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**Committee on the Peaceful  
Uses of Outer Space**  
Legal Subcommittee  
Fifty-sixth session  
Vienna, 27 March-7 April 2017

**UNISPACE+50 thematic priority 2, entitled “Legal regime of  
outer space and global space governance: current and future  
perspectives” — draft working method**

**Proposal submitted by the Chair of the Working Group on the  
Status and Application of the Five United Nations Treaties on Outer  
Space**

**I. Introduction**

1. Thematic priority 2 “Legal regime of outer space and global space governance: current and future perspectives”, agreed to by the Committee on the Peaceful Uses of Outer Space at its fifty-ninth session 2016 (A/71/20, para. 296), reads as follows:

Objective: Promote the universality of the five United Nations treaties on outer space. Assess the state of affairs of those treaties and their relationship with other relevant international instruments, such as principles, resolutions and guidelines governing space activities. Analyse the effectiveness of the legal regime of outer space in the twenty-first century, with a view to identifying areas that may require additional regulation. Conduct an evaluation by:

(a) Developing the questionnaire of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space to encompass an assessment of the legal regime of outer space as a pillar of global space governance. The questionnaire should be used in the period leading up to 2018 to assist the Legal Subcommittee in addressing the status and scope of, and assessing and, as appropriate, addressing possible gaps in, the legal regime of outer space;

(b) Studying potential future legal and institutional initiatives intended to ensure that outer space is explored and used for peaceful purposes and that access to outer space remains open and free for the benefit of all countries, in order to ensure that international space law is a relevant part of global space governance in the twenty-first century in the light of the significant scientific developments and technical advances that have affected space activities;



(c) Studying legal mechanisms to foster an international regime of responsibility and liability to cope with present and future challenges to the safety, security and sustainability of outer space activities and the safety of space operations, perspectives of space traffic management and an enhanced exchange of information on space objects and events. Specific consideration is to be given to current practical concerns of the international community, such as in-orbit collisions and interferences. In particular, there should be an assessment of the need for enhanced registration and notification procedures and their institutional requirements under the registration and notification platform maintained by the Office for Outer Space Affairs;

(d) Identifying, by 2018, approaches and possible criteria for developing, by 2020, a guidance document to be issued by the Committee on the Peaceful Uses of Outer Space 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 United Nations treaties on outer space;

(e) Considering means to strengthen the Legal Subcommittee as the prime multilateral body with a mandate to promote the progressive development of international space law, including procedural and institutional improvements and closer cooperation with the Scientific and Technical Subcommittee.

Mechanism: Existing Working Group on the Status and Application of the Five United Nations Treaties on Outer Space of the Legal Subcommittee, which should coordinate its work with the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee.

## II. Proposed working method

2. The consideration of all the elements under the thematic priority, requires a clear working method that is easy to apply and with time bound outputs.

3. Considering the complexities enshrined in the defined objectives under this thematic priority, see under (a) – (e) above, including the broad perspective of international space law and policy, as well as issues of concern to the safety, security and sustainability of outer space activities, it is proposed to consider those topics in a structured manner. The following clusters are proposed to structure the work and identify appropriate methodology:

**Cluster 1:** Using the set of questions established under the Working Group as a basis for assessing the state of affairs of the five United Nations treaties on outer space, begin analysing the effectiveness of the legal regime of outer space, with a view towards assessing the status and scope of, and addressing, as appropriate, possible gaps in the legal regime of outer space. This exercise is proposed to begin already in 2017, for which discussions on the set of questions would be held in the Working Group meetings in combination with continued invitations for written responses. It is proposed to take into account the recommendation of the United Nations Workshop on Space Law, held in Vienna in 2016, for which the Workshop recommended that under this present thematic priority, an assessment of customary law perspectives relating to international space law should be conducted as well as an in-depth assessment of possible substantive and operational gaps in the legal regime of outer space, focusing in particular on responsibility and liability for national space activities. In parallel, possible gaps in the legal regime of a more conceptual nature should also be studied (A/AC.105/1131, para. 50 (i)). This process could also provide

elements to be considered in the development of a guidance document and tool under cluster 3 below.

**Cluster 2:** Observing the progress of work under the Working Group of the Scientific and Technical Subcommittee on the Long-Term Sustainability of Outer Space Activities, as well as the work to be conducted under UNISPACE+50 thematic priority 3 “Enhanced information exchange on space objects and events”, with a view of connecting the results of those processes, as appropriate, to the objective of the present thematic priority objective (c). Thus, the review of those topics would not commence under this present thematic priority until further progress in the Scientific and Technical Subcommittee, accordingly. There could be considered in this context the usefulness of developing a matrix like overview demonstrating inter-linkages between the final guidelines on the long-term sustainability of outer space activities and the treaties, principles and other instruments under the legal regime of outer space. This cluster would also be important for considerations on means to strengthen the Legal Subcommittee and procedural and institutional improvements and closer cooperation with the Scientific and Technical Subcommittee, see under the present thematic priority objective (d) and (e) above. The perspectives of space traffic management would be an overarching objective for consideration and possible establishment in the long-term perspective and leading towards 2030.

**Cluster 3:** Promoting the universality of the five United Nations treaties on outer space, including by identifying approaches and possible criteria for developing a guidance document as described under the present thematic priority objective (d) above. In this regard, ways and means of encouraging States members of the Committee on the Peaceful Uses of Outer Space to become parties to the Outer Space Treaty, could be explored as well as promoting the increase in membership of the Committee, in order to match the State party complement to the Outer Space Treaty with the membership of the Committee. The guidance document as referred to above is proposed to take the shape of a combination of tools, including the further development of on-line tools on the website of the Office for Outer Space Affairs, and the issuance of a report in all official United Nations languages. The progress and outcome of other Working Groups of the Legal Subcommittee should be observed, including on the concept of the “launching State”, registration practice, national space legislation, and international mechanisms for cooperation in the peaceful exploration and use of outer space. Capacity-building and technical assistance of the Office for Outer Space Affairs in the field of international space law and policy should be considered fundamental tools in those efforts, as well as the further development of a model for national space legislation, as appropriate, and as recommended in the report of the Space Law Workshop (A/AC.105/1131, para. 50 (h) and (i)).

4. Against the identification of the three clusters under paragraph 3 above, the following working method is proposed:

**2017:** Agree on the working method under this thematic priority; commence discussions in the Working Group on the set of questions of the Working Group for the purpose of cluster 1;

**2018:** Review the status report of this thematic priority for the purpose of UNISPACE+50 in 2018; identify and agree to the key points for the guidance document and tools under cluster 3, including on efforts to strengthen capacity-building and assistance, on the basis of a proposed outline to be presented by the Chair in close consultation with the Secretariat; continue the discussion and assessment under cluster 1; assess the way ahead under this thematic priority on the processes identified under cluster 2;

**2019:** On the basis of a proposal by the Chair in close consultation with the Secretariat, review the draft guidance document and tools for the universality of the five United Nations treaties on outer space, in particular on the enhancement of accession to the Outer Space Treaty and membership of the Committee, as identified under cluster 3;

**2020:** Finalize the guidance document and tools under cluster 3. Decide on any further consideration of topics identified under cluster 1, 2 and 3, as appropriate, and identify the most suitable mechanism within the Legal Subcommittee for this purpose.

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