



**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
Fifty-first session
Vienna, 8-19 April 2013
Agenda item 4
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 859th meeting, on 8 April 2013, 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 4 meetings, from 9 to [17] April 2013. At the opening meeting, 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 also recalled that the Subcommittee, at its fifty-first 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.105/1003, para. 182).
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/61);
 - (b) Conference room paper on the status of international agreements relating to activities in outer space as at 1 January 2013 (A/AC.105/C.2/2013/CRP.5);
 - (c) 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.2/2013/CRP.12);



(d) Responses received from Germany and Kazakhstan 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.2/2013/CRP.13);

(e) Response received from Austria 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.2/2013/CRP.18).

5. The Working Group noted that the questionnaire contained in A/AC.105/C.2/2013/CRP.12 continued to provide a 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.

6. During the discussion of the set of questions in the questionnaire and the responses received, the Working Group noted that its continued discussion would benefit from more written contributions from member States and from international intergovernmental organizations and non-governmental organizations having permanent observer status with the Committee, in order for the Working Group to develop a collection of views for future considerations.

7. The Working Group noted that the questionnaire was clustered into three parts and observed the following:

(a) Question 1 targeted issues related to the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (Moon Agreement) and provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty), and were broad enough to capture additional matters related to the overall regime covering exploration and use of the Moon and other celestial bodies;

(b) Question 2 covered issues specifically related to responsibility and liability under the United Nations treaties on outer space, and served as a good basis for further discussion on the applicability of other instruments, such as the United Nations principles on outer space and the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space;

(c) Question 3 dealt with the registration of objects launched into outer space, in particular the issue of transfer of ownership or control of space objects in orbit, and the broader issue of transfer of activities as such.

8. The Working Group noted that the questionnaire focused on essential questions of practical relevance and served to organize and rationalize the work of the Working Group, 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-third session of the Subcommittee.

9. The Working Group agreed that the discussions on the set of questions in the questionnaire could benefit from the work conducted under other items on the agenda of the Subcommittee.

10. The Working Group agreed that States members of the Committee and international intergovernmental and non-governmental organizations having permanent observer status with the Committee should again be invited to provide comments and responses to the questions in the questionnaire prepared by the Chair.

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.

11. Some delegations recalled the validity of the joint statement on the benefits of adherence to the Moon Agreement by some States parties to the Agreement (A/AC.105/C.2/L.272) as a useful contribution in relation to a discussion on national legislative processes in the ratification and implementation of the five United Nations treaties on outer space.

12. Some delegations reiterated the view that the Working Group should take a practical rather than a theoretical approach in discussing the provisions of the treaties.

13. The Working Group noted that a comprehensive discussion had taken place at its current session with respect to issues on the relationship between the United Nations treaties on outer space, their implementation and application, and the nature of several fundamental principles laid down in those treaties. The role of the Legal Subcommittee to provide a platform for exchange of information and views on reasons of States for acceding or not acceding to those treaties was emphasized.

14. The Working Group recommended that the Subcommittee, at its fifty-third session, in 2014, reconvene the Working Group and review the need to extend the mandate of the Working Group beyond that session.

15. The Working Group agreed that the Chair of the Working Group, together with the Secretariat, should present to the Working Group at its next session, in 2014, an overview of the responses to the questionnaire, including a synthesis of views presented in writing, and raised in the discussions during its sessions, to provide a basis for streamlining, broadening or tailoring the set of questions in the questionnaire in the interest of promoting further discussions within the mandate of the Working Group.
