

# **Bringing the benefits of space to all countries: a guidance document on the legal framework for space activities – and the Guidelines for the Long-term- Sustainability of Outer Space Activities**

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## ‘UNISPACE+50’ Resolution

### 73/6. Fiftieth anniversary of the first UN Conference on the Exploration and Peaceful Uses of Outer Space: space as a driver of sustainable development

Resolution adopted by the General Assembly on 26 October 2018 - A/RES/73/6

#### LTS – Regulatory Framework – Guidance Doc. – Benefits for all

*Reiterating* that **all countries**, irrespective of their degree of economic or scientific development, are participants in, contributors to and beneficiaries of the exploration and peaceful uses of outer space,

*Stressing* the need to ensure the **long-term sustainability** of outer space activities ... and convinced of **the need to strengthen**, through the Committee on the Peaceful Uses of Outer Space, **international cooperation** to achieve those goals and

**contribute to realizing a shared vision for the future  
in the exploration and use of outer space for peaceful purposes and  
for the benefit and in the interest of all humankind,**

## ‘UNISPACE+50’ Resolution

7. *Reaffirms* the unique role of the Committee on the Peaceful Uses of Outer Space and its subcommittees, supported by the Office for Outer Space Affairs of the Secretariat, as unique platforms for international cooperation in the exploration and uses of outer space for peaceful purposes, for the global governance of outer space activities,

**for developing international space law,**

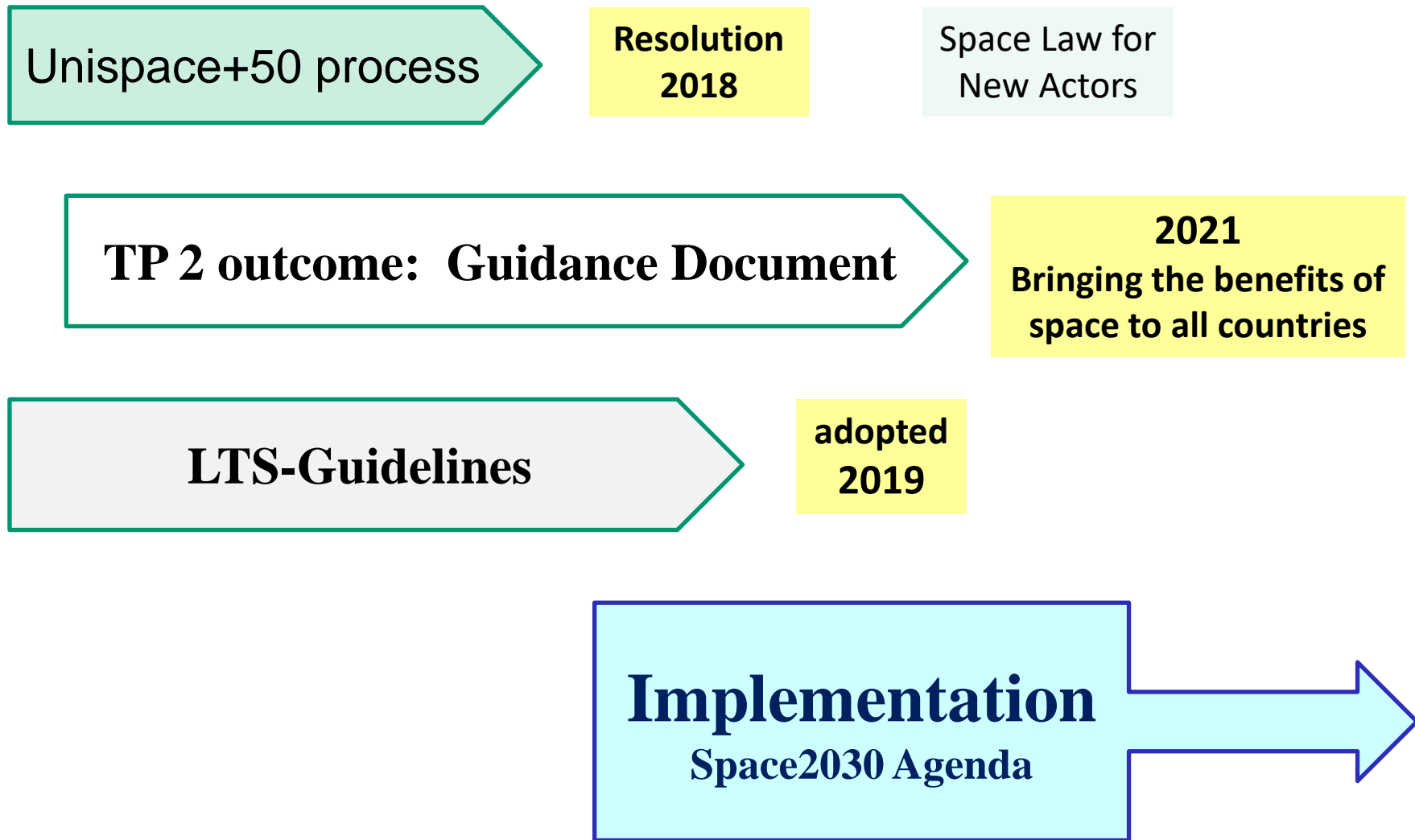
**for fostering dialogue among spacefaring and emerging space nations and**

