

10th United Nations Workshop on Space Law

Contribution of Space Law and Policy to Space Governance and Space Security in the 21st Century

5-8 September, Vienna International Centre

Conclusions, observations, recommendations

(unedited version as agreed to form part of the official report)

1. The Workshop considered perspectives of progressive development of international space law, as well as governance models for maintaining outer space for peaceful purposes and enhancing international cooperation in the peaceful uses of outer space. The contribution of space law and space policy to global space governance and space security was highlighted.
2. The Workshop noted several processes and initiatives at the intergovernmental level addressing a broad range of aspects of maintaining outer space for peaceful purposes. The Workshop in this sense heard statements and presentations addressing issues being dealt with in the Committee on the Peaceful Uses of Outer Space, the Conference on Disarmament, the United Nations Disarmament Commission, the General Assembly, and under the Hague Code of Conduct Against Ballistic Missile Proliferation.
3. In considering the broader perspective of space security, as a fundamental pillar for meeting the objectives of the 2030 Agenda for Sustainable development, the Workshop noted that transparency and confidence-building measures in outer space activities may reduce mishaps, misinterpretations and miscalculations; foster cooperation; create more predictability; and gather consensus on matters crucial to maintaining outer space for peaceful purposes.

4. The Workshop concluded that the report of the Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space Activities (A/68/189) constituted an unprecedented account on the applicability of transparency and confidence-building measures for enhancing the safety of space operations, the security of space systems, and the sustainability of outer space activities.

5. In this regard, the Workshop observed the proposal made by the Committee on the Peaceful Uses of Outer Space, at its fifty-ninth session, for a half-day panel discussion to be held jointly by the General Assembly First and Fourth Committees in 2017, and to constitute a joint contribution of the First and Fourth Committees to the fiftieth anniversary of the Outer Space Treaty. The Workshop was of the view that the panel discussion should be organized with the firm aspiration of promoting an interactive dialogue on challenges to the safety, security and sustainability of outer space activities. The Workshop also noted in this sense that the event should not constitute a regular general debate of the General Assembly, in view of the importance for a new way of encouraging attention of Member States to the safety, security and sustainability of outer space activities.

6. The Workshop acknowledged the remarkable progress made in the Working Group on the Long-Term Sustainability of Outer Space Activities with the first set of guidelines agreed to and annexed to the report of the Committee on the Peaceful Uses of Outer Space on its fifty-ninth session (A/71/20, annex) and noted the important work to be undertaken in the Working Group on the remaining draft guidelines.

7. The Workshop was of the view that space tools were increasingly fundamental for meeting the challenges to humanity and sustainable development, and that the broader perspective of space security was necessary for global space governance. In that context, the successful implementation and application of the international legal regime of outer space had been instrumental in governing space activities of States in the exploration and use of outer space for peaceful purposes.

8. As an overall conclusion on the necessity to protect the space environment, and in recognizing the increasing dependence on space science and technology applications in efforts to meet global development goals and targets, including within the context of the 2030 Agenda for Sustainable Development, the Workshop noted the importance of building spatial data infrastructure at the national and regional levels in order to enhance the capacity to access and use space-derived data and information for sustainable development. Such measures were also considered important for further consideration among all relevant stakeholders in the space arena, including industry and the private sector. In that context, the establishment and strengthening of national policies, regulatory frameworks and infrastructures in the use of space science and technology applications was deemed crucial as part of governance processes.

9. The Workshop conducted a review of the objectives of international space law development and noted that, in view of the growing number of benefits derived from space science and technology applications and the continued expansion of space activities, greater attention must be paid to national regulatory and policy development, in particular for the benefit of developing countries. In this context, it was important to observe the role of, and interaction with, technical bodies and institutions at the national, regional and international levels.

10. In that regard, the Workshop noted that the conduct of space activities by States, international intergovernmental and non-governmental organizations, industry, private sector, and academia continued to expand rapidly and therefore needed attention from a national regulatory and policy development perspective.

11. The Workshop also observed that constant development in space science and technology and their applications, such as Earth observation, communication and navigation, timing and positioning and new exploration efforts, in addition to increased commercial and private activities in the space sector, generated demands for regulatory approaches to meet the needs of new actors and beneficiaries, among space-faring nations, space middle powers and emerging space nations.

