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English only

**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
Fifty-second session
Vienna, 8-19 April 2013
Item 4 of the provisional agenda*
Status and Application of the five United Nations
Outer Space Treaties**

**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**

Note by the Secretariat

1. This document contains the set of questions prepared by the Chair of the Working Group, as a basis for continued discussion in the Working Group on the Status and Application of the Five United Nations Outer Space Treaties, including questions related to the three topics identified by the Working Group during its forty-ninth session of the Legal Subcommittee in 2010. The set of questions below are identical to the set of questions in document A/AC.105/C.2/2012/CRP.10.

* A/AC.105/C.2/L.288.



Questionnaire

1. Issues relating to the Moon Agreement, including possible points of consensus or of concern among States about the Agreement and its implementation.

1.1 Do the provisions of the 1967 United Nations Outer Space Treaty constitute a sufficient legal framework for the use and the exploration of the Moon and other celestial bodies?

1.2 What are the benefits of being party to the 1979 United Nations Moon Agreement?

1.3 Which principles or provisions of the 1979 United Nations Moon Agreement should be clarified or amended in order to allow its wider adherence by States?

2. 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, and by the Convention on International Liability for Damage Caused by Space Objects.

2.1 Could the notion of “fault”, as featured in Articles III and IV of the 1972 United Nations Liability Convention, be used for sanctioning the non-compliance by a State with the Principles adopted by the UNGA or its subordinate bodies and related to space activities, such as the Resolution on Principles relating to the Use of Nuclear Power Sources in Outer Space (47/68) or the UNCOPUOS Guidelines relating to the Mitigation of Space Debris?

2.2 Could the notion of “damage”, as featured in Article I of the 1972 United Nations Liability Convention be used to cover the loss resulting from a manoeuvre performed by an operational space object in order to avoid collision with a space object or space debris not complying with the UNCOPUOS Guidelines relating to the Mitigation of Space Debris?

2.3 Are there specific aspects related to the implementation of the international responsibility, as provided for in Article VI of the 1967 United Nations Outer Space Treaty, in connection with the UNGA Resolution on Principles relating to the Remote Sensing of the Earth from Outer Space (41/65)?

3. 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.

3.1 Is there a legal basis to be found in the existing international legal framework applicable to space activities and space objects, in particular the provisions of the 1967 United Nations Outer Space Treaty and of the 1975 United Nations Registration Convention, which would allow the transfer of the registration of a space object from one State to another during its operation in orbit?

3.2 How could a transfer of activities or ownership involving a space object during its operation in orbit from a company of the State of registry to a company of a foreign State, be handled in compliance with the existing international legal framework applicable to space activities and space objects?

3.3 What jurisdiction and control are exercised, as provided for in Article VIII of the 1967 United Nations Outer Space Treaty, on a space object registered by an international intergovernmental organization in accordance with the provisions of the 1975 United Nations Registration Convention?