**for promoting the increased involvement  
of all countries in space activities,**

**including through capacity-building initiatives;**

8. ...taking into account, in particular, the “**Space2030**” agenda and its implementation plan...

# How it fits together



## Mandate for a guidance document under Thematic Priorities of the UNISPACE+50 process

- **Thematic Priority 2** “Legal regime of outer space and global space governance: current and future perspectives” (COPUOS **59<sup>th</sup> session 2016**, A/71/20 para. 296)
- Sub para. (d): “Identifying, by 2018, approaches and possible criteria for developing, **by 2020**, a **guidance document** to be issued [by COPUOS] with **essential information** on the state of affairs of the legal regime governing outer space, **including relevant instruments** applied through national regulatory frameworks and **international mechanisms for cooperation**. Such a document should serve as valuable **guidance for States wishing to become a party to** the five [UN] treaties on outer space;”
- Draft working method in A/AC.105/C.2/2018/CRP.14

**WG TRE / Coordination with WG LTS**

# Significance of the Guidance Document

- **Increasing number of actors** carrying on space activities
- In order to **assist a uniform understanding** of the UN space treaties, **flow of information is crucial**
- **The Guidance Document is in line with the objectives of TP2:**
  - To **promote the universality** of the five UN treaties on outer space
  - To **assess the state of affairs** of these treaties and their relationship with other relevant international instruments (e.g. principles, resolutions, guidelines)
  - To **analyze the effectiveness** of the legal regime of outer space in the 21<sup>st</sup> century, with eventually a view of identifying areas that might require additional regulation

# Purpose and rationale of the Guidance Document

- The Guidance Document is intended to **assist States** in acceding to the space treaties
- Rationale: governments need to be aware of potential implications of space activities that are carried on under their **jurisdiction**
- The Guidance Document serves as a **capacity-building instrument**
- Potential of **cooperation** in space matters among parties to the five UN space treaties
- The Guidance Document could lead to **Outreach activities** on application of the treaties

# Structure of the Guidance Document – A/AC.105/C.2/117

Bringing the benefits of space to all countries: a guidance document  
on the legal framework for space activities

**I. Introduction and overview**

**II. Elements to assess when considering  
becoming Party to the  
United Nations treaties on outer space**

**III. Work done by the Legal Subcommittee related to the  
operation of space activities**

**IV. Development of national space policy, strategy and  
regulatory frameworks**

**V. Elements for consideration in international cooperation**



# Character and content of the Guidance Document

- **Voluntary** character
- **Overview** of legal regime of outer space

## Benefits, rights and obligations

### Interlinkages of substantive areas of work in the LSC

- UN Space Law documents, GA Res
- WG on the concept of the 'launching State'
- WG on registration practice
- WG on national space legislation
- WG on international mechanisms for cooperation

### Specific operative considerations

- Licensing
- Authorization procedures
- Registration procedures
- Space Debris Mitigation
- Operation of small satellites

### Elements for consideration in international cooperation

- Agreements, arrangements
- Active COPUOS participation
- Capacity building

### Elements for consideration of the development of national space policies and strategies

- Space economy, space society, space accessibility, space diplomacy

# LTS Guidelines – relevant subjects

- a) **Policy and regulatory framework for space activities**
- b) **Safety of space operations**
- c) **International cooperation, capacity-building and awareness**
- d) **Scientific and technical research and development**

## Guideline C.1

**Promote and facilitate international cooperation in support of the LTS of outer space activities**

## Guideline C.2

**Share experience related to the long-term sustainability of outer space activities and develop new procedures, as appropriate, for information exchange**

## Guideline C.3

**Promote and support capacity-building**

## Guideline C.4

**Raise awareness of space activities**

# A. Policy and regulatory framework for space activities

## Guidelines 1 and 3

A 1.3...States should consider not only existing space projects and activities but also, to the extent practicable, **the potential development of their national space sector**, and envisage appropriate, timely regulation in order to avoid legal lacunae.

