



# General Assembly

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**Committee on the Peaceful  
Uses of Outer Space  
Legal Subcommittee  
Fifty-fifth session  
Vienna, 4-15 April 2016**

## **Draft report**

### **I. Introduction**

#### **A. Opening of the session**

1. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its fifty-fifth session at the United Nations Office at Vienna from 4 to 15 April 2016. At its 917th meeting, on 4 April 2016, Mr. Hellmut Lagos Koller (Chile) was elected Chair for a two-year term of office, pursuant to General Assembly resolution 70/82.
2. The Subcommittee held [...] meetings.

#### **B. Adoption of the agenda**

3. At its 917th meeting, on 4 April, the Subcommittee adopted the following agenda:
  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;

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

### **C. Attendance**

4. Representatives of the following [...] States members of the Committee attended the session: Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czech Republic, Ecuador, El Salvador, France, Germany, Greece, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Jordan, Kazakhstan, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, Nigeria, Oman, Pakistan, Peru, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) and Viet Nam.
5. The Subcommittee decided to invite, at their request, observers for Cyprus, the Dominican Republic, Namibia, New Zealand, Norway and Panama to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Committee concerning status.
6. The Subcommittee also decided to invite the observer for the European Union, at its request, to attend the session and to address it, as appropriate, on the

understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Committee concerning status.

7. Observers for the Office for Disarmament Affairs of the Secretariat, the United Nations Environment Programme (UNEP) and the International Telecommunication Union (ITU) attended the session.

8. The session was attended by observers for the following intergovernmental organizations having permanent observer status with the Committee: Asia-Pacific Space Cooperation Organization (APSCO), European Space Agency (ESA), European Telecommunications Satellite Organization (EUTELSAT-IGO), International Mobile Satellite Organization (IMSO), Inter-Islamic Network on Space Sciences and Technology (ISNET), International Organization of Space Communications (Intersputnik) and International Telecommunications Satellite Organization (ITSO).

9. The session was also attended by observers for the following non-governmental organizations having permanent observer status with the Committee: European Centre for Space Law (ECSL), European Space Policy Institute (ESPI), Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation, International Association for the Advancement of Space Safety (IAASS), International Institute of Space Law (IISL), International Law Association (ILA), International Space University (ISU), Secure World Foundation (SWF), Space Generation Advisory Council (SGAC) and World Space Week Association (WSWA).

10. A list of the representatives of States, United Nations entities and other international organizations attending the session is contained in document [...].

#### **D. Symposium**

11. On 4 April, IISL and ECSL held a symposium on the theme “Forty years since the entry into force of the Registration Convention: Today’s practical issues”, co-chaired by Tanja Masson-Zwaan of IISL and Sergio Marchisio of ECSL. The symposium was opened with a statement of welcome by the co-chairs and the Chair of the Subcommittee, and the Subcommittee subsequently heard the following presentations: “Legal and practical considerations on registering mega-constellations and space debris”, presented by Alexander Soucek; “Currently debated issues: registration of hosted payloads, in-orbit transfer of ownership and the future of notifications and pre-launch notifications”, by Elina Morozowa; “Registration of space objects with the Secretary-General”, by Simonetta Di Pippo; “Launch providers: role and practice” by Clayton Mowry; “Registration and space situational awareness” by Olavo de Oliveira Bittencourt Neto; and “Lessons from other regimes (telecommunications, aviation, maritime)” by Stephan Hobe and Peter Stubbe. Concluding remarks were made by the co-chairs of the symposium and the Chair of the Subcommittee. The presentations delivered during the symposium were made available on the website of the Office for Outer Space Affairs of the Secretariat ([www.unoosa.org/oosa/en/ourwork/copuos/lsc/2016/symposium.html](http://www.unoosa.org/oosa/en/ourwork/copuos/lsc/2016/symposium.html)).

12. The Subcommittee noted with appreciation that the symposium had constituted a valuable contribution to its work.

## **E. Adoption of the report of the Legal Subcommittee**

13. At its [...] meeting, on [...] April, the Subcommittee adopted the present report and concluded the work of its fifty-fifth session.

## **II. General exchange of views**

14. Statements were made by representatives of the following States members of the Committee during the general exchange of views: Algeria, Argentina, Austria, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Costa Rica, Cuba, Czech Republic, El Salvador, France, Germany, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Luxembourg, Mexico, Netherlands, Pakistan, Republic of Korea, Russian Federation, South Africa, Sweden, Thailand, Turkey, United States and Venezuela (Bolivarian Republic of). Statements were made by Namibia on behalf of the Group of 77 and China and by the Dominican Republic on behalf of the Group of Latin American and Caribbean States. The observers for APSCO, ESA, ESPI, IISL, ISU and SGAC also made statements.

15. The Subcommittee welcomed El Salvador, Israel, Oman, Qatar, Sri Lanka and the United Arab Emirates as new members of the Committee.

16. At the 917th meeting, on 4 April, the Chair made a statement in which he highlighted the programme of work and organizational matters pertaining to the current session of the Subcommittee.

