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**Committee on the Peaceful
Uses of Outer Space**

Report on the United Nations/International Institute of Air and Space Law Workshop on Capacity-Building in Space Law

(The Hague, 18-21 November 2002)

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I. Introduction

A. Background and objectives

1. A continuous increase in space activities has meant that space law, policies and institutions have become a priority for a greater number of countries worldwide. It has also highlighted the need for ratification and effective implementation of the five United Nations treaties on outer space.
2. The Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III) called for action to promote the development of space law to meet the needs of the international community.¹ The Conference emphasized the importance of the United Nations treaties on outer space and invited States that had not yet done so to ratify or accede to the treaties.
3. A recent review by the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee revealed that one of the likely reasons for the low level of ratification of some of the treaties was a lack of awareness.
4. The need for effective laws and policies on space activities, not just on an international level, but also on the national level, has become clear to the increasing number of States now actively involved in the field of space. The successful operation of space law, policies and institutions in a country relies on the presence of suitable professionals. Therefore, educational opportunities and institutions that address the subject of space law and policy are important.
5. Finally, the Action Plan of the United Nations Strategy for an Era of Application of International Law called on every office, department, programme, fund and agency of the United Nations to review its current activities and consider what else it might do, within its existing mandate and given existing resources, to promote the application of international law, and to provide technical assistance to help Governments implement their commitments under the treaties to which they are or might wish to become parties.
6. The United Nations/International Institute of Air and Space Law Workshop on Capacity-Building in Space Law, held in the Hague from 18 to 21 November 2002, was the first United Nations workshop on space law organized under the United Nations Programme on Space Applications. The objectives of the Workshop were to promote understanding, acceptance and implementation of the United Nations treaties and principles on outer space, to promote exchange of information on domestic space laws and policies for the benefit of professionals involved in the development and implementation of those policies and to consider opportunities for university-level studies in space law, with a view to promoting national expertise and capability in this field.
7. The Workshop provided an overview of the United Nations treaties and principles on outer space, examined and compared various aspects of existing national space laws and considered opportunities for university-level studies in space law. This multi-level approach to capacity-building in space law sought to increase knowledge and awareness of the international treaties and principles relating to space activities developed under the auspices of the United Nations and

provided a basis for their implementation on a practical level through the development and administration of domestic legislation and regulatory regimes.

8. The present report was prepared for submission to the Committee on the Peaceful Uses of Outer Space at its forty-sixth session and to its Legal Subcommittee at its forty-second session. Papers presented at the workshop will be published as proceedings of the United Nations/International Institute of Air and Space Law Workshop on Capacity-Building in Space Law.

B. Programme

9. At the opening of the Workshop, introductory statements were made by representatives of the Ministry of Foreign Affairs of the Netherlands, the Permanent Court of Arbitration and the United Nations Secretariat. The workshop was divided into three sessions, each focusing on a different issue relating to space law and education. Presentations by invited speakers on the international legal regime for outer space, national space laws and educational programmes in space law were followed by round-table discussions. Thirty-eight papers were presented by invited speakers from both developing and developed countries.

10. The sessions of the Workshop focused on (a) the international regime for outer space; (b) national space laws; and (c) educational programmes in space law.

C. Attendance

11. Legislators, government officials, educators and students from developing and developed countries in all regions were invited by the United Nations to participate in the Workshop. Participants held positions in governmental departments, space agencies, international organizations, national universities, research institutions and private industry.

12. Funds provided by the United Nations, the International Institute of Air and Space Law and the Government of the Netherlands were used to cover the travel and living costs of participants from developing countries and countries with economies in transition. Twenty-one participants from those countries were sponsored. Those participants were selected on the basis of their potential to influence the development of space law, policy and education in their countries.

13. Approximately 100 participants from the following 38 countries attended the Workshop: Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Cambodia, China, Colombia, Czech Republic, Finland, France, Germany, Ghana, Greece, India, Ireland, Italy, Japan, Kiribati, Malaysia, Mexico, Morocco, Nepal, Netherlands, Nigeria, Republic of Korea, Russian Federation, Slovakia, Solomon Islands, Sweden, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan and Zimbabwe. The following international organizations with activities related to outer space, space law and policy were represented at the Workshop: International Telecommunication Union, World Intellectual Property Organization and European Organization for the Exploitation of Meteorological Satellites.

II. Summary of presentations

14. The focus of the first session was on the international legal regime for outer space. Presentations were made on the United Nations treaties and principles on outer space, the Convention on International Liability for Damage Caused by Space Objects (the “Liability Convention”, General Assembly resolution 2777 (XXVI), annex), the Convention on Registration of Objects Launched into Outer Space (the “Registration Convention”, Assembly resolution 3235 (XXIX), annex), the United Nations Register of Objects Launched into Outer Space and on the procedures for the return of space objects under the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (the “Rescue Agreement”, Assembly resolution 2345 (XXII), annex). Participants also heard presentations on the International Telecommunication Union and the coordination of space telecommunications, the preliminary draft protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment, on the European Organization for the Exploitation of Meteorological Satellites as an example of regional cooperation in space activities and on bilateral and multilateral cooperation agreements. The session was followed by a round-table discussion, which focused on identifying the benefits to States parties to the United Nations treaties on outer space.

15. The focus of the second session was national space laws. Presentations were made on the national laws of Australia, Brazil, China, the Russian Federation, Sweden, the United Kingdom and the United States, as well as on the space policies and institutions of India, Malaysia and the Republic of Korea. Presentations were also made on several specific issues: the international law of remote sensing; laws and policies for telecommunications; satellite insurance; laws and policies to promote private space industry; and intellectual property law and space activities. The session was followed by a round-table discussion that focused on identifying priorities for national space law development.

