



# General Assembly

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## Committee on the Peaceful

## Uses of Outer Space

### Legal Subcommittee

### Fifty-eighth session

Vienna, 1–12 April 2019

Item 4 of the provisional agenda\*

### Information on the activities of international intergovernmental and non-governmental organizations relating to space law

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### Note by the Secretariat

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\* [A/AC.105/C.2/L.308](#).



## **I. Introduction**

1. The present document was prepared by the Secretariat on the basis of information received from international intergovernmental and non-governmental organizations.

## **II. Replies received from international intergovernmental and non-governmental organizations**

### **Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation**

[Original: Spanish]  
[15 January 2019]

The Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation, based in Madrid, has had permanent observer status with the Committee on the Peaceful Uses of Outer Space since 2013. Santiago Ripol Carulla serves as its President. The Secretary General is Pablo Navasqués Dacal, and Maureen Williams, who is a member of the Board of Directors, represents the Institute in its dealings with Committee on Peaceful Uses of Outer Space.

### **Space-related activities in which the Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation took part in 2018**

#### **1. Attendance of international meetings and events**

Fifty-seventh session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space

Venue: Vienna

Represented by: Santiago Ripol (President of the Institute) and Maureen Williams (member of the Board of Directors)

Dates: 9–20 April 2018

#### **2. Aeronautic and space law training activities: organization and participation**

##### *Educational events*

A round table on the space policy of Spain was organized by the Institute in conjunction with UNISPACE+50, held at the Casino de Madrid events venue on 29 May 2018.

Participants in the event heard addresses delivered by Juan Manuel de Faramiñán Gilbert, professor of public international law at the International University of Andalucia; Carlos Tamarit de Castro, director of the steering committee of the National Institute of Aerospace Technology; Laura Fernández Abad, councillor of the Permanent Mission of Spain to the United Nations and other international organizations in Vienna; and Elvira Prado Alegre, adviser of the support unit of the High Representative for the Spanish Presidency of the European Union, who gave a presentation on her doctoral dissertation on the European Union and the challenges of international space law.

At the forty-fifth Ibero-American Conference on Aeronautic and Space Law and Commercial Aviation (Buenos Aires, 6–9 November 2018), Isidoro Vaquila and Marcos Marani (INVAP of Argentina) gave a presentation related to space law on 7 November, on the subject of tapping the economic benefits of space technology in the area of performance-based navigation.

### 3. Publications

- Elvira Prado Alegre, “Los Estados de la Unión Europea frente a los grandes retos del Derecho Internacional del Espacio”, doctoral dissertation, Madrid, 2018.
- *XLIV Jornadas del Instituto, Celebradas en Santiago de Chile en Septiembre de 2017* (Madrid, 2018). This text includes a number of papers on space-related matters.

Both publications are available from the digital library on the Institute’s website (restricted access).

### 4. Reorganization of the Institute’s Research Centre

With a view to strengthening the Centre and the research it conducts, its structure has been modified to include a new section devoted specifically to space law.

Director of the Centre: María del Ángel Iglesias Vázquez

Aeronautic Law Section: María del Ángel Iglesias Vázquez

Space Law Section: Elvira Prado Alegre

Infrastructure and Environment Section: Eva Nieto Garrido

### 5. Website

The Institute’s website is currently being redesigned and will include a separate area for space affairs.

## International Law Association

[Original: English]  
[18 January 2019]

### 1. Introduction

The International Law Association (ILA) was founded in Brussels in 1873. Since its creation, it has been active in the study, clarification and development of international law, both public and private, in accordance with its statutes and objectives. The ILA headquarters are in London, and Lord Mance, Justice of the Supreme Court of the United Kingdom of Great Britain and Northern Ireland, is the Chair of the Executive Council. Professor Christopher Ward (Australia) is the current World President. The ILA Director of Studies is Professor Marcel Brus of the Netherlands.

The ILA Space Law Committee was established in New York in 1958 and has worked and met without interruption to date. Its present officers are Professor Maureen Williams (Headquarters) as Chair and Professor Stephan Hobe (Germany) as General Rapporteur. The Committee is honoured to be, since 1990, a permanent observer to the Committee on the Peaceful Uses of Outer Space and both its Subcommittees, to which it reports annually.

The latest activity of the Space Law Committee, to which we have been particularly dedicated together with the Committee members, has focused on the Committee’s current terms of reference, for the period 2014–2020, when the Committee’s final report is to be submitted to the ILA Kyoto Conference in 2020. The latest ILA World Conference was held in Sydney in August 2018 where, at its working session, the Space Law Committee presented and discussed a number of central topics included in the ongoing mandate and a couple of specific issues further developed in the course of the mandate (part one of the Sydney report, prepared by the Chair) and a first reading of the draft model guidelines dealing with suborbital activities (part two of the Sydney report, prepared by the General Rapporteur). Given that those meetings were held less than a year ago, it was thought opportune to highlight these at times

controversial new issues at the forthcoming meeting of the Legal Subcommittee to be held in Vienna in April 2019. This would be the last stage of the mandate of the ILA Space Law Committee, on the threshold of the Kyoto Conference, to which the Committee's final report is to be submitted.

