



# General Assembly

Distr.: General  
10 April 2012

Original: English

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**Committee on the Peaceful  
Uses of Outer Space**  
Fifty-fifth session  
Vienna, 6-15 June 2012

**Report of the Legal Subcommittee on its fifty-first session,  
held in Vienna from 19 to 30 March 2012**

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## I. Introduction

1. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its fifty-first session at the United Nations Office at Vienna from 19 to 30 March 2012. At its 839th meeting, on 19 March, Tare Charles Brisibe (Nigeria) was elected Chair for a two-year term of office, pursuant to General Assembly resolution 66/71.
2. The Subcommittee held 20 meetings.

### A. Adoption of the agenda

3. At its 839th meeting, on 19 March, the Subcommittee adopted the following agenda:
  1. Adoption of the agenda.
  2. Election of the Chair.
  3. Statement by the Chair.
  4. General exchange of views.
  5. Status and application of the five United Nations treaties on outer space.
  6. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
  7. Matters relating to:
    - (a) The definition and delimitation of outer space;
    - (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.
  8. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
  9. Examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment.
  10. Capacity-building in space law.
  11. General exchange of information on national mechanisms relating to space debris mitigation measures.
  12. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space.
  13. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-second session.

## B. Attendance

4. Representatives of the following 55 member States of the Committee attended the session: Algeria, Argentina, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czech Republic, Ecuador, Egypt, France, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Kazakhstan, Kenya, Lebanon, Libya, Malaysia, Mexico, Morocco, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) and Viet Nam.

5. At its 839th meeting, on 19 March, the Subcommittee decided to invite, at their request, observers for Costa Rica, the Dominican Republic, El Salvador, Israel, Oman and the United Arab Emirates to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Committee concerning status.

6. At the same meeting, the Subcommittee decided to invite the observer for the European Union, at its request, to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Committee concerning status.

7. Observers for the International Civil Aviation Organization and the International Telecommunication Union attended the session.

8. The session was attended by observers for the following intergovernmental organizations having permanent observer status with the Committee: Asia-Pacific Space Cooperation Organization, Association of Remote Sensing Centres in the Arab World, European Space Agency, European Telecommunications Satellite Organization, International Organization of Space Communications (Intersputnik) and Regional Centre for Remote Sensing of the North African States. The observers for the International Institute for the Unification of Private Law (Unidroit) and the Permanent Court of Arbitration also attended the session upon the invitation of the Subcommittee.

9. The session was also attended by observers for the following non-governmental organizations having permanent observer status with the Committee: European Space Policy Institute, International Institute of Space Law, International Law Association and Space Generation Advisory Council.

10. At its 839th meeting, on 19 March, the Subcommittee decided to invite, at its request, the observer for the Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Committee concerning status.

11. The Subcommittee had before it information concerning the applications of Armenia (A/AC.105/C.2/2012/CRP.20), Costa Rica (A/AC.105/C.2/2012/CRP.5) and Jordan (A/AC.105/C.2/2012/CRP.4) for membership in the Committee.

12. The Subcommittee also had before it information concerning the requests of the Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation (A/AC.105/C.2/2012/CRP.7) and the Scientific Committee on Solar-Terrestrial Physics (A/AC.105/C.2/2012/CRP.6) for observer status with the Committee.

13. A list of the representatives of States, United Nations entities and other international organizations attending the session is contained in document A/AC.105/C.2/2012/INF/44 and Corr.1.

### **C. Symposium**

14. On 19 March, the International Institute of Space Law (IISL) and the European Centre for Space Law (ECSL) held a symposium on the theme “Transfer of ownership of space objects: issues of responsibility, liability and registration”, which was chaired by Tanja Masson-Zwaan of IISL and Sergio Marchisio of ECSL. The Subcommittee heard the following presentations during the symposium: “Legal aspects of transfer of ownership and transfer of activities”, by Armel Kerrest; “Practice of States and international organizations in registering the transfer of ownership of space objects”, by Mildred Trögeler; “Satellite ownership transfers and the liability of the launching States”, by Setsuko Aoki; “Unidroit registration of security interests and the Registration Convention: relevance for the transfer-of-ownership issue”, by Martin Stanford; “Towards ‘flags of convenience’ in space?”, by Frans von der Dunk; and “Regulatory options for dealing with the transfer of ownership”, by Olavo Bittencourt Neto. Concluding remarks were made by the Chair of the Subcommittee and by the co-chairs of the symposium. The papers and presentations delivered during the symposium were made available on the website of the Office for Outer Space Affairs of the Secretariat ([www.unoosa.org/oosa/COPUOS/Legal/2012/symposium.html](http://www.unoosa.org/oosa/COPUOS/Legal/2012/symposium.html)).

15. The Subcommittee noted with appreciation that the symposium had constituted a valuable contribution to its work.

### **D. Adoption of the report of the Legal Subcommittee**

16. At its 858th meeting, on 30 March, the Subcommittee adopted the present report and concluded the work of its fifty-first session.

## **II. General exchange of views**

17. Statements were made by representatives of the following States members of the Committee during the general exchange of views: Algeria, Argentina, Austria, Belgium, Brazil, Canada, China, Cuba, Czech Republic, Ecuador, France, Germany, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kenya, Libya, Morocco, Nigeria, Poland, Republic of Korea, Romania, Russian Federation, Saudi Arabia,

South Africa, Spain, United States and Venezuela (Bolivarian Republic of). Statements were made by Kenya on behalf of the Group of African States and Ecuador on behalf of the Group of Latin American and Caribbean States. A statement was also made by the observer for the Asia-Pacific Space Cooperation Organization (APSCO). A general statement was made by the observer for the Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation.

18. At the 839th meeting, on 19 March, the Chair made a statement in which he highlighted the instrumental role of the Subcommittee in the development and further advancement of the international legal regime governing the activities of States in the exploration and use of outer space over the past 50 years, as acknowledged in the Declaration on the Fiftieth Anniversary of Human Space Flight and the Fiftieth Anniversary of the Committee on the Peaceful Uses of Outer Space, adopted by the General Assembly in its resolution 66/71.

19. At the same meeting, the Director of the Office for Outer Space Affairs made a statement in which she reviewed the role of the Office in discharging the responsibilities of the Secretary-General under the United Nations treaties on outer space, including the maintenance of the Register of Objects Launched into Outer Space, as well as the role and work of the Office relating to capacity-building in space law.

20. The Subcommittee welcomed the election of Tare Charles Brisibe (Nigeria) as its Chair for the period 2012-2013 and expressed its appreciation to the outgoing Chair, Ahmad Talebzadeh (Islamic Republic of Iran), for furthering the work of the Subcommittee during his term of office.

21. The Subcommittee welcomed the statement made by the representative of South Africa, in its capacity as Chair of the Group of African States, informing the Subcommittee of the decision by consensus of the Group to endorse the candidature of Azzedine Oussedik (Algeria) to chair the Committee on the Peaceful Uses of Outer Space during the period 2014-2015.

22. The Subcommittee paid tribute to the late Carl Q. Christol (of the United States) and Gyula Gál (of Hungary), who had made significant contributions to the science of space law and the progressive development of international space law.

23. The Subcommittee noted the broad commitment to further developing international and regional cooperation in the exploration and peaceful use of outer space and to carrying out activities in outer space in accordance with the international legal regime on outer space. The Subcommittee also noted that a growing number of regional and international partnerships had been forged to that end.

24. Some delegations reiterated the commitment of their Governments to the peaceful use and exploration of outer space and emphasized the following principles: equal and non-discriminatory access to outer space and equal conditions for all States, irrespective of their level of scientific, technical and economic development, as well as the equitable and rational use of outer space; non-appropriation of outer space, including the Moon and other celestial bodies, by claim of sovereignty, use, occupation or any other means; non-militarization of outer space and its exploitation strictly for peaceful purposes; and regional

cooperation to promote space activities as established by the General Assembly and other international forums.

25. Some delegations expressed the view that the heightened pace of activities in outer space and the increased participation of States, international organizations and the non-governmental sector required continued reflection by the Subcommittee to enable further strengthening of the legal regime on outer space, including with respect to the need to review and revise the five United Nations treaties on outer space.

26. Some delegations expressed the view that a lacuna existed in the current legal regime governing outer space with regard to the possible placement of weapons into outer space, requiring both the conclusion of new treaties aimed at eliminating that deficiency and the comprehensive and incremental strengthening of the current legal regime to ensure safety, security and transparency in the conduct of space activities.

27. Some delegations welcomed initiatives that further contributed to the development of international space law to maintain long-term sustainability, safety, stability and security of space by establishing guidelines for the responsible use of space, in particular the development of an international code of conduct for outer space activities.

28. Some delegations expressed the view that a more structured relationship between the Legal Subcommittee and the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee and its expert groups, in particular the expert group on regulatory regimes and guidance for actors in the space arena (expert group D), was needed so as to build synergies for the benefit of the Committee as a whole.

29. Some delegations expressed the view that the Legal Subcommittee should cooperate more closely with the Scientific and Technical Subcommittee in order to address legal aspects of the advanced scientific and technological developments in outer space, with a view to promoting the development of binding international norms addressing critical issues such as space debris and the use of nuclear power sources in outer space.

