



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

Draft report

VIII. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space

1. Pursuant to General Assembly resolution [73/91](#), the Subcommittee considered agenda item 9, entitled “Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space”, as a single issue/item for discussion.
2. The representatives of Chile, Pakistan and the United States made statements under agenda item 9. A statement was also made under the item by the observer for ESA. During the general exchange of views, statements relating to the item were also made by representatives of other member States.
3. The Subcommittee noted that 2019 marked the tenth anniversary of the adoption of the Safety Framework for Nuclear Power Source Applications in Outer Space ([A/AC.105/934](#)) by the Scientific and Technical Subcommittee at its forty-sixth session, and its endorsement by the Committee at its fifty-second session.
4. The Subcommittee also noted that some States and an international intergovernmental organization were developing, or considering developing, legal and regulatory instruments on the safe use of nuclear power sources in outer space, taking into account the content and requirements of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space and the Safety Framework.
5. The Subcommittee recalled that the General Assembly, in its resolution [73/91](#), had considered that it was essential that Member States pay more attention to the problem of the gradually increasing probability of collisions of space objects, especially those with nuclear power sources, with space debris, and had called for the continuation of national research on that question, the development of improved technology for the monitoring of space debris and the compilation and dissemination of data on space debris.
6. The Subcommittee also recalled the endorsement by the Scientific and Technical Subcommittee of the multi-year workplan of the Working Group on the Use of Nuclear Power Sources in Outer Space of the Scientific and Technical Subcommittee for the period 2017–2021 ([A/AC.105/1138](#), para. 237, and annex II, para. 9).



7. Some delegations expressed the view that the use of nuclear power sources in outer space should be in conformity with international law and should be limited to activities for which it was not feasible to use other sources of energy, such as deep space missions.
8. The view was expressed that the space actors responsible for deep space missions with nuclear power sources on board should ensure the traceability and control of such missions and control their potential adverse effects.
9. The view was expressed that international cooperation was the most appropriate tool for disseminating suitable and affordable strategies for minimizing the effects of space debris, in particular debris emanating from platforms with nuclear power sources on board.
10. The Subcommittee agreed to provisionally suspend its consideration of the item entitled “Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space”, pending the outcome of the work of the Working Group on the Use of Nuclear Power Sources in Outer Space.

X. General exchange of information on non-legally binding United Nations instruments on outer space

11. Pursuant to General Assembly resolution 73/91, the Subcommittee considered agenda item 11, entitled “General exchange of information on non-legally binding United Nations instruments on outer space”, as a single issue/item for discussion.
12. The representatives of Chile and Japan made statements under agenda item 11. A statement was also made by the representative of Egypt on behalf of the Group of 77 and China. During the general exchange of views, statements relating to the item were made by representatives of other member States.
13. For its consideration of the item, the Subcommittee had before it a conference room paper submitted by Japan on the compendium of mechanisms adopted in relation to non-legally binding United Nations instruments on outer space (A/AC.105/C.2/2019/CRP.16).
14. The Subcommittee noted with appreciation that the Office for Outer Space Affairs had a web page dedicated to non-legally binding United Nations instruments, which included the compendium on mechanisms adopted by States and international organizations in relation to non-legally binding United Nations instruments on outer space. In that connection, the Subcommittee encouraged States members of the Committee and international intergovernmental organizations having permanent observer status with the Committee to share information on their practices related to non-legally binding United Nations instruments on outer space.
15. The Subcommittee noted that non-legally binding United Nations instruments related to outer space activities complemented and supported the existing United Nations treaties on outer space.
16. The view was expressed that, in order to address contemporary challenges in the peaceful exploration and use of outer space, it was necessary to gain a better understanding of non-legally binding instruments and related practices.
17. The view was expressed that, in the light of rapid developments in outer space activities, and the increasing number and diversity of space actors, non-legally binding instruments helped to ensure the safe and sustainable use of outer space. The delegation expressing that view was also of the view that consensus, good faith and trust among international actors formed the basis of “soft law”, and that non-binding instruments could often provide timely, effective and efficient solutions that were in step with technological progress.
18. The view was expressed that, despite their non-legally binding status, some non-legally binding instruments had particular legal importance because they

comprised norms and standards of positive law, and that they became more valuable through use and practice, which could be evidence of an emerging custom and contribute to the progressive development of international law.

19. The view was expressed that it was important for non-legally binding United Nations instruments on outer space to be respected and implemented by all space actors.

20. Some delegations recalled 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, and expressed the view that the Declaration was an important instrument for the further promotion of international cooperation with a view to maximizing the benefits of space applications for all States. The same delegations also recalled that, in the Declaration, all spacefaring nations were called upon to contribute to promoting and fostering international cooperation on an equitable basis.

21. Some delegations recalled the Principles Relating to Remote Sensing of the Earth from Outer Space and underscored the importance of promoting the availability of remote sensing data, on a non-discriminatory basis, as such data were essential for sustainable development in areas such as agriculture and disaster management, and promoted transparency and confidence among States.

22. Some delegations recalled General Assembly resolutions 1721 A and B (XVI) on international cooperation in the peaceful uses of outer space, and Assembly resolution 1962 (XVIII) on the Declaration of Legal Principles Governing the Activities of States and the Exploration and Use of Outer Space, and encouraged States launching objects into orbit to furnish information on those objects to the Secretary-General and to consider establishing a national registry for the purpose of exchanging information on space objects, as appropriate.

23. The view was expressed that the guidelines for the long-term sustainability of outer space activities represented a recent and important example of a non-legally binding instrument on outer space activities and that the preamble and 21 guidelines that had been arrived at by consensus ([A/AC.105/C.1/L.366](#)) should be adopted by the Committee at its sixty-first session, in June 2019, and should thereafter be submitted to the General Assembly for its endorsement, also in 2019.