## **2. Current terms of reference of the ILA Space Law Committee: 2014–2020**

The mandate of the Space Law Committee for the period 2014–2016 (and later extended by the ILA Council for another four years, until 2020), reads as follows.

The Committee has an established and continuing relationship with the United Nations institutions dealing with space law and, in addition to its ongoing work with these bodies, the topics under the new mandate (2012–2016) include:

- (a) Dispute settlement and the 2011 Permanent Court of Arbitration (PCA) Optional Rules for Arbitration of Disputes relating to Outer Space Activities;
- (b) Legal aspects of suborbital flight;
- (c) Satellite data in international litigation;
- (d) New developments on space debris.

Moreover, the Committee will keep a general watching brief over further developments during the four-year mandate.

The first Space Law Committee report under this new mandate was submitted, in 2014, to the seventy-sixth ILA Conference, held in Washington, D.C., United States of America. It was followed by the second report in 2016 (Johannesburg Conference) and the third and most recent report in 2018 (Sydney Conference), and the fourth and final report is to be submitted in August 2020 (Kyoto Conference).

By means of these pillars, words were put into action and, in accordance with the statement of the new mandate of the Space Law Committee as given above, new specific issues were added, including space security, cybersecurity and the challenges faced in both areas, which had by then begun growing exponentially.

## **3. Sydney report (third report)**

For the above-stated reasons, and given that the ILA Space Law Committee is close to submitting its final report at the Kyoto Conference in August 2020, the present 2019 report of the ILA submitted to the Legal Subcommittee is dedicated to informing the Subcommittee of the Space Law Committee's latest work, under the final stages of its current mandate, during the seventy-eighth Conference of ILA in Sydney in August 2018. These documents are all available on the ILA website and shall be published shortly in book format.

The two documents considered to be the pillars of the Sydney Conference are (a) the third report submitted by the ILA Space Law Committee thereto in August 2018; and (b) the proceedings of the Space Law Committee's working session on 20 August 2018 (Sydney), during which the third report was analysed in depth and comments and suggestions were added.<sup>1</sup>

### **(a) Third report**

Part one of the third report, as customary, was written by the Committee Chair and deals briefly with the thematic priorities agreed in the framework of UNISPACE+50 with an accent on capacity-building. The central topics of the mandate follow, namely

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<sup>1</sup> The Sydney report is available at [www.ila-hq.org](http://www.ila-hq.org), clicking on "Committees", then "Space Law", "Documents" and finally "Conference Report Sydney 2018". The working session report is found in the same directory under "Documents", click on "Sydney Working Session Report 2018". Both documents, in their complete version, have been on the ILA website since December 2018 and are 11 pages long.

dispute settlement, new developments in suborbital flight in the light of the United Kingdom Space Industry Act 2018, space debris in today's international setting and the possibilities of its removal within the framework of international law, and satellite data and its new applications.

In addition to the central topics, two specific topics were added to part one of the third report at a later stage, as follows.

1. Space security, cybercrime legislation (“cyberlaw”) and the need for global policies to be designed within the United Nations, given the great dependency, in the areas of both space and cyberspace, on latest-generation technologies. This topic includes the current debate relating to non-State actors, injurious acts committed through cyberspace and responsibility for malicious cyberspace operations.
2. The legal nature of natural resources in space and derived from space and mining activities on the Moon and other celestial bodies. This specific topic was exhaustively analysed during the Committee’s working session in Johannesburg (seventy-seventh ILA Conference, in 2016), particularly in the light of recent developments in the legal field – namely the United States Act on Commercial Space Launch Competitiveness Act of 2015 and the reaction of the Board of the International Institute of Space Law, and other legislation that followed.

Part two of the third report contains draft guidelines for a model law on suborbital activities and, as customary, was written by the General Rapporteur. A number of controversial issues were defined and/or described, all of them with added explanatory notes by the author. This was an extremely useful procedure as a prelude to the Sydney working session, and the issues included, inter alia, the lack of legally binding definitions for the terms “suborbital vehicle”, “suborbital flight” and “suborbital activity”; the applicability of international law; registration; authorization; liability and insurance; and the legal status of passengers and crew.