30. Some delegations expressed the view that further development of the international legal regime and the work of the Legal Subcommittee in a manner that allowed all nations, whether advanced spacefaring nations or nations with emerging space capabilities, to benefit from space activities in an equitable manner would contribute to socio-economic prosperity and sustainable development, in particular in developing countries.

31. The view was expressed that the Committee and its Legal Subcommittee had an extraordinary record in advancing the field of space law and developing space law in a manner that promoted, rather than hindered, the exploration and use of outer space and that such success was a result of the ability of the Subcommittee to focus on practical problems and to address such problems through a consensus-based, results-oriented process.

32. The view was expressed that the threat of an arms race in outer space necessitated a constructive dialogue between the Committee, in particular its Legal Subcommittee, and the Conference on Disarmament.

33. The Subcommittee noted the screening of a video presented by the representatives of France and Germany on the occasion of the successful launch of the third Automated Transfer Vehicle (ATV-3) of ESA on 23 March 2012 from Kourou, French Guiana.

### **III. Status and application of the five United Nations treaties on outer space**

34. Pursuant to General Assembly resolution 66/71, the Subcommittee considered agenda item 5, entitled “Status and application of the five United Nations treaties on outer space”, as a regular item of its agenda.

35. The representatives of Brazil, Germany, Indonesia, Saudi Arabia, South Africa, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 5. During the general exchange of views, statements relating to the item were also made by representatives of other member States, the representative of Ecuador on behalf of the Group of Latin American and Caribbean States and the representative of Kenya on behalf of the Group of African States.

36. At its 839th meeting, on 19 March, the Subcommittee reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space under the chairmanship of Jean-François Mayence (Belgium). At its 856th meeting, on 29 March, the Subcommittee endorsed the report of the Chair of the Working Group, contained in annex I to the present report.

37. The Subcommittee had before it the following:

(a) United Nations Treaties and Principles on Outer Space, Related General Assembly Resolutions and Other Documents (ST/SPACE/51);

(b) Conference room paper on the status of international agreements relating to activities in outer space as at 1 January 2012 (A/AC.105/C.2/2012/CRP.3);

(c) Addendum to the note by the Secretariat on activities being carried out or to be carried out on the Moon and other celestial bodies, international and national rules governing those activities and information received from States parties to the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies about the benefits of adherence to that Agreement (A/AC.105/C.2/L.271/Add.2);

(d) Set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space (A/AC.105/C.2/2012/CRP.10);

(e) Responses to the set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space (A/AC.105/C.2/2012/CRP.11).

38. The Subcommittee heard a presentation entitled “Registration issues: French National Registry (1965-2012)”, by the representative of France.

39. The Subcommittee noted that, as at 1 January 2012, the status of the five United Nations treaties on outer space was as follows:

(a) The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, had 101 States parties and had been signed by 26 additional States;

(b) The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space had 91 States parties and had been signed by 24 additional States; two international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Agreement;

(c) The Convention on International Liability for Damage Caused by Space Objects had 88 States parties and had been signed by 23 additional States; three international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(d) The Convention on Registration of Objects Launched into Outer Space had 55 States parties and had been signed by 4 additional States; two international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(e) The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies had 13 States parties and had been signed by 4 additional States.

40. The Subcommittee welcomed the fact that Qatar had become a party to the Outer Space Treaty and the Rescue Agreement on 13 March 2012, that South Africa had become a party to the Liability Convention on 19 January 2012 and the Registration Convention on 27 January 2012 and that Turkey had become a party to the Moon Agreement on 29 February 2012.

41. The Subcommittee welcomed reports from Member States regarding their progress towards becoming parties to the five United Nations treaties on outer space, in developing national space laws and in concluding bilateral and multilateral agreements on space cooperation.

42. The Subcommittee also welcomed the fact that Saudi Arabia had taken action to become a party to all five United Nations treaties on outer space, with its signature of the Rescue Agreement, the Registration Convention and the Moon Agreement on 13 July 2010, and that it would be depositing its instruments of ratification with the respective depositaries of those treaties.

43. Some delegations expressed the view that the United Nations treaties on outer space represented a solid legal structure, one that was crucial for supporting the increasing scale of space activities and strengthening international cooperation in the peaceful uses of outer space. Those delegations welcomed further adherence to the treaties and urged those States which had not yet become parties to the treaties to consider doing so.

44. Some delegations expressed the view that States that had already ratified the United Nations treaties on outer space should look at the sufficiency of their respective national laws to implement the treaties.

45. The view was expressed that there was a need to identify challenges in implementing the provisions of the treaties and that the exchange of best practices and the provision of technical assistance could further improve the implementation of the treaties by State parties.

46. The view was expressed that the law-making process undertaken by the Subcommittee should be supported in order to further promote adherence to the United Nations treaties on outer space. The delegation that expressed that view stated that the adoption of non-binding instruments was a realistic solution that would further encourage States to adhere to and comply with the legal regime governing activities in outer space.

47. The view was expressed that a universal comprehensive convention on outer space should be developed, with the aim of finding solutions for existing issues, fully respecting the fundamental principles incorporated in the existing United Nations treaties on outer space.

48. The view was expressed that, under the legal framework of the United Nations treaties on outer space, the use of space by nations, international organizations and private entities had flourished. As a result, space technology and services were contributing immeasurably to economic growth and improvements in the quality of life throughout the world.

49. The view was expressed that the success of the Subcommittee in advancing the field of space law was a result of its ability to focus on practical problems and to seek to address any such problems via a consensus-based and result-oriented process. The delegation that expressed that view was also of the view that the Subcommittee should, during its deliberations, aim to continue that tradition and to avoid the temptation to focus on theoretical rather than practical issues.

50. Some delegations expressed the view that the Subcommittee should be actively involved in the development of new guidelines to ensure the safety, security and predictability of outer space activities, with the aim of limiting or minimizing harmful interference in outer space.

51. Some delegations expressed the view that the placement of conventional weapons in outer space was not sufficiently prohibited by the Outer Space Treaty and that it was imperative to adopt adequate and efficient measures to prevent any possibility of an arms race in outer space.

52. The view was expressed that the transfer of registration of a space object during its operation in orbit from a launching State to a non-launching State was not permitted by the Outer Space Treaty or the Registration Convention and that the responsibility for space objects rested with the launching State and could not be abandoned. The delegation expressing that view was also of the view that a non-launching State whose operator took over a space object took on an additional responsibility in its own right.

53. The view was expressed that the international legal regime governing outer space did not preclude internal arrangements between the launching State and the State of the current operator.

54. The view was expressed that the Moon Agreement, in all its aspects, should continue to be discussed by the Subcommittee in order for its provisions to be further clarified and understood.

55. The Subcommittee noted that the growing understanding of the provisions of the Moon Agreement, including of the concept of “common heritage of mankind”, was prompting a reflection and discussion process by some States on the possibility of becoming parties to the Moon Agreement.

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

56. Pursuant to General Assembly resolution 66/71, the Subcommittee considered agenda item 6, entitled “Information on the activities of international intergovernmental and non-governmental organizations relating to space law”, as a regular item of its agenda.

57. Statements were made by the observers for the European Space Agency (ESA) (on the activities of ESA and ECSL), the European Telecommunications Satellite Organization (EUTELSAT-IGO), IISL, the International Law Association (ILA), Intersputnik and the Permanent Court of Arbitration under agenda item 6.

58. For its consideration of the item, the Subcommittee had before it the following:

(a) Note by the Secretariat containing information on activities relating to space law received from ILA and Intersputnik (A/AC.105/C.2/100);

(b) Conference room paper containing information on activities relating to space law received from ECSL (A/AC.105/C.2/2012/CRP.16);

(c) Conference room paper containing information on activities relating to space law received from IISL (A/AC.105/C.2/2012/CRP.18).

59. The Subcommittee heard a technical presentation on the website of ECSL by the observer for ESA.

60. The Subcommittee noted with satisfaction that the activities of international intergovernmental and non-governmental organizations relating to space law had continued to contribute significantly to the study, clarification and development of space law and that those organizations had continued to organize numerous conferences and symposiums, prepare publications and reports and organize training seminars for practitioners and students, all of which were intended to broaden and advance the knowledge of space law.

61. The Subcommittee noted that international intergovernmental organizations had an important role to play in the development, strengthening and furtherance of understanding of international space law.

62. The Subcommittee noted with satisfaction the information provided by the observer for ILA about the activities of that organization in relation to the work of the advisory group on dispute settlement relating to activities in outer space of the

Permanent Court of Arbitration. In that regard, the Subcommittee had before it a conference room paper on the Optional Rules for Arbitration of Disputes Relating to Outer Space Activities (A/AC.105/C.2/2012/CRP.17), which were adopted on 6 December by the Administrative Council of the Permanent Court. The Subcommittee welcomed the additional information on the adopted legal instrument provided by the observer for the Permanent Court and invited the Permanent Court to provide information to the Subcommittee at its future sessions on the Optional Rules.

63. The Subcommittee was informed by the observer for EUTELSAT-IGO about the outcome of the 2012 World Radiocommunication Conference, the work of the Broadband Commission for Digital Development, established by the Secretary-General of the International Telecommunication Union (ITU) and the Director-General of the United Nations Educational, Scientific and Cultural Organization in 2010 with the aim of accelerating the achievement of the Millennium Development Goals in that field, and the agreement of the thirty-seventh meeting of the EUTELSAT Assembly of Parties in 2011 to provide regular reports to the parties on repeated deliberate interference on several radio and television channels broadcast via EUTELSAT satellites, stressing that since the previous such report there had been a large increase in such interference.

