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English only

**Committee on the Peaceful
Uses of Outer Space**

Legal Subcommittee

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Item 15 of the provisional agenda*

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

**Review of International Mechanisms for Cooperation in the
Peaceful Exploration and Use of Outer Space: Replies of
the International Institute of Space Law**

Note by the Secretariat

In accordance with the recommendations of the Working Group at the fifty-fifth session of the Subcommittee in 2016 ([A/AC.105/1113](#), Annex III, para. 9), member States of the Committee and international intergovernmental and non-governmental organizations having permanent observer status with the Committee were invited to provide comments and responses to the questionnaire, as contained in the Report of the Legal Subcommittee in its fifty-third session, ([A/AC.105/1067](#), Annex III, para. 10).

The present conference room paper contains the reply of the International Institute of Space Law to the set of questions.

* [A/AC.105/C.2/L.299](#).



International Institute of Space Law

English]
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Review of international mechanisms for cooperation in the peaceful exploration and use of outer space

In accordance with the recommendations of the Working Group of the Legal Subcommittee on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, international non-governmental organizations having permanent observer status with the Committee are invited to submit examples of and information on the mechanisms they utilized for international cooperation in the peaceful exploration and use of outer space, so that the Working Group could develop an understanding of the range of collaborative mechanisms employed and the circumstances in which States and international organizations favoured certain classes of mechanisms over others ([A/AC.105/1113](#), Annex III, para. 9).

In this regard, international non-governmental organizations having permanent observer status with the Committee were encouraged to include in their responses examples of case studies and lessons learned, as appropriate, so that the Working Group could get an understanding of why certain cooperative mechanisms were selected for certain types of international cooperation, how the choice was made between legally binding and non-legally binding mechanisms and between formal and informal arrangements, and why, for example, bilateral agreements for space cooperation were structured as they were

In preparing the answers, international non-governmental organizations having permanent observer status with the Committee might again refer to the set of questions contained in the report of the Chair of the Working Group included in the report on the fifty-third session of the Legal Subcommittee ([A/AC.105/1067](#), annex III, para. 10):

1. What is the main area of your cooperation (e.g., space exploration, scientific research, testing, education and personnel training, global navigation, disaster management through remote sensing, commercial launch services, etc.)?

One of the principle purposes and objectives of the International Institute of Space Law (IISL) is the cooperation with international organisations and national institutions in the field of space law. The main areas of cooperation are in the fields of scientific research and education. In these areas, IISL activities include the holding of meetings, colloquia (e.g. the annual Colloquium on the Law of Outer Space at the International Astronautical Congress) and competitions (the Manfred Lachs Space Law Moot Court Competition), the preparation or commissioning of studies and reports, the publication of books, proceedings and position papers, as well as the fostering of development of professional standards and ethics, as well as public outreach, in the field of space law. More generally, the cooperative work of the IISL involves many areas of space activities, as it is dedicated to studies of legal and social science aspects of the exploration and use of outer space.

2. Is this multilateral or bilateral cooperation (e.g., intergovernmental cooperation, inter-agency cooperation, cooperation between non-governmental entities, mixed cooperation, etc.)?

As an independent non-governmental organization (NGO), the IISL undertakes different types of cooperation, including with governmental and non-governmental

entities such as national, regional and international research institutions, space agencies and private companies, as well as with Intergovernmental Organisations. Examples are the organisation of the annual space law symposium at the COPUOS Legal Subcommittee in cooperation with the European Centre for Space Law (ECSL), as well as the cooperation with the International Astronautical Federation (IAF) and the International Academy of Astronautics (IAA) for the organisation of the International Astronautical Congress.

3. What is the duration of the cooperation?

The duration depends on the purpose and aim of the cooperation. Generally, cooperation is designed to be flexible and can be of a short duration if it is aimed at a singular achievement and planned on a one-off basis (e.g. the organisation of one single event, such as regional and national conferences and symposia, which have been held in Singapore, Beijing, Bangalore, Bangkok, Chiangmai, and Washington, DC.), or of a more extended duration if it is aimed at a longer partnership (e.g. the organisation of recurrent events, such as the annual organisation of the International Astronautical Congress in cooperation with the IAF and the IAA).

4. Does a national space agency play a key role in the cooperation?

5. Does a national authority or institution other than a space agency play an important role in the cooperation (e.g., a scientific institution, meteorological agency, development or financial assistance authority, etc.)?

6. Are private companies or industries directly involved in the cooperation?

In general, the IISL cooperates with national institutions, space agencies as well as private companies.

Besides individual membership, the Statute of the Institute also allow for institutional membership. Members are elected on the basis of their contributions to the field of space law or other social sciences related to space activities.

Institutional members of the IISL currently include space agencies (e.g. the European Space Agency (ESA), the Romanian Space Agency (ROSA)), other national institutions (e.g. the China Institute of Space Law (CISL) and the Centro de Investigación y Difusión Aeronáutico-Espacial (DICA-E) in Uruguay), as well as private companies (e.g. the satellite operator SES headquartered in Luxembourg).

7. Is the cooperation conducted within the framework of:

- (a) The United Nations and its specialized agencies;**
- (b) Independent intergovernmental organizations;**
- (c) Regional or interregional space cooperation organizations or mechanisms;**
- (d) Non-governmental organizations;**
- (e) Other types of forums?**

As a non-governmental organisation with a varied membership, the IISL participates as an observer in the plenary sessions of the UN Committee on the Peaceful Uses of Outer Space, as well as the sessions of its Scientific and Technical and Legal Subcommittees, where it has issued statements that enable debate on legal issues involving space activities. The IISL also regularly presents reports on its activities to the Legal Subcommittee and contributes to the UN Highlights in Space Report. In addition, the IISL organises the annual space law symposium on topical space law

related issues during the COPUOS Legal Subcommittee in cooperation with the ECSL.

8. Is the cooperative mechanism multilateral or bilateral?

Multilateral and bilateral mechanisms are used depending on the objective of the cooperation and the actors involved.

9. Is the cooperative mechanism:

- (a) A legally binding agreement;
- (b) A non-legally binding arrangement (if so what kind of arrangement);
- (c) A combination of both?

Both binding and non-binding mechanisms are used.

10. Is the cooperative mechanism constituted by a framework agreement, either multilateral or bilateral, and is it accompanied by an implementing agreement or arrangement and/or a memorandum of understanding for technical cooperation and coordination within the cooperation?

11. What kinds of provisions do the legally binding agreement and/or non-legally binding arrangement contain? The following types of provisions serve as examples and may be referred to, as appropriate:

- (a) Best effort clauses;
- (b) Jurisdiction clauses;
- (c) Financial arrangements or no exchange of funds;
- (d) Exchange of technical data and goods;
- (e) Provisions which pursue international responsibility and liability;
- (f) Cross waiver of liability;
- (g) Rules on intellectual property rights and ownership;
- (h) Peaceful settlement of disputes clause;
- (i) Other types of provision?

Not applicable.

12. Is it clearly provided for in the legally binding agreement or non-legally binding arrangement that the operation of the project shall be conducted in accordance with the United Nations treaties on outer space and in consideration of principles on outer space and related General Assembly resolutions (resolutions on the concept of the launching State, registration practice, national legislation, etc.)?

Additional answers will be drafted on the issues raised in the questionnaire, as provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, taking into account the UNISPACE+50 process.