A 3.4. States should ensure that the **management of an entity** that conducts outer space activities establishes **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. Appropriate measures to be taken by management in this regard should include:

**(a) A commitment at the highest levels** of the entity to promoting the long-term sustainability of outer space activities; ...

**Proactive regulation –  
requirements for the management of space operators**

## B. Safety of space operations

### Pre-launch measures: Conjunction assessment / trackability

#### Design and operation of space objects regardless of their physical and operational characteristics

1. States and international intergovernmental organizations are encouraged to promote design approaches that **increase the trackability** of space objects, regardless of their physical and operational characteristics, **including small -size space objects**, and those that are difficult to track throughout their orbital lifetime, as well as facilitate the accurate and **precise determination of their position in orbit**. Such design solutions could include the use of appropriate on-board technology.

#### Develop practical approaches for pre-launch conjunction assessment

1. States and international intergovernmental organizations are encouraged to **advise launch service providers** under their jurisdiction and control to consider **conducting pre-launch conjunction assessment** for space objects to be launched. ...

### Enhanced requirements for mission preparation

# Guidance for the operational implementation of Treaty articles Holistic Capacity Building for the future

## A matrix between Treaty conditions and the LTS-Guidelines

### LTS Guidelines

- Adopt, revise and amend, as necessary, national regulatory frameworks for outer space activities

- Consider a number of elements when developing, revising or amending, as necessary, national regulatory frameworks for outer space activities

- Supervise national space activities

- Ensure the equitable, rational and efficient use of the radio frequency spectrum and the various orbital regions used by satellites

- Enhance the Registration practice ...

**Where are the specific treaty provisions  
being translated into operational form  
by the LTS Guidelines?**

Treaty Articles



# Guidance Doc.– **LTS-Guidelines** – Emerging Space Nations

## **LTS Guidelines** (Chapter I. Context)

**2.** Space activities are essential tools for realizing the achievement of the **Sustainable Development Goals**. Hence, the **long-term sustainability** of outer space activities is of interest and importance for current and emerging participants in space activities, in particular for developing countries.

**18.** States and relevant international intergovernmental organizations in a position to support developing countries in developing their national capacities for the implementation of these guidelines, through appropriate and mutually agreed **capacity-building mechanisms**, are encouraged to do so as one of the means of ensuring and enhancing the **long-term sustainability** of outer space activities.

**21.** The relevant United Nations body serving as the principal forum for **continued institutionalized dialogue** on issues related to the implementation and review of the guidelines is the Committee on the Peaceful Uses of Outer Space.

# Purpose and place of the Guidance Document



UN-Guidelines / Resolutions

**LTS Guidelines**

## **Purpose of the Guidance Document:**

- Governments need to be aware of potential implications of space activities under their jurisdiction
- Capacity-building

## **National Implementation**

Interaction between Treaties /Guidelines and National Implementation

# The Guidance Document in the general context

- Link to **Space2030 Agenda** (space diplomacy – regulatory framework)
- Link to efforts to **safeguard** the basic principles of space law and a predictable legal regime
- Link to the **further development** of space law and its implementing mechanisms at national, regional and global level

## The Guidance Document has the function

- To **integrate 'newcomers'** with a practical tool for space law application
- To give the growing space community an **oversight** over a complex legal regime and its application
- To offer **guidance and connected support activities**
- To offer a meaningful **completion** to classical space law teaching



# SDG 16: Peace, Justice and Strong Institutions



- **16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all**
- **16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance**

The international legal regime of outer space -  
Awareness, capacity building, guidance, national implementation

**Perspectives for 2023...**

A comprehensive LSC Agenda enables the discussion on space governance and benefits for emerging Space Nations,

Inter alia,

- **for WG TRE tbd. a Workplan supporting the implementation of the Space2030 Agenda – the LTS-implementation and challenges of space law...**

**- Multi-year workplan of WG on Legal Aspects of Space Resource Activities**

*Single issues/items for discussion*

- General exchange of information and views on legal mechanisms relating to **space debris mitigation and remediation measures**, taking into account the work of STSC.
- General exchange of information on **non-legally binding** UN instruments on outer space.
- General exchange of views on the legal aspects of **space traffic management**.
- General exchange of views on the application of international law to **small satellite activities**.



**Thank you  
for your kind attention**

**Any questions ?**