64. The Subcommittee agreed that it was important to continue the exchange of information on recent developments in the area of space law between the Subcommittee and international intergovernmental and non-governmental organizations, and that such organizations should again be invited to report to the Subcommittee at its fifty-second session on their activities relating to space law.

## **V. Matters relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union**

65. Pursuant to General Assembly resolution 66/71, the Subcommittee considered agenda item 7, entitled “Matters relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union”, as a regular item of its agenda.

66. The representatives of Canada, Ecuador, Indonesia, Libya, the Russian Federation, Saudi Arabia, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 7. During the general exchange of views, statements relating to that item were made by the representatives of other member States, the representative of Ecuador on behalf of the Group of Latin American and Caribbean States and the representative of Kenya on behalf of the Group of African States.

67. At its 839th meeting, on 19 March, the Subcommittee reconvened its Working Group on the Definition and Delimitation of Outer Space under the chairmanship of José Monserrat Filho (Brazil). In accordance with the agreement reached by the Subcommittee at its thirty-ninth session and endorsed by the Committee at its forty-third session, the Working Group was convened to consider only matters relating to the definition and delimitation of outer space.

68. The Working Group held four meetings. The Subcommittee, at its 856th meeting, on 29 March, endorsed the report of the Chair of the Working Group, contained in annex II to the present report.

69. For its consideration of the item, the Subcommittee had before it the following:

(a) Note by the Secretariat entitled “National legislation and practice relating to the definition and delimitation of outer space” (A/AC.105/865 and Add.11);

(b) Note by the Secretariat entitled “Questions on the definition and delimitation of outer space: replies from Member States” (A/AC.105/889/Add.10).

70. Some delegations expressed the view that scientific and technological progress, the commercialization of outer space, the participation of the private sector, emerging legal questions and the increasing use of outer space in general had made it necessary for the Subcommittee to consider the question of the definition and delimitation of outer space.

71. Some delegations expressed the view that the lack of a definition or delimitation of outer space created legal uncertainty concerning the applicability of space law and air law and that matters concerning State sovereignty and the boundary between airspace and outer space needed to be clarified in order to reduce the possibility of disputes among States.

72. Some delegations expressed the view that the definition and delimitation of outer space was important in relation to the issue of the liability of States and other entities engaging in space activities. That issue had become particularly topical in the light of the current intensification and diversification of space activities.

73. Some delegations expressed the view that current and foreseeable civil aviation operations would not exceed altitudes of 100-130 kilometres, where there was a potential danger of collision with numerous spacecraft. The delegations expressing that view proposed that the boundary between airspace and outer space should be established in that range.

74. The view was expressed that the issue of definition and delimitation of outer space required further careful analysis and that the advantages of defining and delimiting outer space should first be clearly defined, in order to ensure that such actions did not hamper technical progress in outer space.

75. Some delegations expressed the view that States should continue to operate under the current framework, which presented no practical difficulties, until such time as there was a demonstrated need and a practical basis for developing a definition or delimitation of outer space.

76. The view was expressed that it would be preferable to focus on the function and purpose of an object rather than on its location in order to determine if and when space law would govern its activities. The delegation expressing that view was also of the view that, when the distinction between aircraft and spacecraft was less certain, owing to the unique function and operation of an object, the Subcommittee could address regime mechanisms that might or might not be necessary to ensure the safe and secure transition between the respective legal domains governing airspace and outer space.

77. The view was expressed that matters relating to the definition and delimitation of outer space could be resolved within the context of the possible development of a universal comprehensive convention governing the activities of States in the exploration and use of outer space.

78. The view was expressed that progress in the matter of the definition and delimitation of outer space could be achieved through the establishment of cooperation between the Committee and the International Civil Aviation Organization (ICAO).

79. The view was expressed that the diversity of views of States on the matter of the definition and delimitation of outer space made it difficult to develop a position that would be satisfactory to all and that it was therefore necessary to retain the item and analyse it, with a view to reaching a consensus so that in the future States might have legal instruments that would provide certainty with regard to sovereignty in airspace while guaranteeing the freedom to access outer space based on those instruments.

80. Some delegations expressed the view that the geostationary orbit — a limited natural resource clearly in danger of saturation — must be used rationally and should be made available to all States, irrespective of their current technical capacities. That would provide States with the possibility of having access to the orbit under equitable conditions, bearing in mind, in particular, the needs and interests of developing countries, as well as the geographical position of certain countries, and taking into account the processes of ITU and relevant norms and decisions of the United Nations.

81. Some delegations expressed the view that, as the geostationary orbit was a limited resource at risk of becoming saturated, its use should be streamlined, giving priority to activities with a long-term perspective, leading to the achievement of the Millennium Development Goals (A/56/326, annex), while taking into account the conditions of equality of all countries irrespective of their current space capacities.

82. Some delegations expressed the view that the geostationary orbit was part of outer space, that it was not subject to national appropriation by claim of sovereignty, by means of use or occupation or by any other means, including by repeated use, and that its utilization was governed by the Outer Space Treaty and ITU treaties.

83. The view was expressed that the unique characteristics of the geostationary orbit justified the requirement of a special legal regime for its use and definition.

84. Some delegations expressed the view that the utilization by States of the geostationary orbit on the basis of “first come, first served” was unacceptable and that therefore the Subcommittee should develop a legal regime guaranteeing

equitable access to orbital positions for States, in accordance with the principles of peaceful use and non-appropriation of outer space.

85. Some delegations expressed the view that the Subcommittee should cooperate with ITU in all possible aspects of outer space activities, including with respect to avoiding an abuse of the use of the geostationary orbit by some States and international organizations and coordinating the application of international treaties.

86. The view was expressed that special attention should be given to equitable access for all States to orbit-spectrum resources in geostationary orbit while recognizing its potential with respect to social programmes that benefited the most underserved communities, making educational and medical projects possible, guaranteeing access to information and communication technology and improving links to necessary sources of information in order to strengthen social organization, as well as promoting knowledge and the exchange thereof without commercial interests acting as intermediaries.

87. Some delegations expressed the view that, in order to ensure sustainability of the geostationary orbit, it was necessary to continue maintaining that issue on the agenda of the Subcommittee and to elaborate it further through the creation of appropriate working groups and intergovernmental panels, as necessary.

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

88. Pursuant to General Assembly resolution 66/71, the Subcommittee considered agenda item 8, 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.

89. The representatives of China, Saudi Arabia, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 8. During the general exchange of views, statements relating to the item were also made by representatives of other member States, the representative of Ecuador on behalf of the Group of Latin American and Caribbean States and the representative of Kenya on behalf of the Group of African States.

90. The Legal Subcommittee noted with satisfaction that 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, in 2009, and the endorsement of the Safety Framework by the Committee at its fifty-second session, in 2009, constituted an important step with regard to the progressive development of international space law and considerably advanced international cooperation in ensuring the safe use of nuclear power sources in outer space.

91. The Legal Subcommittee noted with satisfaction the workshops organized by the Working Group on the Use of Nuclear Power Sources in Outer Space during the forty-eighth and the forty-ninth sessions of the Scientific and Technical Subcommittee, in accordance with the multi-year workplan and objectives adopted by the Scientific and Technical Subcommittee at its forty-seventh session (A/AC.105/958, annex II, paras. 7 and 8).

92. Some delegations expressed the view that it was exclusively States, irrespective of their level of social, economic, scientific or technical development, that had an obligation to engage in regulatory activity associated with the use of nuclear power sources in outer space and that the matter concerned all of humanity. Those delegations were also of the view that Governments bore international responsibility for national activities involving the use of nuclear power sources in outer space conducted by governmental and non-governmental organizations and that such activities must be beneficial and not detrimental to humanity. In that context, those delegations called on the Legal Subcommittee to undertake a review of the Safety Framework and to promote binding standards with a view to ensuring that any activity conducted in outer space was governed by the principles of preservation of life and maintenance of peace.

93. Some delegations expressed the view that there should be greater coordination and interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to promote the development of binding international standards to provide a legal framework for the use of nuclear power sources in outer space.

94. Some delegations expressed the view that close communication should be maintained among the two Subcommittees and the International Atomic Energy Agency (IAEA) in exploring the feasibility and necessity of amending the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (General Assembly resolution 47/68).

95. Some delegations expressed the view that more consideration should be given to the use of nuclear power sources in outer space, especially in Earth orbits, in order to address the legal aspects of potential collisions of nuclear-powered space objects in orbit and the incidents or emergencies that might be created by the accidental re-entry of such objects into the Earth's atmosphere, as well as the impact of such a re-entry on the Earth's surface, human life and health and the ecosystem.

96. Some delegations expressed the view that the Principles should be revised to prohibit the use of nuclear power sources in Earth orbits, for the safety of the environment and humankind.

97. The view was expressed that the Principles would benefit from an update on the basis of the Safety Framework.

98. The view was expressed that the Principles and the Safety Framework provided States with technical guidance on the safe application of nuclear power sources in outer space and had laid a foundation for gradually setting up a legal regime and that the promotion of and wider adherence to those documents were important for ensuring the safe use of nuclear power sources in outer space.

