



Agenda Item 6 - Outer Space Institute Statement on the Duty to Assist Persons in Distress

Muchas gracias señor Presidente,

The Outer Space Institute (OSI) would like to congratulate you, Chair, on your appointment and wish you every success in this role.

We would also like to thank the Secretariat for their outstanding work, including the organisation of this meeting and Ms. Franziska KNUR, the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, for her invaluable work to date, especially with respect to information sharing on space activities with reference to art. XI of the Outer Space Treaty (OST).

Mr. Chair, distinguished Delegates,

The Outer Space Institute (OSI) greatly appreciates the opportunity to comment on this agenda item regarding the potential for strengthening global cooperation on the duty to rescue.

The number and diversity of human space activities and actors increase every day. Such activities come with calculated risk. At some point, human beings, who could well be non-state astronauts or space flight participants, will find themselves in distress in Earth orbit, on-or-around the Moon, or elsewhere.

As discussed in our conference room paper, entitled “Strengthening Global Cooperation: Reaffirming The Duty to Assist Persons in Distress Under the 1967 Outer Space Treaty and the 1968 Rescue of Astronauts Agreement”, the OSI suggests that Member States of COPUOS adopt a broad interpretation of the relevant treaty provisions on the duty to assist persons in distress and encourages those Member States to affirm that this duty applies everywhere in space and with regard to all human beings.

The duty is set out in the 1967 Outer Space Treaty. The opening sentence of Article V reads, “States Parties to the Treaty shall regard astronauts as envoys of [hu]mankind in outer space and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of another State Party or on the high seas.” It goes on to state that astronauts carrying out activities in space and on celestial bodies “shall render all possible assistance to the astronauts of other States Parties”.

The importance attached to assisting persons in distress is demonstrated by the swift negotiation of the 1968 “Rescue Agreement”. Its Preamble shows that the negotiators were prompted by “sentiments of humanity”, while Article 3 of the Rescue Agreement elaborates on Article V of the Outer Space Treaty, including by changing the reference to “astronauts” to “personnel of a spacecraft” and clarifying that the duty to assist applies in “any ... place not under the jurisdiction of any State.”

Support for a broad interpretation that covers all human beings in distress is found in numerous multilateral treaties. For example, the International Convention for the Safety of Life at Sea (SOLAS Convention) was adopted in 1914, with the negotiations having been prompted by the sinking of the *Titanic* two years earlier. The 1944 Chicago Convention on International Civil Aviation (“Chicago Convention”) has an Annex devoted to search and rescue.

The duty to assist and rescue also exists in many national legal systems.

Member States of COPUOS are therefore encouraged to take appropriate steps to reaffirm commitments to and ensure adherence to the duty to assist principle and to interpret this principle, as codified in two multilateral treaties, as broadly as possible, including applying to all space flight participants and locations to the extent practicable.

Moreover, developing mechanisms and understandings for implementing the duty to assist will be key in improving international cooperation on earth and in space.

Further information can be found in OSI’s Conference Room Paper 21 on this topic.

The OSI wishes to affirm its support for the Chair and the work of the Subcommittee. We look forward to further discussions on this topic.

Thank you for your attention.