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**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
Fifty-eighth session
Vienna, 1–12 April 2019**

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-eighth session at the United Nations Office at Vienna from 1 to 12 April 2019. The session was conducted under the chairmanship of Andrzej Misztal (Poland).
2. The Subcommittee held [...] meetings.

B. Adoption of the agenda

3. At its 976th meeting, on 1 April, the Subcommittee adopted the following agenda:
 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.



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 and remediation 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.
15. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-ninth session.

C. Attendance

4. Representatives of the following [...] States members of the Committee attended the session: Albania, Algeria, Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czechia, Denmark, Ecuador, Egypt, El Salvador, Finland, France, Germany, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Italy, Japan, Jordan, Kenya, Libya, Luxembourg, Malaysia, Mexico, Mongolia, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam.

5. At its 976th and 980th meetings, on 1 and 3 April, respectively, the Subcommittee decided to invite, at their request, observers for Croatia, the Dominican Republic, Honduras, Malta and Singapore 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. Observers for the Food and Agriculture Organization of the United Nations (FAO) and the International Civil Aviation Organization (ICAO) attended the session.

7. The session was attended by the observer for the European Union as permanent observer of the Committee and in accordance with General Assembly resolution [65/276](#).

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), and the International Organization of Space Communications (Intersputnik).

9. The session was also attended by observers for the following non-governmental organizations having permanent observer status with the Committee: European Space Policy Institute (ESPI), For All Moonkind, Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation, International Institute of Space Law (IISL), International Law Association (ILA), International Organization for Standardization (ISO), National Space Society (NSS), 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 A/AC.105/C.2/2019/INF/[...].

D. Summary of the work of the Working Group on the “Space2030” Agenda of the Committee on the Peaceful Uses of Outer Space

11. In accordance with the decision of the Committee on the Peaceful Uses of Outer Space, made in 2018 at its sixty-first session, the Working Group on the “Space2030” Agenda has been established under a new agenda item of the Committee entitled “‘Space2030’ agenda”, which is to remain on the Committee’s agenda until the sixty-third session of the Committee, in 2020 (A/73/20, paras. 358–363).

12. The Working Group held its meetings during the fifty-eighth session of the Legal Subcommittee, in accordance with the mandate given by the Committee. A summary report on those meetings is contained in annex [...] to the present report.

E. Symposium

13. On 1 April, IISL and the European Centre for Space Law (ECSL) held a symposium on the theme “The Moon Agreement revisited: the road ahead”, co-chaired by Kai-Uwe Schrogl of IISL and Sergio Marchisio of ECSL. The symposium was opened with welcoming remarks by the co-chairs of the symposium and the Chair of the Subcommittee, after which the following presentations were made to the Subcommittee: “Space activities and celestial bodies: current scientific and legal perspectives”, by Guoyu Wang; “Study of the drafting history of the Moon Agreement”, by Irmgard Marboe; “Contribution of the deep seabed mining legal regime to space resource activities”, by Armel Kerrest; “Comparative assessment of the Antarctica treaty system: non-militarization and environmental protection”, by Olavo Bittencourt; “Challenges for the implementation of the moon agreement”, by Michelle Hanlon; and “The legacy of the Moon Agreement, revisited”, by Steven Freeland. The presentations were made available on the website of the Office for Outer Space Affairs of the Secretariat (<http://www.unoosa.org/oosa/en/ourwork/copuos/lsc/2019/symposium.html>). Following the presentations, concluding remarks were made by the co-chairs of the symposium and the Chair of the Subcommittee.

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

F. Adoption of the report of the Legal Subcommittee

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

II. General exchange of views

16. Statements were made by representatives of the following States members of the Committee during the general exchange of views: Algeria, Australia, Austria, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czechia, Egypt, Finland, France, Germany, Greece, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Kenya, Luxembourg, Mexico, Netherlands, New Zealand, Nigeria, Pakistan, Paraguay, Poland, Republic of Korea, Russian Federation, South Africa, Spain, Thailand, Turkey, United Kingdom, United States, Venezuela (Bolivarian Republic of) and Viet Nam. A statement was made by the representative of Egypt on behalf of the Group of 77 and China. The representative of Chile made a statement on behalf of Argentina, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, Cuba,

Dominican Republic, Ecuador, El Salvador, Paraguay, Uruguay and Venezuela (Bolivarian Republic of). The observer for the European Union made a statement on behalf of the European Union and its member States. The observer for the Dominican Republic also made a statement. The observers for ESA, IISL, NSS and SGAC also made statements. A statement was made by the observer of For All Moonkind.