99. Some delegations expressed the view that space-faring nations with relevant experience in the use of nuclear power sources should make available their information and know-how on measures taken to ensure the safety of space objects that used nuclear power sources.

100. The view was expressed that States planning to launch any space objects with nuclear power sources should notify other member States about their plans within a reasonable time to allow for action related to the mitigation of any possible risk.

101. The view was expressed that, although at times it might be necessary to use nuclear power sources in outer space, they should be used with caution, when other sources of energy were not available and preferably at great distances from Earth, in order to ensure the safety of humankind, the Earth and the equipment orbiting it.

102. The view was expressed that research should be carried out on ways and means of optimizing or substituting the use of nuclear energy in outer space activities.

103. The view was expressed that, in view of the importance of the full implementation of the Safety Framework to ensuring the safety of the use of nuclear power sources in space activities, a comprehensive report on the implementation of the Safety Framework should be prepared by the Office for Outer Space Affairs.

104. The Subcommittee agreed that it was necessary to continue examining the issue and that the item should remain on its agenda.

## **VII. Examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment**

105. Pursuant to General Assembly resolution 66/71, the Subcommittee considered agenda item 9, entitled “Examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment”, as a single issue/item for discussion.

106. The representatives of Algeria, Austria, Brazil, Canada, China, the Czech Republic, France, Germany, Indonesia, Japan, the Netherlands, Saudi Arabia, South Africa, Spain, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 9. Statements under that item were also made by the observers for ITU and Unidroit.

107. At its 841st meeting, on 20 March, the Subcommittee heard a statement by the observer for Unidroit in which he, inter alia, informed the Subcommittee of the following:

(a) The diplomatic Conference for the adoption of the draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets, held in Berlin from 27 February to 9 March 2012, had adopted and opened for signature on 9 March the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets;

(b) The Protocol had been signed by Burkina Faso, Saudi Arabia and Zimbabwe, and it had been agreed by the Conference that the number of ratifications or accessions needed to trigger the entry into force of the Protocol should be 10. The Conference had been of the view that an additional requirement should be laid down for the entry into force of the Protocol, namely that the supervisory authority of the international registry for space assets must deposit a certificate confirming that the international registry for space assets was fully operational;

(c) The Conference had adopted five resolutions, and 25 States and 1 regional economic integration organization had signed the Final Act of the diplomatic Conference for the adoption of the draft Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets;

(d) Given the uncertainty regarding the identity of the body that would be assuming the functions of supervisory authority of the international registry for space assets, the Conference had taken the view that it was necessary to establish, pending the entry into force of the Protocol, a preparatory commission to act with full authority as provisional supervisory authority for the establishment of the international registry. The Conference also decided that the preparatory commission should operate under the guidance of the General Assembly of Unidroit;

(e) It had been decided that an official commentary on the Protocol would be prepared.

108. The Subcommittee expressed its congratulations to Unidroit for the successful conclusion of its multi-year work with respect to the development, negotiation and adoption of the Protocol. The Subcommittee commended the Government of Germany for its organization of the Conference and facilitation of the adoption of the Protocol.

109. The Subcommittee noted that the observer for ITU at the Conference had communicated the interest of the Secretary-General of ITU in that Organization considering becoming the supervisory authority and that that interest was subject to the matter being considered by the governing bodies of ITU, namely the ITU Council and the ITU Plenipotentiary Conference, and was without prejudice to the decision to be taken by them in that regard. The Subcommittee also noted that the ITU Council would hold its next session in July 2012 and that the next ITU Plenipotentiary Conference would be held in 2014.

110. Some delegations expressed the view that the Protocol on Matters specific to Space Assets, being the first space law treaty adopted in more than three decades and the first international private law agreement in the field of commercial space activities, was important for the completeness of the international regulation of space activities and would establish an optional international regime that could facilitate asset-based satellite financing and promote commercial activities of the private sector in outer space. In that connection, the delegations expressing that view recognized the necessity of continuing to consider and review the development of the Protocol by the Subcommittee.

111. Some delegations expressed the view that, since the Protocol had been adopted by consensus, it was no longer necessary to keep item 9 as an independent agenda item. Those delegations suggested merging that item with another item, in particular item 5 or 6, in order to maintain, at the fifty-second session of the Subcommittee, an exchange of views and to remain informed about the status of ratifications of that text.

112. Some delegations expressed the view that the Convention and the Protocol had established a registration and priority system that formed a unified, clear and predictable legal framework for transnational financing of space assets and ensured the universal recognition and protection of international interests based on space assets. In that connection, the delegations expressing that view were also of the

view that the Protocol would enhance transparency with regard to existing interests in space assets and would remove misgivings of creditors with regard to the inconsistencies of national laws and laws dealing with the financing of debts.

113. The view was expressed that important participants within the space commerce sector, including the diverse membership of the Satellite Industry Association, regarded the approach taken in the Protocol as one that did not achieve benefits for the space finance sector. In that connection, the delegation expressing that view was also of the view that further study and elaboration of the economic effects of the Protocol were necessary and that, although a protocol of that nature had been successful for aircraft, it would be unlikely to achieve success for space assets if it did not gain sufficient support within industry circles.

114. The view was expressed that the Protocol was not intended to affect the rights and obligations of States parties to the United Nations treaties on outer space and to the instruments of ITU.

115. The view was expressed that it was important to encourage all contracting States to the Protocol, as well as international, national and private financing institutions, to assist developing countries that were States parties to the Protocol by providing them with reasonable discounts on or rebates of any exposure rates or similar charges levied by such financing institutions.

116. The Subcommittee agreed to continue examining the issue and that the item entitled "Examination and review of the developments concerning the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets" should remain as a single item for discussion on the agenda at its fifty-second session.

## VIII. Capacity-building in space law

117. Pursuant to General Assembly resolution 66/71, the Subcommittee considered agenda item 10, entitled "Capacity-building in space law", as a single issue/item for discussion.

118. The representatives of Austria, Brazil, China, Germany, Japan, Libya, Nigeria, South Africa, Spain and the United States made statements under agenda item 10. During the general exchange of views, statements relating to that item were made by representatives of other member States, by the representative of Kenya on behalf of the Group of African States and by the representative of Ecuador on behalf of the Group of Latin American and Caribbean States.

119. The Subcommittee had before it the following:

(a) Conference room paper containing information submitted by Algeria, Australia, Austria and Japan on actions and initiatives to build capacity in space law (A/AC.105/C.2/2012/CRP.12);

(b) Conference room paper containing a directory of educational opportunities in space law (A/AC.105/C.2/2012/CRP.13).

120. The Subcommittee heard a presentation entitled “Capacity-building in space law in Japan: the case of the Japan Aerospace Exploration Agency”, by the representative of Japan.

121. The Subcommittee agreed that capacity-building, training and education in space law were of paramount importance to national, regional and international efforts 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. It was emphasized that the Subcommittee had an important role to play in that regard.

122. The Subcommittee noted with appreciation that a number of national, regional and international efforts to build capacity in space law were being undertaken by governmental and non-governmental entities. Those efforts included encouraging universities to offer modules on space law; providing fellowships for graduate and postgraduate education in space law; assisting in the development of national space legislation and policy frameworks; organizing workshops, seminars and other specialized activities to promote greater understanding of space law; providing financial and technical support for legal research; preparing dedicated studies, papers and publications on space law; supporting space law moot court competitions; supporting the participation of young professionals in regional and international meetings relating to space law; providing for training and other opportunities to build experience; and supporting entities dedicated to the study of and research relating to space law.

123. The Subcommittee noted that some member States provided financial assistance to enable young students to attend the Manfred Lachs Space Law Moot Court Competition, held each year during the meetings of the International Astronautical Congress. The Subcommittee also noted with satisfaction that in 2011 the African regional round of the Competition had been organized for the first time and that universities from Kenya, Nigeria and South Africa had taken part.

124. The Subcommittee noted with appreciation that the Office for Outer Space Affairs had included on its website a new section entitled “United Nations treaties and principles on outer space: travaux préparatoires” ([www.unoosa.org/oosa/en/SpaceLaw/treatyprep/index.html](http://www.unoosa.org/oosa/en/SpaceLaw/treatyprep/index.html)).

125. The Subcommittee noted with appreciation that the Office for Outer Space Affairs was assisting in regional efforts to build capacity in space law, including by providing support to the Fourth African Leadership Conference on Space Science and Technology for Sustainable Development, held in Mombasa from 26 to 28 September 2011 on the theme “Developing a shared vision for space in Africa”, during which a session dedicated to space law, organized jointly by the Government of Kenya and Office for Outer Space Affairs, had been held.

126. Some delegations expressed the view that it was important to disseminate knowledge on space law through bilateral channels, as well as through multilateral cooperation, and to give the Office for Outer Space Affairs an increased role in assisting States in their efforts to develop national legislation on space activities.

127. The view was expressed that adequate support, through the provision of both expertise and material and financial resources, was necessary to enable institutions to effectively conduct courses on space law.

128. The view was expressed that international organizations should be encouraged to establish cooperation with States to further develop and promote educational programmes in space law in order to increase the interest of students and enhance their skills and knowledge in the area of space law and its implementation, in particular with regard to dispute settlement mechanisms.

