



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

Draft report

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

1. Pursuant to General Assembly resolution 70/82, the Subcommittee considered agenda item 10, entitled “Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space”, as a single issue/item for discussion.
2. The representatives of Canada, Chile, France, Indonesia, Mexico, the Netherlands, the United Arab Emirates and the United States made statements under agenda item 10. The representative of Chile made 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 recalled that the Safety Framework for Nuclear Power Source Applications in Outer Space (A/AC.105/934), adopted by the Scientific and Technical Subcommittee at its forty-sixth session, in 2009, and endorsed by the Committee at its fifty-second session, also in 2009, had considerably advanced international cooperation in ensuring the safe use of nuclear power sources in outer space and had facilitated the development of international space law.
4. The Legal Subcommittee recalled with satisfaction the extension to 2017 of the multi-year workplan of the Working Group on the Use of Nuclear Power Sources in Outer Space of the Scientific and Technical Subcommittee (A/AC.105/1065, annex II, para. 9).
5. 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 and not detrimental to humanity.

6. Some delegations expressed the view that it was necessary to study in depth the use of satellite platforms with nuclear power sources and to analyse related practices and regulations. Those delegations were also of the view that more attention should be paid to the legal issues associated with the use of such platforms in Earth orbits, including the geostationary orbit, in the light of reported failures and collisions, which posed a high risk to humanity and to the environment.

7. 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 the development of a legally binding framework for the use of nuclear power sources in outer space.

8. Some delegations expressed the view that the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (General Assembly resolution 47/68) should be reviewed with a view to developing binding international standards.

9. Some delegations expressed the view that the Principles should be updated taking into account technological developments, as the scope of the Principles was limited and excluded promising applications, such as ion or electric propulsion, direct nuclear propulsion and mobile robotic technology based on using nuclear energy sources for surface exploration of celestial bodies.

10. Some delegations expressed the view that the Principles should be revised to ensure greater consistency with the Safety Framework.

11. Some delegations expressed the view that the Principles should be revised because their reference frameworks for radiological protection had evolved.

12. Some delegations expressed the view that a revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space was not warranted.

13. Some delegations expressed the view that it was necessary to revisit the Principles and assess whether a revision was required in order to keep up with the latest developments in technology and radiation protection standards.

14. The view was expressed that a review panel, composed of competent and relevant experts, should be established to perform such assessment and submit its findings to the Legal Subcommittee.

15. The view was expressed that any proposal put forward by Member States in relation to the possible future revision of the Principles should not precede the input and consideration of the Scientific and Technical Subcommittee.

16. The view was expressed that the establishment of an independent nuclear safety review panel to regulate the use of nuclear power sources in outer space could be considered.

XIV. 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

17. Pursuant to General Assembly resolution 70/82, the Subcommittee considered agenda item 16, entitled “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”, as a regular item on the agenda. Under the item the Subcommittee also considered matters related to the organization of work.

18. The representatives of Austria, Belgium, Brazil, Chile, Germany, Greece, Iran (Islamic Republic of), Mexico, the Netherlands, the Russian Federation and the United States made statements under agenda item 16. The observers for ESA and ILA also made statements. During the general exchange of views, statements relating to the item were also made by representatives of other member States.

19. The Subcommittee agreed that five single issues/items for discussion, entitled “Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space”, “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”, “General exchange of information on non-legally binding United Nations instruments on outer space”, “General exchange of views on the legal aspects of space traffic management” and “General exchange of views on the application of international law to small satellite activities”, should be retained on the agenda of the Subcommittee at its fifty-sixth session.

20. The Subcommittee agreed that a new single issue/item for discussion, entitled “General exchange of views on potential legal models for activities in exploration, exploitation and utilization of space resources”, should be included on the agenda of the Subcommittee at its fifty-sixth session. The Subcommittee also agreed that the inclusion of that item would provide an opportunity for a constructive, multilateral exchange of views on such activities, including economic aspects, among States members and permanent observers of the Committee.

21. The Subcommittee agreed on the following items to be proposed to the Committee for inclusion in the agenda of the Subcommittee at its fifty-sixth session:

Regular items

1. Adoption of the agenda.
2. Statement by the Chair.
3. General exchange of views.
4. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
5. Status and application of the five United Nations treaties on outer space.
6. 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.

7. National legislation relevant to the peaceful exploration and use of outer space.
8. Capacity-building in space law.

Single issues/items for discussion

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

Items considered under workplans

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

(Work for 2017 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-seventh session.
22. The Subcommittee agreed that IISL and ECSL should again be invited to organize a symposium, to be held during its fifty-sixth session.
23. Some delegations recalled the proposal by Germany for the renewal of the structure of the agenda and organization of work of the Legal Subcommittee, as contained in document A/AC.105/C.2/L.293/Rev.2, and emphasized that the discussion on the future role of the Subcommittee as the prime international body for space law-making was important.

24. Some delegations expressed the view that the role of the Subcommittee as the principal international forum to promote and further develop space law should be maintained and enhanced.
25. Some delegations expressed that view that the Subcommittee should begin to consider the forming of a list of topical problems and issues related to the legal aspects of space activities. Such activity by the Subcommittee could help define future directions and optimize the work of the Subcommittee.
26. Some delegations expressed the view that the Subcommittee could consider various aspects relating to the development and implementation of international binding norms and standards applicable to space activities.
27. The view was expressed that the current legal framework established by the United Nations treaties on outer space adequately met the needs of the international community in matters relating to outer space, and that the legal framework governing global space activities would be strengthened through increased participation in and adherence to the existing United Nations treaties and principles on outer space.
28. The Subcommittee urged States, in particular States members of the Committee, that have not yet become parties to the international treaties governing the uses of outer space to give consideration to ratifying or acceding to those treaties in accordance with their national law, as well as incorporating them into their national legislation.
29. Some delegations expressed the view that there should be increased synergy and cooperation between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to further enhance consistency in the work of the Committee and its Subcommittees and to further the understanding and application of existing legal instruments relating to space law.
30. The view was expressed that the Subcommittee, through an item on its agenda, could promote knowledge and understanding of the fact that the Committee and its Scientific and Technical Subcommittee and Legal Subcommittee constituted a unique common platform for promoting international cooperation in the peaceful exploration and use of outer space at the global level, and were the only United Nations bodies assigned by the General Assembly with the exclusive responsibility to work under all issues, including legal issues, pertaining to outer space.
31. The Subcommittee welcomed with appreciation the compendium of rules of procedures and methods of work related to the Committee on the Peaceful Uses of Outer Space and its subsidiary bodies, contained in conference room paper A/AC.105/C.2/2016/CRP.5 and prepared by the Secretariat in accordance with the request by the Subcommittee and the Committee in 2015.
32. The Subcommittee noted that its fifty-sixth session had been tentatively scheduled to be held from 27 March to 7 April 2017.