17. The Subcommittee heard a presentation entitled “Working together to ensure the responsible use of outer space”, by the representatives of New Zealand and the United States.

18. The Subcommittee took note of the applications of the Moon Village Association, contained in conference room paper A/AC.105/C.2/2019/CRP.4, for the status of permanent observer of the Committee. The Subcommittee noted that the application would be considered by the Committee at its sixty-second session, in June 2019.

19. At the 976th meeting, on 1 April, the Chair made a statement in which he referred to the programme of work and the organizational matters pertaining to the current session of the Subcommittee. In his opening remarks, he stressed that General Assembly resolution 73/6, entitled “Fiftieth anniversary of the first United Nations Conference on the Exploration and Peaceful Uses of Outer Space: space as a driver of sustainable development”, marked a new step in the development of a political framework for space exploration and related international cooperation, and looked ahead to the contribution the Committee could make to the governance of outer space activities in the future. The Chair pointed out that, owing to the nature of space activities, there would be higher expectations regarding legislative activity and other forms of coordination within the United Nations to arrive at a comprehensive, reliable and enduring scheme of international standards. According to the Chair it was important to regard the system of international law as one whole and treat it accordingly, and to operate within a larger legal environment that resulted from the work of other organs, as well as practice and cooperation among space actors.

20. At the 980th meeting, on 3 April, the Subcommittee heard a statement prepared by the Director of the Office for Outer Space Affairs, in which she reviewed the role of the Office in discharging the responsibilities of the Secretary-General under the United Nations treaties on outer space, including the maintenance of the Register of Objects Launched into Outer Space. In particular, the Subcommittee was informed that in 2018, the Office registered, on behalf of the Secretary-General, 229 functional and 101 non-functional space objects, and also received 32 notifications of re-entries and 18 notifications of a change in status of space objects. Since the beginning of 2019, the Office had received registration submissions for 165 functional and 31 non-functional objects. The Director also informed the Subcommittee that, since the fifty-seventh session of the Legal Subcommittee, held in 2018, the Office had received and disseminated information from two Member States under Article V of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (Rescue Agreement), on the recovery of space objects within its territory, and a notification under the Principles Relevant to the Use of Nuclear Power Sources in Outer Space from one Member State. Also, the Director reviewed the role and work of the Office relating to capacity-building in space law.

21. The Director of the Office informed the Subcommittee about the evaluation of the Office by the Inspection and Evaluation Division of the Office of Internal Oversight Services (OIOS), which had been completed on 8 March 2019. The evaluation report had reflected, among other things, the appreciation consistently expressed by stakeholders, with OIOS noting the “overwhelmingly positive feedback about the Office’s accomplishments despite a small budget, with no other entity within or outside the United Nations possessing a comparable mandate covering the full breadth of political, legal and scientific affairs related to the peaceful uses of outer space”. The Director noted with appreciation that in their interviews for the evaluation, stakeholders and partners, including representatives of States members of

the Committee, had contributed valuable insights into the Office's work and performance.

22. The Director of the Office referred to one of the recommendations in the report, namely, that in anticipation of growth in the number of objects launched into outer space in the near future, the Office should review and modernize its registration process and capacity to maintain a high registration rate. The expected large increase in the number of space object launched in the years to come and the related registration obligations remained an area of concern to the Office. The Register on Objects Launched into Outer Space continued to serve as a common, treaty-bound mechanism to ensure that national space activities were conducted responsibly, and the United Nations and its Member States must work together to ensure that awareness of and adherence to the Register would be always as high as possible. The Office had already taken steps to implement a number of recommendations in the report. However, certain recommendations could not be implemented due to the Office's lack of human resources. The Office had informed OIOS accordingly in its formal response, available as annex I and II of the evaluation report.

23. The Subcommittee welcomed the adoption by the General Assembly of its resolution 73/6 and the success of the outcome documents adopted in connection with the fiftieth anniversary of the first United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE+50), which had stressed the importance of strengthening international cooperation in the exploration and use of outer space for peaceful purposes.