12. In order to advance economic and societal benefits for all States, the Workshop observed that the series of High Level Forums, initiated by the Office for Outer Space Affairs, could develop into a dedicated platform at the international level to adequately promote a dialogue among governments, international organizations, industry, private sector and civil society, as appropriate. The Workshop also observed that the promotion of such a forum for exchange of views between representatives of the space community as a whole, under the auspices of the Office for Outer Space Affairs, and upon guidance of the Committee on the Peaceful Use of Outer Space Affairs, would increasingly benefit global space governance.

13. The Workshop noted that the United Nations treaties on outer space set out the fundamental principles of international space law, with additional non-legally binding instruments developed by the Committee on the Peaceful Uses of Outer Space, addressing crucial areas, such as in the field of space debris mitigation, cooperative arrangements for sharing remote sensing data, the safety of use of nuclear power sources in space activities, the benefits of international space cooperation, as well as on enhanced registration practice and recommendations for national space legislation.

14. Against this background, the Workshop noted that with the evolution of space awareness in society, the Committee on the Peaceful Uses of Outer Space and its subsidiary bodies had evolved as the unique common platform for strengthening the capacity of States, in particular developing countries, in the use and application of space science and technology for sustainable development and in efforts to enhance the long-term sustainability of outer space activities.

15. The Workshop therefore concluded that the fiftieth anniversary of the first UNISPACE conference on the Exploration and Peaceful Uses of Outer Space in 2018 (UNISPACE+50), would be a crucial target for decisions in fostering economic and societal development, promoting space accessibility, and strengthening space diplomacy.

16. In connection with the UNISPACE+50 process, the Workshop noted the opportunities for the Committee on the Peaceful Uses of outer Space to make several critical decisions on the way forward in strengthening the role of the Committee and the Office for Outer Space Affairs as key institutions in global space governance.

17. The Workshop noted the high degree of international cooperation in space activities at the regional, interregional and international levels, and the increasing number of public-private partnerships between governmental and non-governmental entities in all areas of the space sector. International mechanisms for cooperation in space activities, such as bilateral and multilateral agreements, played an important role in identifying the legal grounds for space ventures, and could be of fundamental importance in the application and implementation of the international legal regime governing space activities.

18. The Workshop, in that context, recognized the importance of non-legally binding instruments in addition to the already existing treaties on outer space. Although the main objective from a legal standpoint would be to elaborate additional treaties, the Workshop noted that non-legally binding instruments had an important role for the strengthening of abilities of States to implement and apply the rights and obligations under the legal regime of outer space.

19. The Workshop noted with appreciation that a number of capacity-building activities in space law were being undertaken by governmental and non-governmental entities, including encouragement of universities to offer modules on space law; providing fellowships for graduate and postgraduate programmes in space law; and assisting in the development of national space legislation and policy frameworks. The importance of innovation in education tools used for capacity-building in space law and policy was highlighted, particular in relation to the needs of developing countries.

20. The Workshop regarded capacity-building, training and education in space law and space policy of paramount importance to further develop the practical aspects of

space science and technology and to increase knowledge of the legal framework within which space activities were carried out.

21. The Workshop also encouraged closer cooperation and dialogue between universities and institutions with established space law programmes and those educational institutions wishing to develop such programmes. The workshop noted that such cooperation could help to overcome the hurdles of limited access to materials and the related costs.

22. The Workshop noted with appreciation the publication of the 2016 edition of the directory on education opportunities in space law by the Office for Outer Space Affairs and welcomed that the 2014 United Nations curriculum on space law that could be integrated into the existing educational framework of all the Regional Centres for Space Science and Technology Education, affiliated to the United Nations. The Workshop noted that, with the addition of a basic course on space law, the regional centres would be able to offer scholars with scientific and technical skills an introduction to the legal basis required for conducting space activities.

