note of the discussion of the Legal Subcommittee under the item on the 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 reflected in the report of the Legal Subcommittee (A/AC.105/1090, paras. 154-184).

45. The Committee endorsed the decisions of the Subcommittee as contained in its report (A/AC.105/1090, para. 184).

46. The Committee noted the increasing amount of space debris and noted 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<sup>1</sup> was a key step in providing all spacefaring nations with guidance on how to mitigate the problem of space debris, and encouraged Member States to consider voluntary implementation of the Guidelines.

47. The Committee noted with satisfaction that some States had taken measures to enforce the implementation of internationally recognized guidelines and standards relating to space debris through relevant provisions in their national legislation.

48. The Committee expressed its appreciation to Canada, the Czech Republic and Germany for the development of the compendium of space debris mitigation standards adopted by States and international organizations, and to the Secretariat for maintaining the compendium on a dedicated page of the website of the Office for Outer Space Affairs.

49. The Committee agreed that States members of the Committee and international intergovernmental organizations having 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 Committee also agreed that all other States Members of the United Nations should be invited to contribute to the compendium and encouraged States with such regulations or standards to provide information on them.

50. Some delegations expressed the view that it was of the utmost importance to continue treating the legal aspects of issues related to space debris as a priority by discussing legal matters related to the generation of space debris and regulating its mitigation and removal. Those delegations were of the view that mitigation measures should not lead to the adoption of overly high standards or thresholds that would impede the development of the capacities of developing countries.

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<sup>1</sup> *Official Records of the General Assembly, Sixty-second Session, Supplement No. 20 (A/62/20)*, paras. 117 and 118 and annex.

51. Some delegations expressed the view that it was necessary to strengthen the interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to synchronize the progressive development of space law with major progress in space science and technology, and that outcomes of the work of working groups of the Subcommittee, in particular the Space Debris Mitigation Guidelines of the Committee, should be officially presented to the Legal Subcommittee for legal analysis regarding compliance with principles on outer space.

**8. General exchange of information on non-legally binding United Nations instruments on outer space**

52. The Committee took note of the discussion of the Subcommittee under the item entitled “General exchange of information on non-legally binding United Nations instruments on outer space”, as reflected in the report of the Subcommittee (A/AC.105/1090, paras. 185-203) and endorsed the decisions of the Subcommittee as contained in its report (A/AC.105/1090, para. 203) on the retention of the item on the agenda of the Subcommittee at its fifty-fifth session, in 2016.

53. The Committee noted that existing non-legally binding United Nations instruments related to space activities had played an important role in complementing and supporting the United Nations treaties on outer space and served as an important means to address emerging challenges, such as the safe and sustainable use of outer space.

54. The Committee welcomed the efforts by the delegation of Japan to promote the exchange of views under the agenda item of the Subcommittee further by simplifying the questionnaire contained in A/AC.105/C.2/2015/CRP.24/Rev.1, and encouraging States members of the Committee and international organizations having permanent observer status with the Committee to respond, on a voluntary basis and as appropriate, to that questionnaire, and to submit their proposals to the delegation. The delegation of Japan had been invited to prepare a compilation of responses to be submitted to the Subcommittee during its fifty-fifth session, in 2016 (A/AC.105/1090, para. 191).

55. Some delegations expressed the view that there remained a significant divergence of opinion regarding the scope of deliberations under the agenda item of the Subcommittee. Those delegations also welcomed the agreement by the Subcommittee to retain the item on the agenda of the Subcommittee at its fifty-fifth session to continue the debate on both its substance and scope.

56. Some delegations expressed the view that the discussion under the agenda item should not be confined to examining solely the non-legally binding United Nations instruments, but all non-legally binding instruments related to space activities, which included existing ones as well as those under development. That included discussions on the European Union-led initiative on a draft international code of conduct for outer space activities, which should be conducted in a transparent way within the United Nations, in particular in the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

57. Some delegations were of the view that the Subcommittee should go beyond the discussion of non-legally binding instruments and aim at developing new legally



binding rules pertaining to outer space activities in order to reduce the legal uncertainties faced by both spacefaring and emerging spacefaring nations.

**9. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space**

58. The Committee took note of the discussion of the Legal Subcommittee under the item on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, in accordance with its five-year workplan, as reflected in the report of the Subcommittee (A/AC.105/1090, paras. 204-216).

59. The Committee endorsed the decisions and recommendations of the Subcommittee and its Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, which had been reconvened by the Subcommittee at its fifty-fourth session, under the chairmanship of Setsuko Aoki (Japan) (A/AC.105/1090, para. 206, and annex III, paras. 9-10).

60. The Committee noted the breadth and diversity of the mechanisms utilized in space cooperation, including multilateral and bilateral legally binding agreements; memorandums of understanding; non-legally binding arrangements; principles and technical guidelines; multilateral coordination mechanisms through which space-system operators coordinated the development of applications of space systems for the benefit of the environment, human security and welfare, and development; and mechanisms facilitating a variety of international and regional organizations and forums.

61. The Committee also noted that the review of mechanisms for cooperation in space activities would allow for a clear overview to be gained of the different forms of international cooperation in space activities being undertaken and for analysis of their success. The Committee further noted that the review would contribute to the strengthening of international cooperation in the exploration and peaceful uses of outer space.

62. The Committee noted with satisfaction that the exchange of information under the item demonstrated the broad range of international cooperative mechanisms employed by States members of the Committee and that common principles and procedures had emerged through that exchange, as member States examined the various potential mechanisms to facilitate future cooperation in the exploration and peaceful uses of outer space.

**10. Draft provisional agenda for the fifty-fifth session of the Legal Subcommittee**

63. The Committee took note of the discussion of the Subcommittee under the item on proposals to the Committee for new items to be considered by the Legal Subcommittee at its fifty-fifth session, as reflected in the report of the Subcommittee (A/AC.105/1090, paras. 220-225).

64. On the basis of the deliberations of the Legal Subcommittee at its fifty-fourth session, the Committee agreed that the following substantive items should be considered by the Subcommittee at its fifty-fifth session:

*Regular items*

1. Adoption of the agenda.
2. Election of the Chair.
3. Statement by the Chair.
4. General exchange of views.
5. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
6. Status and application of the five United Nations treaties on outer space.
7. Matters relating to:
  - (a) The definition and delimitation of outer space;
  - (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.
8. National legislation relevant to the peaceful exploration and use of outer space.
9. Capacity-building in space law.

*Single issues/items for discussion*

10. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
11. 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.
12. General exchange of information on non-legally binding United Nations instruments on outer space.
13. General exchange of views on the legal aspects of space traffic management.
14. General exchange of views on the application of international law to small satellite activities.

*Items considered under workplans*

15. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space.

(Work for 2016 as reflected in the multi-year workplan in the report of the Legal Subcommittee on its fifty-first session (A/AC.105/1003, para. 179))

*New items*

16. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-sixth session.
  65. The Committee agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, the Working Group on the Definition and Delimitation of Outer Space and the Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space should be reconvened at the fifty-fifth session of the Legal Subcommittee.
  66. The Committee also agreed that the Subcommittee should review, at its fifty-fifth session, the need to extend beyond that session the mandate of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space.
  67. The Committee commended Jean-François Mayence (Belgium), the outgoing Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, for his dedication in chairing the Working Group and his tireless efforts in moving the discussions in the Working Group forward.
  68. The Committee endorsed the agreement reached by the Western European and other States that Bernhard Schmidt-Tedd (Germany) would serve as Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space.
  69. The Committee agreed that IISL and the European Centre for Space Law should be invited to organize a symposium on space law at the fifty-fifth session of the Subcommittee.
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