129. Some delegations expressed the view that capacity-building initiatives should include a variety of options, including the provision of online courses at a reasonable cost, in order to reach a wider audience.

130. The view was expressed that it was important to build capacity in the area of space-derived geospatial data.

131. The Subcommittee noted with appreciation that the Office for Outer Space Affairs, together with the Government of Argentina and the National Commission on Space Activities (CONAE) of Argentina, had begun preparations for the eighth United Nations workshop on space law, to be held in Argentina from 5 to 9 November 2012.

132. The Subcommittee noted with appreciation that APSCO, in cooperation with Beihang University (China), would host a workshop on space law in Beijing from 19 to 21 June 2012.

133. The Subcommittee noted that the workshops organized by the Office for Outer Space Affairs in cooperation with host countries were a valuable contribution to capacity-building in space law and international cooperation in the peaceful uses of outer space.

134. The Subcommittee noted with satisfaction that the Office for Outer Space Affairs had updated the directory of educational opportunities in space law (A/AC.105/C.2/2012/CRP.13), including with information on available fellowships and scholarships, and agreed that the Office should continue to update the directory. In that connection, the Subcommittee invited member States to encourage contributions at the national level for future updating of the directory.

135. The Subcommittee recommended that member States and permanent observers of the Committee inform the Subcommittee, at its fifty-second session, of any action taken or planned at the national, regional or international level to build capacity in space law.

## **IX. General exchange of information on national mechanisms relating to space debris mitigation measures**

136. Pursuant to General Assembly resolution 66/71, the Subcommittee considered agenda item 11, entitled “General exchange of information on national mechanisms relating to space debris mitigation measures”, as a single issue/item for discussion.

137. The representatives of Austria, Belgium, Germany, Japan, Libya and Venezuela (Bolivarian Republic of) made statements under agenda item 11. During the general exchange of views, statements relating to the item were also made by representatives of other member States, the representative of Ecuador on behalf of the Group of Latin American and Caribbean States and the representative of Kenya on behalf of the Group of African States.

138. The Subcommittee heard the following presentations:

- (a) “Space debris: current situation”, by the representative of Germany;
- (b) “Overview of space debris activities in France”, by the representative of France;
- (c) “Reflections on orbital debris mitigation measures”, by the representative of the United Kingdom.

139. The Subcommittee noted with satisfaction that the endorsement by the General Assembly, in its resolution 62/217, of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space was an important step in providing all space-faring nations with guidance on how to mitigate the problem of space debris.

140. The Subcommittee noted that the general exchange of information under agenda item 11 would assist States in understanding the different approaches, including the development of national regulatory frameworks, that States had taken to mitigate and prevent the increase in space debris.

141. The Subcommittee noted with satisfaction that some States were implementing space debris mitigation measures consistent with the Space Debris Mitigation Guidelines of the Committee and/or with the Inter-Agency Space Debris Coordination Committee (IADC) Space Debris Mitigation Guidelines and that other States had developed their own space debris mitigation standards based on those guidelines. The Subcommittee also noted that some States were using the IADC Space Debris Mitigation Guidelines, the European Code of Conduct for Space Debris Mitigation and International Organization for Standardization (ISO) standard 24113 (Space systems: space debris mitigation requirements) as references in their regulatory frameworks established for national space activities.

142. The Subcommittee noted with satisfaction that some States had taken measures to enforce the implementation of internationally recognized guidelines and standards related to space debris through relevant provisions in their national legislation.

143. The Subcommittee noted that some States had strengthened their national mechanisms governing space debris mitigation through the nomination of governmental supervisory authorities, the involvement of academia and industry and the development of new legislative norms, instructions, standards and frameworks.

144. The Subcommittee expressed concern over the increasing amount of space debris and noted that the future of space activities largely depended on space debris mitigation.

145. Some delegations expressed the view that the issues of mitigation of space debris and the limitation of its creation should be urgently addressed and placed among the priorities of the Subcommittee’s work.

146. Some delegations expressed the view that the Subcommittee should deepen its work relating to space debris and pay greater attention to the problem of collisions involving space debris and space objects, including space objects with nuclear power sources on board, as well as to other issues relating to space debris.

147. Some delegations expressed the view that space debris issues should be addressed in a manner that would not jeopardize the development of the space capabilities of developing countries.
148. Some delegations expressed the view that the Subcommittee should undertake a legal analysis of the Space Debris Mitigation Guidelines of the Committee.
149. Some delegations expressed the view that the Space Debris Mitigation Guidelines of the Committee should be developed into a new instrument with greater juridical strength.
150. Some delegations expressed the view that there was a need for a review of the legal aspects of the Space Debris Mitigation Guidelines of the Committee, with a view to transforming the Guidelines into a set of principles to be adopted by the General Assembly.
151. The view was expressed that, regarding liability resulting from any damage caused by space debris, the Space Debris Mitigation Guidelines of the Committee and the Principles Relevant to the Use of Nuclear Power Sources in Outer Space should be given adequate consideration in the definition of the notion of "fault", as contained in the Convention on International Liability for Damage Caused by Space Objects.
152. The view was expressed that any revision of the Space Debris Mitigation Guidelines of the Committee should take into account possible additional costs to the space programmes of developing countries.
153. Some delegations expressed the view that the Scientific and Technical Subcommittee and the Legal Subcommittee should cooperate with the aim of developing legally binding rules relating to space debris.
154. Some delegations expressed the view that the Legal Subcommittee could benefit from the work of the Scientific and Technical Subcommittee, its Working Group on the Long-term Sustainability of Outer Space Activities and the subsidiary expert groups of that Working Group.
155. The view was expressed that, although the technical aspects of space debris had been discussed in the Scientific and Technical Subcommittee, the Legal Subcommittee should thoroughly examine the legal aspects of the issue of space debris.
156. The view was expressed that expert group D of the Working Group on the Long-term Sustainability of Outer Space Activities should consider the possibility of meeting informally during the fifty-second session of the Subcommittee.
157. Some delegations expressed the view that member States should report to the Legal Subcommittee and disseminate information on action taken to reduce the generation of space debris.
158. The Subcommittee urged States and organizations to continue to implement the Space Debris Mitigation Guidelines of the Committee and to study the experience of States that had already established national mechanisms governing space debris mitigation.

## **X. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space**

159. Pursuant to General Assembly resolution 66/71, agenda item 12, entitled “General exchange of information on national legislation relevant to the peaceful exploration and use of outer space”, was considered in accordance with the multi-year workplan for the period 2008-2012 adopted by the Committee at its fiftieth session (A/62/20, para. 219) and amended at its fifty-fourth session (A/66/20, para. 215).

160. The representatives of Austria, China, Germany, Italy, Kazakhstan, Nigeria and the United States made statements under agenda item 12. During the general exchange of views, statements relating to that item were made by representatives of other member States and by the representative of Kenya on behalf of the Group of African States.

161. At its 839th meeting, on 19 March, the Subcommittee reconvened the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space under the chairmanship of Irmgard Marboe (Austria). The Working Group held 9 meetings.

162. The Subcommittee had before it the following:

(a) Working paper submitted by the Chair of the Working Group, entitled “Revised draft set of conclusions of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space” (A/AC.105/C.2/L.286);

(b) Conference room paper containing the draft report of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space (A/AC.105/C.2/2012/CRP.9);

(c) Conference room paper containing a schematic overview of national regulatory frameworks for space activities (A/AC.105/C.2/2012/CRP.8 and Add.1);

(d) Appendix to the report of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space (annex III) (A/AC.105/C.2/2012/CRP.22).

163. The Subcommittee, at its 857th meeting, on 30 March, endorsed the final report of the Working Group on the work conducted under its multi-year workplan (A/AC.105/C.2/2012/CRP.9/Rev.2), as orally amended.<sup>1</sup>

164. The Subcommittee, at the same meeting, endorsed the report of the Chair of the Working Group (see annex III to the present report).

165. The Subcommittee recommended that the Committee consider the appendix to the report of the Chair of the Working Group contained in annex III at its fifty-fifth session and that the Committee decide in which form the text should be submitted to the General Assembly, as recommended by the Working Group.

166. The Subcommittee noted that States continued to undertake efforts aimed at the development of new or the improvement of existing national space-related

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<sup>1</sup> To be issued as A/AC.105/C.2/101.

regulatory frameworks. The Subcommittee also noted that, in developing national space-related instruments, States paid attention to their obligations with regard to the United Nations treaties on outer space.

167. The Subcommittee agreed that the general exchange of information on national legislation relevant to the peaceful exploration and use of outer space had provided States with a comprehensive overview of the current status of national space laws and regulations and assisted States in understanding the different approaches taken at the national level to the development of national space-related regulatory frameworks.

168. The Subcommittee noted, in that regard, that the discussion of the Working Group under its multi-year workplan had allowed member States to gain an understanding of existing national regulatory frameworks and that the work conducted under agenda item 12 had already yielded concrete results, as the final report of the Working Group would become a source of information on the development of national space legislation.

169. The Subcommittee expressed its deep appreciation to Irmgard Marboe, the Chair of the Working Group, for her dedication and professionalism in leading the Working Group. The Subcommittee agreed that its final report would constitute an important source of information for States developing national space-related regulatory frameworks.