#### **(b) Sydney working session**

The Sydney working session took place on 20 August 2018 and was chaired by Professor Natalino Ronzitti (Italian branch), following the ILA tradition of having non-Committee members chair working sessions of the Committee. Professor Stephan Hobe, General Rapporteur, introduced the Chair’s third report. He addressed part one (by Professor Williams) and part two, which he had been in charge of, for a first reading of the draft guidelines for a model law on suborbital activities. The reading of the draft guidelines was one of the main points of the Sydney session, and the articles in the draft guidelines underwent thorough discussion from participants, both ILA Committee members and non-ILA members from the host country and the region who specialize in these topics, and a wide range of solid arguments were put forward.

The first reading of the draft guidelines turned out to be very stimulating. A second reading shall be undertaken in 2019, followed by a third reading, if necessary, in early 2020, in an effort to iron out any outstanding controversy.

#### **4. Ongoing work of the ILA Space Law Committee**

An analysis of part one of the Sydney report shall be undertaken in 2019 with efforts to draw substantial conclusions on both central and specific issues. As to part two, the second reading of the draft guidelines on suborbital activities is being resumed, and intensive debate is expected on a number of outstanding controversial issues (as reflected in the Sydney working session). Further discussion shall be opened in early 2020, whenever necessary, for further refining of the final report of the ILA Space Law Committee (parts one and two) to be submitted to the Kyoto Conference.

## Secure World Foundation

[Original: English]  
[18 December 2018]

### 1. Secure World Foundation

Founded in 2002, the Secure World Foundation (SWF) is a private foundation operating under Colorado law. Its headquarters are in Broomfield, Colorado, with an office in Washington, D.C. The mission of the Secure World Foundation is to work with governments, industry, international organizations and civil society to develop and promote ideas and actions to achieve the secure, sustainable, and peaceful uses of outer space benefiting Earth and all its peoples. This mission serves the SWF vision of the secure, sustainable and peaceful uses of outer space contributing to global stability and benefits on Earth.

The Secure World Foundation is a permanent observer at the sessions of the Committee on the Peaceful Uses of Outer Space and its two subcommittees. SWF has enjoyed special consultative status with the Economic and Social Council since 2010.

The Executive Director of Secure World Foundation is Peter Martinez (South Africa). Michael Simpson (United States of America/Ireland) served as Director Emeritus until the end of 2018. Lisa Croy (United States) is the Operations Director. Victoria Samson (United States) is the Director of the Washington office. Brian Weeden (United States) is the Director of Program Planning. Chris Johnson (United Kingdom of Great Britain and Northern Ireland/United States) is the Space Law Adviser. Ian Christensen (United States) is the Director of Private Sector Programmes. Krystal Wilson (United States) is the Director of Space Applications Programs. Tiffany Chow (United States) is the Director of Strategic Partnerships. Nicole Nir (United States) is the Operations and Communications Manager. Joshua Wolny (United States) is a Project Manager.

The SWF Advisory Committee is currently composed of Angie Bukley (United States), Richard DalBello (United States), Tanja Masson-Zwaan (Netherlands), Mazlan Othman (Malaysia), Xavier Pasco (France), Rajeswari Rajagopalan (India), Major General Jay Santee (retired) (United States) and William Parker (United States).

The SWF Board of Directors is composed of the following officers: Cynda Collins Arsenault (United States), Board Chair and President; and Marcel Arsenault (Canada), Rachel Yates (United States) and Andrew Aldrin (United States).

### 2. Activities in space law at the United Nations

SWF is a sponsor of the yearly United Nations Institute for Disarmament Research (UNIDIR) spring conference on space security. SWF works with UNIDIR in the shaping of the agenda, supports UNIDIR with speaker selection and assists with support for the travel of participants. In addition, SWF staff often serve as panellists or moderators in the conference. This event is one of the few within the United Nations system that focuses solely on space security and stability and allows for an interconnection to be made between efforts of the First and Fourth Committees of the General Assembly of the United Nations. The 2018 conference examined the existing framework for space governance to see what aspects are still relevant to the emerging order in outer space, as well as what elements should be updated.

SWF Space Law Adviser Chris Johnson served as an invited expert at the preparatory meeting of the United Nations Group of Governmental Experts on the Prevention of an Arms Race in Outer Space held in Beijing on July 1–4, 2018, where he discussed the existence and adequacy of current international law applicable to the prevention of an arms race in outer space, including possible elements of a legally binding instrument for the prevention of an arms race in outer space, including the threat or use of force in outer space.

Peter Martinez and Chris Johnson were panellists at the First United Nations Workshop on Space Law and Policy, held in Moscow on 11–13 September 2018 to discuss political and legal issues in the space domain. Mr. Martinez discussed outcomes of the Working Group on the Long-term Sustainability of Outer Space Activities in the Committee, and Mr. Johnson discussed emerging issues in space law such as the due regard obligations for emerging and non-traditional space activities.