17. At the same meeting, the Director of the Office for Outer Space Affairs made a statement in which she reaffirmed the Office's commitment to discharging the Secretary-General's responsibilities under international space law, particularly in connection with transparency and confidence-building to ensure the safety, security and sustainability of outer space activities. She presented an overview of recent activities of the Office, highlighting efforts undertaken to prepare for the fiftieth anniversary of the United Nations Conference on the Exploration and Peaceful Uses of Outer Space in 2018 and the Office's cooperation with the Panel of Experts established pursuant to Security Council resolution 1874 (2009). She also drew the attention of the Subcommittee to the unfavourable financial situation of the Office, the reduction in the level of the Office's human resources and the ongoing efforts of the Office to improve its resource framework.

18. The Subcommittee noted with satisfaction that the Office continued to monitor and implement the decisions and recommendations of the Security Council and the General Assembly that were relevant to its work, to the activities performed by entities affiliated to the United Nations in accordance with the mandate by the Committee and to the Office's collaboration with the Panel of Experts established pursuant to Security Council resolution 1874 (2009).

19. The Subcommittee noted with appreciation the seminar and symposiums held on the margins of the current session, namely a seminar entitled "Cross-cutting perspectives in space law" organized by the delegations of Japan and France, a symposium entitled "Challenges to international law on the threshold of UNISPACE+50" organized by the delegation of Argentina, and a symposium

entitled “Space Mining between the space treaties and the United States Commercial Space Launch Competitiveness Act” organized by ESPI.

20. The Subcommittee noted that it represented the main intergovernmental multilateral forum for developing space law.

21. Some delegations reaffirmed the commitment of their countries to the peaceful use and exploration of outer space and emphasized the following principles: universal and equal access to outer space for all countries without discrimination, regardless of their level of scientific, technical and economic development, and the equitable and rational use of outer space for the benefit of all humankind; the non-appropriation of outer space, including the Moon and other celestial bodies, by claim of sovereignty, use, occupation or any other means; the non-militarization of outer space, which should never be used for the installation of weapons of any kind, and, as a common heritage of humankind, its strict use for the improvement of living conditions and peace among the peoples that inhabit our planet; and international cooperation in the development of space activities.

22. Some delegations reaffirmed the importance of preventing an arms race in outer space, noting the useful role that transparency and confidence-building measures could play in this regard and stressing that the preservation of outer space for the long term required that the international community ensure that no weapons will ever be placed there.

23. The view was expressed that all space activities should be conducted in compliance with three major principles: freedom of access to space for peaceful uses; the preservation of the security and integrity of satellites in orbit; and the consideration of interests of defence and security of States in outer space.

24. The view was expressed that the Subcommittee should consider the legal basis for, and the modalities of, all aspects of the right to self-defence in outer space and that discussions on this topic could help reinvigorate the work of the Subcommittee.

25. The view was expressed that there was an increasingly close interface between peaceful uses and security-related uses of outer space and that the international legal framework needed to be strengthened to enhance the safety and sustainability of space assets for all space users.

26. The view was expressed that there should be greater cooperation between the Committee on the Peaceful Uses of Outer Space and the Conference on Disarmament, as the prevention of the placement of weapons in outer space and the threat or use of force against outer space objects are issues inextricably linked with the long-term security and sustainability of outer space activities.

27. The view was expressed that there was a need for a holistic approach to space issues that crossed all sectors and addressed civilian, commercial and military needs.

28. Some delegations expressed the view that the rapid development of activities in space, the growing number of actors engaged in space activities and the increasing complexity of those activities underscored the need for States to continue to work within the Subcommittee on an appropriate regulatory framework that would encompass those topical issues.

29. Some delegations expressed the view that measures that would limit access to space for nations with emerging space capabilities should be avoided and that States should refrain from further developing the international legal framework in a manner that set overly high standards or thresholds that could hinder the enhancement of capacity-building for developing countries.

30. Some delegations expressed the view that it was essential to promote active international cooperation among countries with the most developed space capabilities, countries with less developed space capabilities and countries currently without space capabilities, and to strengthen intraregional cooperation.

31. The view was expressed that there was a need to care for the outer space environment in the same way there was a need to care for the planet and to avoid creating an artificial divide between this planet and the space around it, so as to allow future generations to also enjoy the benefits of outer space.

32. The view was expressed that the privatization and commercialization of space were becoming increasingly important issues in connection with outer space activities.

33. The view was expressed that regulations associated with the commercialization of outer space should not be promoted, as outer space is the heritage of humankind and belongs to all States on an equal footing.

34. The view was expressed that there was great promise in private investment in path-breaking new activities to advance the understanding of the solar system and to unlock new space applications that benefit all of humanity, and that it was difficult, if not impossible, to foresee the technological innovations and downstream applications that might arise from efforts to push the envelope of exploration.

35. Some delegations expressed the view that coordination between the Legal Subcommittee and the Scientific and Technical Subcommittee was important and that interaction between the two subcommittees should be strengthened in order to synchronize the progressive development of space law with major scientific and technical advances, among other things.

36. Some delegations expressed the view that the Legal Subcommittee should follow the work of the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee, stressing that the draft guidelines for the long-term sustainability of outer space activities should be adopted soon.

37. The view was expressed that a finalized set of guidelines for the long-term sustainability of outer space activities could serve as an interim building block feeding the process towards eventually concluding, at the Conference on Disarmament, an international, non-discriminatory and effectively verifiable legally binding treaty on the prevention of an arms race in outer space.

38. The view was expressed that it was important that negotiations on a code of conduct for outer space activities take place in a multilateral and inclusive manner within the structures and mechanisms of the United Nations.