170. The Subcommittee agreed that it would be beneficial to continue exchanging, on a regular basis, information on developments in the area of national space-related regulatory frameworks and that the schematic overview of national space-related regulatory frameworks should continue to be updated and made available to the Subcommittee.

171. The Subcommittee noted with appreciation that the Office for Outer Space Affairs had continued to update the database on national space legislation and multilateral and bilateral agreements related to the peaceful exploration and use of outer space ([www.unoosa.org](http://www.unoosa.org)). In that regard, the Subcommittee encouraged States to continue to submit to the Office, for inclusion in the database, the texts of laws and regulations, bilateral and multilateral agreements and policy and other legal documents related to space activities.

172. The Subcommittee requested the Secretariat to include the final report of the Working Group, together with the schematic overview of national space-related regulatory frameworks, in the database.

## **XI. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-second session**

173. Pursuant to General Assembly resolution 66/71, the Legal Subcommittee considered agenda item 13, entitled “Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Subcommittee at its fifty-second session”, as a regular item of its agenda. Under that item, the

Subcommittee also considered matters related to the organization of work of the Subcommittee.

174. The representatives of Algeria, Argentina, Austria, Belgium, Brazil, Canada, Chile, China, the Czech Republic, France, Germany, Iran (Islamic Republic of), Italy, Japan, Mexico, the Netherlands, the Russian Federation, Saudi Arabia, South Africa, Spain, the United Kingdom, the United States and Venezuela (Bolivarian Republic of) made statements under the item. A statement under the item was also made by the representative of Peru on behalf of the following States: Algeria, Argentina, Brazil, Chile, China, Cuba, Ecuador, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, South Africa and Venezuela (Bolivarian Republic of). During the general exchange of views, statements relating to the item were also made by representatives of other member States, the representative of Ecuador on behalf of the Group of Latin American and Caribbean States and the representative of Kenya on behalf of the Group of African States.

#### **A. Proposals to the Committee for new items to be considered by the Legal Subcommittee at its fifty-second session**

175. The Subcommittee had before it a conference room paper entitled “Review of the international mechanisms for cooperation in the peaceful exploration and use of outer space” (A/AC.105/C.2/2012/CRP.21/Rev.1).

176. The Chair drew the Subcommittee’s attention to the proposals for new items to be included in the agenda of the Subcommittee, as contained in the report on its fiftieth session (A/AC.105/990, para. 173).

177. The Subcommittee agreed to include “National legislation relevant to the peaceful exploration and use of outer space” as a new regular item on its agenda.

178. The Subcommittee agreed that, with the modification of the titles of the item relating to the Unidroit protocol on matters specific to space assets and the item relating to space debris mitigation measures, all of the single issues/items for discussion currently on the agenda should be retained at its fifty-second session.

179. The Subcommittee agreed to include “Review of the international mechanisms for cooperation in the peaceful exploration and use of outer space”, proposed by China, Ecuador, Japan, Peru, Saudi Arabia and the United States, as an item under the following five-year workplan:

2013 Exchange of information on the range of existing international space cooperation mechanisms. Member States and permanent observers would be invited to provide information prior to the session of the Legal Subcommittee and to make special presentations on the range of bilateral and multilateral mechanisms they utilize for space cooperation.

2014 Continue the exchange of information. Establish a working group. Request the Secretariat to prepare a report categorizing the range of mechanisms for international cooperation, including existing bilateral and multilateral agreements, non-binding arrangements, principles, technical guidelines and other cooperative mechanisms, based upon submissions by member States,

as well as additional research, to be distributed to member States in advance of the session of the Legal Subcommittee.

- 2015 Exchange of additional or supplemental information on existing international space cooperation mechanisms, taking into account the report of the Secretariat. Examination in the working group of the submissions provided in order to develop an understanding of the range of collaborative mechanisms employed by States and international organizations and the circumstances in which certain classes of mechanisms are favoured by States over other mechanisms. Request the Secretariat to prepare a report identifying the legal issues commonly addressed in the existing agreements relevant to international space cooperation, based upon submissions by member States, additional research and consultation with member States. The report should be distributed to member States in advance of the session of the Subcommittee.
- 2016 Working group reviews the report of the Secretariat, continues to examine responses received from member States and begins drafting its own report.
- 2017 Working group finalizes its report to the Subcommittee, including conclusions.

The Subcommittee agreed that a working group should be established to consider the item from 2014 to 2017.

180. The Subcommittee agreed on the following items to be proposed to the Committee for inclusion in the agenda of the Subcommittee at its fifty-second session:

*Regular items*

1. Adoption of the agenda.
2. Statement by the Chair.
3. General exchange of views.
4. Status and application of the five United Nations treaties on outer space.
5. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
6. Matters relating to:
  - (a) The definition and delimitation of outer space;
  - (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.
7. National legislation relevant to the peaceful exploration and use of outer space.

*Single issues/items for discussion*

8. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
9. Examination and review of the developments concerning the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets.
10. Capacity-building in space law.
11. General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee.

*Items considered under workplans*

12. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space.  
(Work for 2013 as reflected in paragraph 179 of the present report)

*New items*

13. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-third session.
181. The Subcommittee also agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space and the Working Group on Matters Relating to the Definition and Delimitation of Outer Space should be reconvened at its fifty-second session.
182. The Subcommittee further agreed to review, at its fifty-second session, the need to extend beyond that session the mandate of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space.
183. The Subcommittee agreed that IISL and ECSL should again be invited to organize a symposium, to be held during its fifty-second session.
184. The Subcommittee recalled the working paper submitted by the Czech Republic (A/AC.105/C.2/L.283) at its fiftieth session, in which it was proposed that the Subcommittee should include on its agenda a new item entitled “Review of the legal aspects of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space, with a view to transforming the Guidelines into a set of principles to be adopted by the General Assembly”.
185. Some delegations expressed the view that the initiative by the Czech Republic was timely, in view of the importance of the issue of space debris to all States and the absence of relevant binding legal mechanisms to address that issue. In that connection, those delegations also expressed their support for the proposal.
186. Some delegations expressed the view that it would be premature to begin transforming the Guidelines into a set of principles to be adopted by the General Assembly, as the consideration of space debris in the context of the long-term sustainability of outer space had only just begun in the Scientific and Technical Subcommittee.

187. Some delegations expressed the view that it would be productive to revisit the proposal following the results of the work of the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee.

188. Some delegations expressed the view that the Legal Subcommittee should review the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, as well as the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space, with a view to turning them into legally binding norms.

189. The Subcommittee recalled the proposal by Saudi Arabia to include on the agenda of the Subcommittee an item on the regulation of the dissemination of Earth observation satellite images through the World Wide Web.

190. Some delegations expressed the view that irresponsible dissemination of space-based images, in particular through the Internet, seriously undermined the privacy of citizens and posed serious safety concerns given the level of detail contained in those images.

191. The view was expressed that the scope and depth of the proposed item should be clarified, preferably in a written document, before the Subcommittee could consider the feasibility of including on its agenda an item related to regulation of the dissemination of Earth observation satellite images through the World Wide Web.

192. The Subcommittee noted that the sponsors of the following proposals for new items to be included on its agenda intended to retain their proposals for possible discussion at its subsequent sessions:

(a) Regulation of the dissemination of Earth observation satellite images through the World Wide Web (proposed by Saudi Arabia);

(b) Review of the legal aspects of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space with a view to transforming the Guidelines into a set of principles on space debris to be elaborated by the Legal Subcommittee and adopted by the General Assembly (proposed by the Czech Republic).

193. The Subcommittee noted that proposals for new items that had not been retained on that list could be included on the list at a later time, as appropriate.

194. The Subcommittee noted that its fifty-second session had been tentatively scheduled to be held from 8 to 19 April 2013.

## **B. Organizational matters**

195. The Subcommittee had before it the following:

(a) A conference room paper entitled “Organizational matters” (A/AC.105/C.2/2012/CRP.14);

(b) A conference room paper entitled “Review of the financial and other implications of webcasting the sessions of the Subcommittee” (A/AC.105/C.2/2012/CRP.15).

196. Some delegations emphasized the need to rationalize and further improve the efficiency of the work of the Legal Subcommittee. Those delegations stressed in particular the need for the Legal Subcommittee to keep working on the methods of work and on the allocation of its resources. In that respect, those delegations proposed the consideration of the possibility of, as an experiment, reallocating meetings of the Legal Subcommittee to the session of the Committee, on a temporary basis, for 2013 and 2014, in view of the work to be undertaken in the coming years by the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee, which would also involve the Committee. The reallocation of meeting time from the Legal Subcommittee to the Committee could therefore be done with the understanding that the time could be allocated back to the Legal Subcommittee, when necessary.

197. Some delegations expressed the view that the reallocation of meetings of the Legal Subcommittee would undermine the ability of the Subcommittee to continue to guarantee the rule of law in space activities, ensure the progressive development of space law and maintain the peaceful uses of outer space as a province of humankind. Those delegations also noted that the Subcommittee continued to receive proposals for new agenda items every year and that its work was cyclical by nature.

198. Some delegations expressed the view that, regarding the scheduling of work, the simultaneous opening of several agenda items for consideration was neither an effective practice nor one that was followed by other bodies. Those delegations expressed the view that the practice should be discontinued.

199. The view was expressed that agenda items that were not action-oriented and not expected to lead to specific decisions by the Subcommittee should be absorbed under other related agenda items.