24. Some delegations expressed the view that the five United Nations treaties on outer space constituted the foundations of international space law, and that those treaties were supplemented by the Committee with sets of rules and principles for regulating issues such as remote sensing and the use of nuclear energy sources in outer space. It was important that States members of the Committee continued work that would make it possible to establish long-term sustainability guidelines for space activities, which would come together in a set of non-binding instruments.

25. The Subcommittee reaffirmed the importance of implementing at the national level the principles enshrined in the United Nations treaties governing space activities and called on all States operating in outer space or with operators conducting activities in outer space to develop and implement, to the extent that they had not already done so, national laws and regulations to govern those activities and operations.

26. Some delegations expressed the view that it would be appropriate for States that already have national space legislation to carry out periodic reviews to ensure that they were up-to-date in relation to the issues and problems posed by new space activities and that they were effectively meeting their international obligations relating to space.

27. The view was expressed that international law – including international space law – continued to be a crucial tool in that it enabled space actors, including those in the private sector, to flourish in a predictable environment.

28. Some delegations reiterated the view that the Committee and its subsidiary bodies continued to be the only forum within the United Nations for comprehensive discussions of matters related to the peaceful uses of outer space, including the Moon and other celestial bodies, and that there should be more interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to promote advances in space law and keep space law aligned with the major scientific and technical advances. In the view of those delegations, coordinating the work of the Subcommittees and using synergies between them would also promote understanding, acceptance and further the implementation of existing United Nations legal instruments.

29. The view was expressed that it was crucially important to strengthen the Committee and its Subcommittees as the prime international forum for multilateral

cooperation in the space domain and for the development of international norms and standards regulating peaceful space activities, and that the global governance of outer space activities was an essential element of the “Space2030” Agenda. The delegation expressing this view was also of the view that it was important to make the Committee more relevant as a body promoting international cooperation in the space domain and to make it more responsive to new realities emerging in outer space activities.

30. Some delegations expressed the view that, in order to preserve outer space for generations to come so that they too could enjoy the benefits derived from the use of space technologies, the Legal Subcommittee would need to identify the legal arrangements needed to ensure the sustainability of the outer space activities so that scientific and technological advances became a strength backed up by a legal framework.

31. Some delegations expressed the view that awareness among the international community of the benefits that space activities generated for socioeconomic development continued to grow, and the Committee and its subsidiary bodies should therefore play a preponderant role in disseminating those benefits and in promoting their extension to all States. The delegations expressing this view were also of the view that the exploration, use and exploitation of outer space for exclusively peaceful purposes should be one of the fundamental means to achieve the objectives of the 2030 Agenda for Sustainable Development.

32. The view was expressed that the only way to ensure the sustainability of space activities was to develop space technology and space applications based on the principle of fair and mutual benefit as well as on full respect for territorial integrity and sovereignty of States. The delegation expressing this view was also of the view that the transfer of space technology through, inter alia, technical assistance and the provision of adequate resources, remained important as a way to build national capacity, as it contributed to the capabilities of, in particular, developing countries to enhance their activities in outer space and their efforts to become spacefaring nations.

33. Some delegations expressed the view that it was important to foster international cooperation and transparency in outer space activities, and that capacity-building in space law and space policy continued to be of great importance in maintaining the rule of law with regard to space activities, especially with regard to new space actors and emerging space nations.

34. Some delegations expressed the view that discussions held within the Legal Subcommittee should not lead to norms, guidelines, standards or other measures that would limit the access of nations with emerging space capabilities, in particular developing countries, to outer space. The delegations expressing this view were also of the view that the international legal framework should be developed in a manner that addressed the concerns of all States and that, with assistance from the Office for Outer Space Affairs, the Committee therefore needed to devote more effort to legal capacity-building and making the required expertise available to developing countries.

35. The view was expressed that the Subcommittee’s extraordinary record of success in developing and promoting space law had, to a large extent, been due to its ability to address practical problems by building consensus.