Mr. Martinez and Mr. Simpson participated in the 2018 High-level Forum held in Bonn, Germany. Mr. Martinez presented a panel intervention titled “First fruits of the work of United Nations Committee on the Peaceful Uses of Outer Space to develop consensus guidelines for the long-term sustainability of outer space activities”, while Mr. Simpson made a presentation entitled “Fine-tuning ‘Space2030’: non-governmental organizations as sources and critics”, both of which presentations were made at the fourth high-level panel, on space diplomacy, subtitled “Building partnerships and strengthening international cooperation and the governance of space activities”.

### 3. Capacity-building in space law

In the field of capacity-building, SWF is both a sponsor and active participant in various academic and educational settings.

Since 2016, SWF has been a member of The Hague International Space Resources Governance Working Group, partnering with more than 30 academic, government, and private sector organizations worldwide to develop legal and policy-building blocks which might form the basis of an international framework for an enabling governance regime for space resource activities. The Group currently expects to conclude its work in 2019.

Messrs. Martinez, Simpson and Johnson are all active members of the International Institute of Space Law (IISL), and Messrs. Simpson and Johnson were co-authors of the 2017 problem of the Manfred Lachs Space Law Moot Court Competition, the “Case concerning lunar facilities and withdrawal from the Outer Space Treaty (*Perovsk v. Titan*)”, a hypothetical problem which presented issues relating to interference between States in the use of lunar resources, withdrawal from the Outer Space Treaty, and the resolution of the dispute under the principle of *ex aequo et bono* before the International Court of Justice.

Chris Johnson served as the Policy, Economics, and Law Department Chair at the International Space University (ISU) 2018 Space Studies Programme, held in Delft, the Netherlands, in the summer of 2018, while Director Emeritus Mr. Michael Simpson, Director of Private Sector Programmes Ian Christensen, and Advisory Member Tanja Masson-Zwaan served as guest lecturers. In 2019, Tanja Masson-Zwaan will serve as the Policy, Economics, and Law Department Chair at the ISU Space Studies Programme to be held in Strasbourg, France.

SWF is also a sponsor of the ISU Southern Hemisphere Space Studies Programme (SHSSP) held yearly at Mawson Lakes, Adelaide, Australia, at the University of South Australia, and Mr. Johnson will serve as the Team Project Chair of the 2019 SHSSP team project on “Space2030” and the global South, while Mr. Simpson will introduce the team project to the SHSSP participants.

Mr. Johnson is also a rule drafter for the Manual on International Law Applicable to Military Activities in Outer Space and an adjunct professor of law at Georgetown University Law Center, co-teaching the space law seminar previously taught by Professor Paul B. Larsen. Mr. Weeden serves as a technical expert for the Woomera Manual on the International Law of Military Space Operations. Mr. Christensen is a regular lecturer on policy and law at the Colorado School of Mines’ Space Resources Fundamentals masters-level course.

SWF also assists students and young professionals from around the world to attend and present their papers at the yearly International Astronautical Congress, including at the annual colloquiums of the International Institute of Space Law. In 2017, SWF

sponsored travel for six young professionals from Australia, Bolivia (Plurinational State of), Greece, India, Luxemburg and Malaysia to attend the 68th International Astronautical Congress in Adelaide, Australia, to present papers focused on space sustainability and related topics. In 2018, SWF sponsored 11 students and young professionals from Chile, China, Greece, India, Italy the Netherlands, Pakistan, the United States and Venezuela (Bolivarian Republic of) to attend the 69th International Astronautical Congress in Bremen, Germany, also to present papers focused on the sustainable uses of outer space.

#### **4. Publications related to space law**

In 2017, SWF published the *Handbook for New Actors in Space*, synergizing existing and relevant international and national laws, national policy approaches, and operational best practices which would be most useful to new actors in the space domain – whether new private actors in space, such as start-up companies, universities or other non-governmental actors, or new sovereign States seeking to begin or develop their space capabilities. To date, over 3,000 physical copies of the *Handbook* have been distributed worldwide, and the book is also available online for download free at the SWF website ([www.swfound.org/handbook](http://www.swfound.org/handbook)).

SWF also publishes and regularly updates factsheets and booklets, including the booklet “Space sustainability: a practical guide”, giving an overview of topics related to space sustainability, and a factsheet on the guidelines for the long-term sustainability of outer space activities of the Committee.

In April 2018, SWF published *Global Counterspace Capabilities: An Open Source Assessment*, which provides a publicly accessible analysis of research, development, testing and use of military space capabilities and weapons, which can be used to inform discussions on space law and the peaceful uses of outer space (available at <https://swfound.org/counterspace/>).

#### **5. Further information**

Website: [www.swfound.org](http://www.swfound.org)

Twitter: <https://twitter.com/SWFoundation>

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