200. Some delegations expressed the view that the reports of the Subcommittee should be made more action-oriented and focused on decisions made by the Subcommittee, following the example of other bodies, as mentioned in A/AC.105/C.2/2012/CRP.14, which would result in significant savings in the budget of the United Nations. Those delegations expressed concern about the underutilization of conference services, as the time at the disposal of the Subcommittee during the first week of its session had not been fully utilized.

201. Some delegations expressed the view that the substance of the conference room paper entitled "Organizational matters", which reviewed good practices used by other comparable United Nations entities with respect to the structure of reports of intergovernmental bodies, should be used as a basis for discussions on the organization of work of both the Committee and its Subcommittees.

202. Some delegations expressed the view that items on the agenda of the Legal Subcommittee should be streamlined and rationalized in order to improve the effectiveness of discussions and allow the cost-effective participation of delegations in the work of the Subcommittee and that the efficiency of that work and working discipline should be enhanced.

203. Some delegations expressed the view that the current working methods of the Subcommittee should not be discarded before the Subcommittee had considered and reached agreement on specific proposals on alternative methods and before it was

able to provide the Secretariat with clear guidance on how its work should be organized and reported on.

204. Some delegations expressed the view that any changes designed to optimize the working methods of the Subcommittees would need to be considered and agreed upon by the Committee. Those delegations stressed that, within the framework of those changes, consideration should be given to the excessive amount of time dedicated during the Scientific and Technical Subcommittee to technical presentations, to the detriment of consideration of its substantive items.

205. Some delegations expressed the view that proposals relating to the organization of work of the Legal Subcommittee, including the restructuring of its report, should be submitted in writing to facilitate the consideration of those matters.

206. The Subcommittee requested the Secretariat to advance the consideration by the Subcommittee of its agenda item on proposals to the Committee on new items to be considered by the Subcommittee at its next session, in order to allow adequate time for substantive discussions on organizational matters.

207. The Subcommittee agreed to continue applying maximum flexibility in the scheduling of agenda items, in particular those under which working groups would be convened.

208. The view was expressed that sessions of the Subcommittee could be broadcast via the World Wide Web, as that practice would be both cost-effective and in line with the growing interest in webcasting meetings.

209. Some delegations expressed the view that, in the light of the information provided in the conference room paper on the financial and other implications of webcasting the sessions of the Subcommittee, it was not feasible from a legal, budgetary and practical standpoint to introduce webcasting of the sessions of the Subcommittee at the present time.

210. The Subcommittee noted with appreciation the demonstration made by the Conference Management Service and the Financial Resources Management Service related to the new website for digital recordings to be established in accordance with the decision made by the Subcommittee at its fiftieth session and by the Committee at its fifty-fourth session, in 2011, to discontinue the use of unedited transcripts (A/AC.105/C.2/L.282), starting with their respective sessions in 2012.

## Annex I

### **Report of the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space**

1. At its 839th meeting, on 19 March 2012, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space under the chairmanship of Jean-François Mayence (Belgium).
2. The Working Group held five meetings, from 26 to 29 March 2012. At the opening meeting of the Working Group, on 26 March, the Chair recalled the mandate of the Working Group (A/AC.105/942, annex I, paras. 4 and 6; and A/AC.105/990, annex I, para. 7).
3. The Chair recalled that the Subcommittee, at its fiftieth session, in 2011, had agreed to review at its current session the need to extend the mandate of the Working Group beyond the current session of the Subcommittee (A/AC.105/990, para. 42).
4. The Working Group had before it the following:
  - (a) United Nations Treaties and Principles on Outer Space, Related General Assembly Resolutions and Other Documents (ST/SPACE/51);
  - (b) Conference room paper on the status of international agreements relating to activities in outer space as at 1 January 2012 (A/AC.105/C.2/2012/CRP.3);
  - (c) Addendum to the note by the Secretariat on activities being carried out or to be carried out on the Moon and other celestial bodies, international and national rules governing those activities and information received from States parties to the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies about the benefits of adherence to that Agreement (A/AC.105/C.2/L.271/Add.2);
  - (d) Set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space (A/AC.105/C.2/2012/CRP.10);
  - (e) Responses received from Belgium, Germany and the Netherlands to the set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space (A/AC.105/C.2/2012/CRP.11).
5. The Working Group welcomed the questionnaire contained in A/AC.105/C.2/2012/CRP.10 and noted that it provided a continued good basis for discussion, within the mandate of the Working Group, on relevant matters relating to the status and the application of the five United Nations treaties on outer space, as it focused on essential questions of practical relevance and served to organize and rationalize the work of the Working Group.
6. During the discussion of the set of questions in the questionnaire and the responses received, the Working Group noted that its continued discussion of that

topic would benefit from more written contributions from member States and from international intergovernmental organizations and non-governmental organizations with permanent observer status with the Committee, in order for the Working Group to develop a collection of views for future consideration.

7. The Working Group noted that the final report of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space<sup>a</sup> could be taken into account when considering the questionnaire, in particular the issue of transfer of ownership or control of space objects in orbit, including the broader issue of transfer of activities.

8. The Working Group noted that questions 2 and 3 of the questionnaire gave room for discussion on the applicability of appropriate agreements envisioned under article V, paragraph 2, of the Convention on International Liability for Damage Caused by Space Objects and article II, paragraph 2, of the Convention on Registration of Objects Launched into Outer Space.

9. The Working Group noted that its work and the work conducted under other items of the agenda of the Subcommittee could benefit each other.

10. The Working Group agreed that States members of the Committee should again be invited to provide comments and responses to the questions in the questionnaire prepared by the Chair. The Working Group also agreed that international intergovernmental and non-governmental organizations with permanent observer status with the Committee should also be invited to provide comments. The questionnaire would again be made available on the website of the Office for Outer Space Affairs of the Secretariat, and any replies received would be made available in a conference room paper. The Working Group further agreed that the questions presented in the questionnaire were not exhaustive and that they should not limit the discussion of the Working Group during the fifty-second session of the Subcommittee, in 2013.

11. The Working Group recommended that the Subcommittee, at its fifty-second session, reconvene the Working Group and review the need to extend the mandate of the Working Group beyond that session.

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<sup>a</sup> To be issued as A/AC.105/C.2/101.

## Annex II

### **Report of the Chair of the Working Group on the Definition and Delimitation of Outer Space**

1. At its 839th meeting, on 19 March 2012, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space reconvened its Working Group on the Definition and Delimitation of Outer Space under the chairmanship of José Monserrat Filho (Brazil).
2. The Chair drew the attention of the Working Group to the fact that, pursuant to General Assembly resolution 66/71, the Working Group had been convened to consider only matters relating to the definition and delimitation of outer space.
3. The Working Group had before it the following:
  - (a) Note by the Secretariat entitled “National legislation and practice relating to the definition and delimitation of outer space” (A/AC.105/865 and Add.11);
  - (b) Note by the Secretariat entitled “Questions on the definition and delimitation of outer space: replies from Member States” (A/AC.105/889/Add.10).
4. Some delegations expressed the view that scientific and technological progress, the commercialization of outer space, the participation of the private sector, emerging legal questions and the increasing use of outer space in general had made it necessary to define and delimit airspace and outer space.
5. Some delegations expressed the view that States should continue to operate under the current framework, which had functioned well, and that, at the present time, any attempt to define or delimit outer space would be a theoretical and academic exercise that could complicate existing activities and that might not be able to anticipate future technological developments.
6. The Working Group noted that paragraphs 3 and 4 of article II of the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets established that the Protocol “does not apply to objects falling within the definition of ‘aircraft objects’ under the Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Aircraft Equipment except where such objects are primarily designed for use in space, in which case this Protocol applies even while such objects are not in space” and that the Protocol “does not apply to an aircraft object merely because it is designed to be temporarily in space”.
7. The Working Group noted a proposal by the Chair to begin to consider matters relating to the legal definition of suborbital flights, which would be without prejudice to the definition and delimitation of outer space.
8. Some delegations expressed the view that the definition with regard to suborbital flights did not fall within the mandate of the Working Group.
9. Some delegations expressed the view that consideration of legal issues relating to suborbital flights might help the Working Group in its work under matters relating to the definition and delimitation of outer space.

10. On the basis of its discussions, the Working Group agreed:

(a) To continue to invite States members of the Committee on the Peaceful Uses of Outer Space to submit information, as described in A/AC.105/990, annex II, paragraph 13 (a);

(b) To continue to address to the Member States of the United Nations, through the Secretariat, the questions contained in A/AC.105/990, annex II, paragraph 13 (b);

(c) To invite Member States of the United Nations and permanent observers of the Committee to provide their replies to the following questions:

(i) Is there a relationship between suborbital flights for scientific missions and/or for human transportation and the definition and delimitation of outer space?

(ii) Will the legal definition of suborbital flights for scientific missions and/or for human transportation be practically useful for States and other actors with regard to space activities?

(iii) How will the legal definition of suborbital flights for scientific missions and/or for human transportation impact the progressive development of space law?

(iv) Please propose other questions to be considered in the framework of the legal definition of suborbital flights for scientific missions and/or for human transportation.

