



# General Assembly

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## Committee on the Peaceful Uses of Outer Space

Legal Subcommittee

Forty-ninth session

Vienna, 22 March-1 April 2010

Agenda item 5

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

### **Draft 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 805th meeting, on 23 March 2010, the Legal 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).
2. The Working Group held [...] meetings, from 24 to [...] March 2010. At the opening meeting of the Working Group, on 24 March, the Chair recalled the mandate of the Working Group (see A/AC.105/763 and Corr.1, para. 118; A/AC.105/787, paras. 138 and 140; and A/AC.105/891, annex I, para. 11).
3. The Chair also recalled that the Subcommittee at its forty-eighth session 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.105/935, para. 39).
4. The Working Group discussed the possible evolution of the scope of its work and recognized that the discussion within the Working Group should continue to include but not be limited to issues related to the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies,<sup>1</sup> and should reflect the actual needs of States conducting activities in outer space vis-à-vis the provisions of the relevant United Nations treaties.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1363, No. 23002.



5. The Working Group recommended that the Subcommittee, at its fiftieth session, in 2011, reconvene the Working Group and review the need to extend the mandate of the Working Group beyond that session.
6. The Working Group agreed, in conformity with the mandate reflected in paragraph 2 above, to consider, in 2011, the following specific themes and issues related to the status, application and/or implementation of the United Nations treaties on outer space:
  - (a) Issues relating to the Moon Agreement, including possible points of consensus or of concern among States about the Agreement and its implementation;
  - (b) Issues relating to the implementation of the mechanisms of responsibility and liability of the States parties as provided for by the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies,<sup>2</sup> and by the Convention on International Liability for Damage Caused by Space Objects;<sup>3</sup>
  - (c) Issues related to the registration of space objects, notably in the case of transfer of space activities or space objects in orbit, and the related possible legal solutions for the States involved.
7. The Working Group agreed that the list above was not exhaustive and would be open to further discussion by the Working Group during the fiftieth session of the Legal Subcommittee.
8. The Working Group agreed that it would be useful to discuss the relationship and consistency between some of the principles enshrined in the five United Nations treaties on outer space.
9. Some delegations expressed the view that the Working Group should take a practical rather than a theoretical approach in discussing the provisions of the treaties.
10. Some delegations reiterated the view that, although the Moon Agreement contained provisions that replicated or elaborated on the provisions contained in the Outer Space Treaty, certain provisions of the Moon Agreement were unique and provided more detailed regulations for the implementation of activities on the Moon.
11. Some delegations recalled the validity of the joint statement on the benefits of adherence to the Moon Agreement by States parties to the Agreement (A/AC.105/C.2/L.272, annex) as a useful basis for further discussion.
12. The view was expressed that the Working Group should verify the uniformity of the provisions of the treaties in all the official languages of the United Nations to the extent that that had an impact on their status or application.

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<sup>2</sup> Ibid., vol. 610, No. 8843.

<sup>3</sup> Ibid., vol. 961, No. 13810.