23. Against this background and those general considerations, the Workshop made the following recommendations for further consideration by the Committee on the Peaceful Uses of Outer Space:

(a) There should be further consideration, as appropriate, on the viability of establishing a comprehensive agenda item in the General Assembly plenary dedicated to all aspects of space security and sustainability, or alternatively a dedicated joint agenda item of the First Committee and the Fourth Committee to consider transparency and confidence-building measures in outer space activities;

(b) The Committee on the Peaceful Uses of Outer Space should pay special attention to reinvigorating the annual reporting on national space activities, in which the Committee has been engaged since the 1960s, exploring whether there are any additional

areas and dedicated topics which the international community wishes to add to this long established transparency and confidence-building measure. In this regard, the Workshop recommended that the Scientific and Technical Subcommittee of the Committee on the Peaceful Uses of Outer Space, at its fifty-fourth session, consider, as appropriate, criteria for the further reporting and consideration on national space policies and national space activities, including on transparency and confidence-building measures;

(c) The Committee on the Peaceful Uses of Outer Space should consider, as appropriate, an exchange of information and views on the applicability of cyber security to the protection of space assets and space systems, including critical infrastructures, with a view of finding common approaches to the protection of communications and space systems;

(d) In order to avoid duplication of efforts in the field of space security considerations, the Office for Outer Space Affairs and the Office for Disarmament Affairs should continue coordinating efforts to promote the implementation of transparency and confidence-building measures in outer space activities;

(e) In view of the importance of regional and interregional organizations and mechanisms to promote international cooperation in the peaceful exploration and use of outer space, those organizations and mechanisms should:

(i) request their Member States to become party to the United Nations treaties on outer space;

(ii) actively foster increased membership in the Committee on the Peaceful Uses of Outer Space;

(iii) strongly promote bilateral and multilateral agreements or frameworks supporting space economy, space society, space accessibility and space diplomacy;

(iv) as a prime objective, promote awareness of the fundamental importance of transparency and confidence-building measures for the safety, security and sustainability of outer space activities;

(f) The recommendation above should be seen in view of the requirements of operative paragraph 13 in resolution 70/82, to the effect that regional and interregional cooperation should be considered in the overall context of the broader perspective of space security;

(g) The Committee, upon a recommendation by the Legal Subcommittee, at its fifty-sixth session, should consider transforming the results of the Legal Subcommittee Working Group on International Mechanisms in the Exploration and Peaceful Uses of Outer Space into a dedicated General Assembly resolution, in order to encourage the forming of bilateral and multilateral agreements on space activities. Such action would provide States with a better understanding on the range and scope of framework agreements and implementing arrangements for space cooperation;

(h) In the further evaluation of capacity-building objectives, the Office for Outer Space Affairs should be officially encouraged to conduct targeted capacity-building, educations, and training in space law and policy, building upon the already existing UN-SPIDER programme, with the objective to establish a capacity-building platform on the basis of the following criteria: 1) the need to determine the capacity within the Office to conduct targeted technical legal assistance; conducting comprehensive assessment of needs of requesting States, comprising judicial, administrative, and technical requirements; and on that basis determine assistance needed and required: and 2) the delivery of the required capacity-building, assistance, training and education activities to meet the needs of States;

(i) Under the UNISPACE+50 thematic priority on the legal regime of outer space there should be conducted an assessment of customary law perspectives of international space law. There should also be conducted an in-depth assessment of possible substantive and operational gaps in the legal regime of outer space for which responsibility and liability for national space activities are concerned. There should further be studied, in parallel, the possible gaps in the legal regime of a more conceptual nature. Furthermore, under this thematic priority there should be created a guidance

document with the objective of promoting universality of the United Nations treaties on outer space, for which models for implementation and application of the treaties should be developed. In this regard, the Office for Outer Space Affairs should be tasked with outlining a model for national space legislation;

(j) The relationship and work of the Scientific and Technical Subcommittee and the Legal Subcommittee should be improved and the UNISPACE+50 process be an opportunity to keep the momentum and make concrete decisions on enhancing cooperation and coordination between the Subcommittees. There should be considered the establishment of an agenda item of the Committee on the Peaceful Uses of Outer Space on the coordination of work of the Committee and its subsidiary bodies, which could look into the agenda settings of the Subcommittees and the reporting procedures of the Committee and its Subcommittees; and

(k) The role of the Office for Outer Space Affairs as a focal point for information exchange and forum for discussing the progressive development of international space law, should be strengthened, especially on an administrative and implementing level.

24. The Workshop commended the Office for Outer Space Affairs for having organized the Workshop, in cooperation with the Office for Disarmament Affairs, and in co-sponsorship by the United Nations Institute for Disarmament Research and the Secure World Foundation.

25. The Workshop expressed its deep appreciation to the Permanent Mission of Austria to the United Nations (Vienna) for having generously assisted in bringing moderators and speakers together.