36. The view was expressed that discussions at the international level had, in recent years, provided evidence for the following trends: (a) the growth in the circle of active subjects of space activities had led to the oversaturation of space activities, which threatened the freedom to explore outer space for the benefit and in the interests of all States, and the formation of a potential conflict zone, which underscored the necessity and obligation for all States to diligently and actively cooperate in the prevention of such a situation that had a great potential for the emergence of conflicts, and to resolve conflicts on the basis of a comprehensive, complex and balanced approach; (b) the development of science and technology had brought humanity to an epoch of commercial development of space resources, which was accompanied by a

risk of intensification of global competition for resources in outer space, which could be prevented by the initiation in the Committee of an objective and results-oriented discussion on an international mechanism for the management of space resources that would be based on the principles and norms codified in the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty); and (c) there was a definite need for the development and strengthening of inter-agency interaction between the Committee, its Subcommittees and the Office for Outer Space Affairs with other competent international organizations. For example, the prevention of the use of programmes and objects (predominantly of dual use) for purposes incompatible with the imperative of the preservation of outer space, including the Moon and other celestial bodies, for exclusively peaceful purposes, would be important within the context of the work on the problem of the definition of a regime for the management of space resources. In that connection, an interaction with competent international organizations, including the Conference on Disarmament, would be important.

37. Some delegations reaffirmed their strict adherence to the principles governing the activities of States in the exploration and use of outer space, including those outlined in General Assembly resolutions 1962 (XVIII) and 1884 (XVIII), specifically: (a) universal and equal access to outer space for all countries without discrimination, regardless of their level of scientific, technical and economic development, as well as the equitable and rational use of the outer space for the benefit and in the interests of all humankind; (b) the principle of non-appropriation of outer space, including the Moon and other celestial bodies, which could not be appropriated by any State, by claim of sovereignty, by means of use or occupation or by any other means; (c) the non-militarization of outer space, which was never to be used for the placement and/or deployment of weapons of any kind, and, as a province of mankind, its strict use for the improvement of living conditions and peace among peoples; (d) international cooperation in the development of space activities, in particular those referred to in the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries.

38. The view was expressed that it was important to universalize and improve the implementation of the rules established by these United Nations treaties on outer space in keeping with three main principles: (a) freedom of access to space for peaceful uses; (b) preserving the safety and integrity of satellites in orbit; and (c) taking into account the interests of defence and security of States in space; and that those three principles should govern space activities.

39. Some delegations welcomed the agreement reached regarding, thus far, 21 guidelines for the long-term sustainability of outer space activities and encouraged all States members of the Committee to report on their implementation.

40. The view was expressed that, while the agreement by the Scientific and Technical Subcommittee on the text of 21 guidelines for the long-term sustainability of outer space activities was satisfactory, it was an as yet insufficient and fragmented move, as this was a priority item for the Committee that had not yet been closed and objective discussions should continue on a number of important points brought up by certain delegations, even though those points had not been included in the relevant compendium that was agreed to be reviewed by that Subcommittee.

41. The view was expressed that a voluntary international instrument covering the security, safety and sustainability of outer space activities would make it possible to set global norms of responsible behaviour and create related transparency and confidence-building measures, including a political commitment to refrain from intentionally destroying space objects and prevent any further generation of debris.

42. The view was expressed that, by venturing into outer space, humanity had begun a new space civilization, and that this new civilization must be completely different from the culture and ethical values that currently governed relationships between humans as well as those between nations, and that this new civilization would enable

people to enter an era of peace free from violence and weaponry. The delegation expressing this view proposed the establishment of a working group tasked with considering all aspects of this new era in the history of humanity.

43. Some delegations expressed the view that it was important to prevent an arms race and the placement of weapons of any kind in outer space, and called upon all States, in particular those with major space capabilities, to contribute actively and commit to preserving outer space as a peaceful environment. The delegations expressing this view were also of the view that the sustainability of outer space activities, both in the short and in the long term, required that the international community ensure that no weapons were ever placed or used there.

44. The view was expressed that outer space belonged to all humankind, even though space capabilities differed widely among States, and that humanity would reap the benefits of space only if trust and confidence reigned among all space actors. The delegation expressing this view was also of the view that conflicts and tensions on Earth could not be transferred to space, and that one of the roles of the Subcommittee would be to advance space law to ensure that space would not become a theatre of war. Therefore, the Subcommittee should continue to strive for greater interaction with the Scientific and Technical Subcommittee, as well as with other United Nations bodies and international organizations whose participation and contribution would strengthen the Committee and its Subcommittees.