11. The Working Group requested the Secretariat:

(a) To establish a web page within the website of the Office for Outer Space Affairs specially dedicated to the work of the Working Group on Matters Relating to the Definition and Delimitation of Outer Space and to upload to that page relevant documents, including:

(i) Note by the Secretariat entitled "Questionnaire on possible legal issues with regard to aerospace objects: replies from Member States" (A/AC.105/635 and Add.1-17);

(ii) Note by the Secretariat entitled "Comprehensive analysis of the replies to the questionnaire on possible legal issues with regard to aerospace objects" (A/AC.105/C.2/L.204);

(iii) Report of the Secretariat entitled "Historical summary on the consideration of the question on the definition and delimitation of outer space" (A/AC.105/769 and Corr.1);

(iv) Note by the Secretariat entitled "Analytical summary of the replies to the questionnaire on possible legal issues with regard to aerospace objects" (A/AC.105/C.2/L.249 and Corr.1 and Add.1 and 2);

(v) Note by the Secretariat entitled "Analytical summary of the replies to the questionnaire on possible legal issues with regard to aerospace objects: preferences of member States" (A/AC.105/849);

(vi) Note by the Secretariat entitled “Proposals of Member States concerning criteria for analysing the replies to the questionnaire on aerospace objects” (A/AC.105/C.2/L.267);

(vii) Note by the Secretariat entitled “National legislation and practice relating to definition and delimitation of outer space” (A/AC.105/865 and Add.1-11);

(viii) Note by the Secretariat entitled “Questions on the definition and delimitation of outer space: replies from Member States” (A/AC.105/889 and Add.1-10);

(ix) Submissions related to all of the above documents, which were reproduced by the Secretariat in conference room papers;

(b) To prepare, for consideration by the Working Group during the fifty-second session of the Subcommittee, in 2013, a conference room paper, which would be continually updated in the future and would summarize information on national practices and legislation of States with regard to the definition and delimitation of outer space, as contained in documents A/AC.105/635 and Add.1-17, A/AC.105/865 and Add.1-11 and A/AC.105/889 and Add.1-10, as well as in future addenda to those documents.

## Annex III

### Report of the Chair of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space

1. At its 839th meeting, on 19 March 2012, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space reconvened its Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space under the chairmanship of Irmgard Marboe (Austria).
2. The Working Group held nine meetings, from 21 to 30 March 2012. At the opening meeting, the Chair recalled the multi-year workplan for the period 2008-2012 adopted by the Committee at its fiftieth session (A/62/20, para. 219) and amended at its fifty-fourth session (A/66/20, para. 215).
3. The Working Group had before it the following:
  - (a) Working paper submitted by the Chair of the Working Group entitled "Revised draft set of conclusions of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space" (A/AC.105/C.2/L.286);
  - (b) Conference room paper containing the draft report of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space (A/AC.105/C.2/2012/CRP.9);
  - (c) Conference room paper containing a schematic overview of national regulatory frameworks for space activities (A/AC.105/C.2/2012/CRP.8 and Add.1);
  - (d) Appendix to the report of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space (annex III) (A/AC.105/C.2/2012/CRP.22).
4. The Working Group conducted a detailed review of the draft report and, at its sixth meeting, adopted its final report on the work conducted under its multi-year workplan (A/AC.105/C.2/2012/CRP.9/Rev.2), as orally amended.<sup>a</sup>
5. The Working Group reviewed the schematic overview of national regulatory frameworks for space activities (A/AC.105/C.2/2012/CRP.8 and Add.1) and noted with satisfaction that the schematic overview had already served as an important source of information on how States regulated their national space activities. Further updating was regarded as necessary in order to enable an appropriate analysis of national legislative frameworks. To that end, the Working Group requested the Secretariat to officially invite Member States of the United Nations to continually provide information to the Secretariat for the updating of the schematic overview.
6. On the basis of the conclusions in the final report of the Working Group referred to in paragraph 4 above, the Working Group recommended that the text contained in the appendix to the present report should be considered and agreed upon by the Committee at its fifty-fifth session as the basis for a separate

<sup>a</sup> To be issued as A/AC.105/C.2/101.

draft General Assembly resolution or an annex to the draft resolution on international cooperation in the peaceful uses of outer space, for adoption by the Assembly in 2012.

## Appendix

### Recommendations on national legislation relevant to the peaceful exploration and use of outer space

*The General Assembly,*

*Emphasizing* the importance of appropriate means of ensuring that outer space is used for peaceful purposes and that the obligations under international law and those specifically contained in the United Nations treaties on outer space<sup>1</sup> are implemented,

*Recalling* its resolutions 59/115 of 10 December 2004, on the application of the concept of the “launching State”, and 62/101 of 17 December 2007, on recommendations on enhancing the practice of States and international intergovernmental organizations in registering space objects,

*Taking note* of the report of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space on the work conducted under its multi-year workplan,<sup>2</sup>

*Observing* that, in view of the increasing participation of private actors in space activities, appropriate action at the national level is needed, in particular with respect to the authorization and supervision of non-governmental space activities,

*Taking note* of the need to maintain the sustainable use of outer space, in particular by mitigating space debris, and to ensure the safety of space activities and minimize the potential harm to the environment,

*Recalling* the obligations contained in the United Nations treaties on outer space to provide information, to the greatest extent feasible and practicable, on the nature, conduct, locations and results of space activities, in particular through registration,

*Noting* the need for consistency and transparency with regard to the authorization and supervision of space activities and the need for a practical regulatory system for private sector involvement to provide further incentives for enacting regulatory frameworks at the national level, and noting that some States also include national space activities of a governmental or public character within that framework,

*Recognizing* the different approaches taken by States in dealing with various aspects of national space activities, namely by means of unified acts or a

<sup>1</sup> Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (United Nations, *Treaty Series*, vol. 610, No. 8843); Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (United Nations, *Treaty Series*, vol. 672, No. 9574); Convention on International Liability for Damage Caused by Space Objects (United Nations, *Treaty Series*, vol. 961, No. 13810); Convention on Registration of Objects Launched into Outer Space (United Nations, *Treaty Series*, vol. 1023, No. 15020); and Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (United Nations, *Treaty Series*, vol. 1363, No. 23002).

<sup>2</sup> A/AC.105/C.2/101.

combination of national legal instruments, and noting that States have adapted their national legal frameworks according to their specific needs and practical considerations and that national legal requirements depend to a high degree on the range of space activities conducted and the level of involvement of the private sector,

*Recommends* the following elements for consideration by States when enacting regulatory frameworks for national space activities, in accordance with their domestic law, as appropriate, taking into account the specific needs of the State concerned:

1. The scope of space activities targeted by national regulatory frameworks may include, as appropriate, the launching of objects into and their return from outer space, the operation of a launch or re-entry site and the operation and control of space objects in orbit; other issues to be considered may include the design and manufacture of spacecraft, the application of space science and technology, and exploration activities and research;
2. The State, taking into account the role of a State as a launching State and as a responsible State under the United Nations treaties on outer space, should determine national jurisdiction over space activities carried out from the national territory of a State and space activities carried out elsewhere in which nationals, both its natural and its juridical persons, are involved, provided, however, that if another State is exercising jurisdiction with respect to such activities, the State should consider forbearing from duplicative requirements and avoid unnecessary burdens for operators of space objects;
3. Space activities should require authorization by a competent national authority; the authorities and procedures, as well as the conditions, for granting, modifying, suspending and revoking the authorization should be set out clearly to establish a predictable and reliable regulatory framework; States might employ separate procedures for the licensing of operators conducting space activities and for the authorization of specific projects and programmes;
4. The conditions for authorization should be consistent with the international obligations and commitments of States, in particular under the United Nations treaties on outer space and other relevant instruments, and may pay due regard to the national security and foreign policy interests of States; the conditions for authorization should help to verify that space activities are carried out in a safe manner and minimize risks to persons, the environment or property and that those activities do not lead to harmful interference with other space activities; such conditions could also relate to the technological qualifications of the applicant and could include safety and technical standards that are in line with space debris mitigation guidelines, in particular with the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space;<sup>3</sup>
5. Appropriate procedures should ensure continuing supervision and monitoring of authorized space activities by applying, for example, a system of in situ inspections or a more general reporting requirement; enforcement

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<sup>3</sup> *Official Records of the General Assembly, Sixty-second Session, Supplement No. 20 (A/62/20), annex.*

mechanisms could include administrative measures or a sanctions regime, as appropriate;

6. A national registry of objects launched into outer space should be maintained by an appropriate national authority; operators should be requested to submit information to that authority to enable the State to submit the relevant information to the Secretary-General of the United Nations in accordance with applicable international instruments, including the Convention on Registration of Objects Launched into Outer Space<sup>4</sup> and General Assembly resolutions 1721 (XVI) B of 20 December 1961 and 62/101 of 17 December 2007; operators of space objects could also be requested to submit information on any change in the main characteristics of space objects, in particular of those which have become non-functional;

7. States could consider ways of seeking recourse from operators if their international liability has become engaged; in order to ensure appropriate coverage for damage claims, States could introduce insurance requirements and indemnification procedures, as appropriate;

8. Continuing supervision of non-governmental space activities should be ensured in the event of the transfer of ownership or control of a space object in orbit; national regulations may provide for authorization requirements or obligations for the submission of information on the change in status of the operation of a space object.

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<sup>4</sup> United Nations, *Treaty Series*, vol. 1023, No. 15020.