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English only

**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
Fifty-first session
Vienna, 19-30 March 2012
Agenda item 12***
**General exchange of information on national legislation
relevant to the peaceful exploration and use of outer space**

**Appendix to the report of the Working Group on National
Legislation Relevant to the Peaceful Exploration and Use of
Outer Space (Annex III)**

**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 Space¹ 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,

* A/AC.105/C.2/L.285.

¹ 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).



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 (A/AC.105/[...]),

Observing that, in view of increasing participation of private actors in space activities, appropriate action at the national level is needed, in particular by authorizing and supervising 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 further 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 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, 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 the 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 manufacturing of spacecraft, the application of space science and technology, and exploration activities and research;

2. ~~The State, in enacting national regulatory frameworks, The scope of application~~ should take into account the role of a State as a launching State and as a responsible State under the United Nations Treaties on Outer Space, and 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 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;

~~5. 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;~~

~~6. 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;~~

~~7. The conditions for authorization 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;~~

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

96. 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, General Assembly resolutions 1721 (XVI) B and 62/101. Operators of space objects could also be requested to submit information on any change in the main characteristics of space objects, in particular those that have become non-functional;

~~10. Operators of space objects could also be requested to submit information on any change in the main characteristics of space objects, in particular those that have become non-functional;~~

117. States should 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;

428. 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.