16. The third session of the Workshop focused on educational programmes in space law. In addition to an overview of education programmes in space law, presentations were made on the programmes available at the University of Leiden, the University of Miami School of Law and the European Centre for Space Law, on the space law activities of the International Space University and on the development of a space law database.

17. The workshop also heard brief presentations from participants from Argentina, Colombia, Kiribati, Morocco, Slovakia, Uruguay and Zimbabwe on space law, policy and education in their countries. The session was followed by a round-table discussion to identify priorities for education in space law.

III. Observations and recommendations

A. United Nations treaties on outer space: benefits to States parties

18. The workshop recommended that States and international organizations should become party to the United Nations treaties on outer space (or declare their acceptance of the rights and obligations in the relevant treaties in the case of

international organizations). Before carrying out space activities such as space launches, satellite operations or the formation of a national space agency.

19. The Workshop noted that the United Nations treaties and principles on outer space contained practical benefits that applied both to space-faring and non-space-faring nations. Under the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (General Assembly resolution 2222 (XXI), annex), the exploration and use of outer space must be carried out for the benefit and in the interest of all countries. The United Nations treaties and principles on outer space established an international legal regime that contributed to the maintenance of international peace and security and within which space activities were conducted. By becoming parties to those treaties, States participated in a more stable and predictable global regime and fulfilled their responsibility as members of the international community. The Workshop recommended that action be taken to make non-parties to those treaties aware of the benefits of the treaties and principles, which included the following:

(a) Under the Rescue Agreement, States with reason to believe that a space object discovered on their territory is of a hazardous nature may notify the launching authority, which must immediately take effective steps to eliminate possible danger;

(b) The Liability Convention establishes one of the most victim-oriented international liability regimes in existence. This benefits all Parties to the agreement, since space objects can cause damage in any country, whether space-faring or not;

(c) The Registration Convention enables States on whose territory a space object has landed to identify the object and the State or States that launched it.

20. The Workshop urged all States that had not yet become parties to the United Nations treaties on outer space to consider ratifying or acceding to them. To assist that process, the Workshop recommended that the Office for Outer Space Affairs of the Secretariat write an official letter to the governmental bodies of States that were not yet parties to the United Nations treaties on outer space, referring to General Assembly resolutions and other official documents.

B. Priorities for national space law development

21. The Workshop noted that appropriate national space legislation should be a high priority for States involved in space activities.

22. The Workshop recommended that capacity-building efforts take into account the individual differences between States, including those between developing countries, in particular the stage of economic and social development, the country's legal tradition and the exact nature of space activities carried out by the State concerned. National legislation should be adapted to national needs, taking into account practical applications.

23. The Workshop noted that States implemented their obligations under the treaties through national law. In that respect, the Workshop recommended that the

Office for Outer Space Affairs develop basic elements that could be included in national space legislation and licensing regimes.

24. The Workshop noted that the protection of public health and safety, property and the environment, including limited natural resources, was an important factor underlying many existing national space licensing regimes. The Workshop recommended that States involved in space activities develop similar licensing regimes for the benefit of the public.

25. The Workshop noted that the activities of national space institutions might have to evolve in response to changing circumstances and technical and economic development. For that reason, the Workshop recommended that laws establishing national space policies and institutions be drafted to allow for flexibility.

C. Priorities for education in space law

26. The Workshop recommended that promotion of education in space law be approached on at least two levels, including both university programmes and curricula for students and educators and short courses designed for professionals and decision makers.

27. The Workshop recommended that States review their need for professionals in space policy and law. Educational programmes in space law could be developed in response to long-term needs.

28. The Workshop recommended that university programmes and curricula in space law take into account international treaties related to space activities as well as developments such as the enactment of national space laws and the increasing privatization and commercialization of space activities. They should consider an interdisciplinary approach and employ all possible avenues of international cooperation, including exchange programmes (whether in person or online), joint research programmes, scholarships, internships and international moot court competitions.

29. The Workshop recommended that intensive, short-term workshops and regular training courses be held in specific States and regions in order to build capacity in space law and related fields. Workshops should be open to decision and policy makers, students, educators and professionals involved in space activities.

30. The Workshop recommended that the regional centres for space science and technology education, affiliated to the United Nations, include a basic course on space law in their curricula.

31. It also recommended that initiatives to create space law databases include information on institutions that provide courses in space law and policy.

32. It further recommended that a short lecture series on principles of space law aimed at professionals and students be developed by the International Institute of Space Law and be disseminated on a priority basis by the Office for Outer Space Affairs via videotape, the Internet or other media.

33. It also recommended that capacity-building activities focus on education at all levels of society as to how space activities could further national development goals.

D. Future work

34. The Government of the Netherlands was invited to give a detailed presentation on the Workshop at the forty-second session of the Legal Subcommittee. The presentation could include a summary of the themes that had been discussed by the Workshop, including important themes on which the Workshop had made no specific recommendations.

35. The Workshop considered it important that there be continuity and regularity in the United Nations workshops on space law and recommended that the activities for capacity-building in space law of the Office for Outer Space Affairs be continued. The Workshop welcomed the offer by the Republic of Korea to host the Second Workshop on Capacity-Building in Space Law between September and November 2003 and looked forward to more information on arrangements for that workshop being made available by the Office for Outer Space Affairs.

36. The Workshop expressed its appreciation to the Government of the Netherlands, the International Institute of Air and Space Law of the University of Leiden and the Office for Outer Space Affairs for organizing the Workshop.

Notes

¹ *Report of the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space, Vienna, 19-30 July 1999* (United Nations publication, Sales No. E.00.I.3), chap. I, resolution 1, annex, para. 32 (b).