



# General Assembly

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## Committee on the Peaceful

### Uses of Outer Space

Legal Subcommittee

Forty-second session

Vienna, 24 March-4 April 2003

Agenda item 4

### Status and application of the five

### United Nations treaties on outer space

## PROPOSED GENERAL ASSEMBLY RESOLUTION APPLICATION OF THE LEGAL CONCEPT OF THE “LAUNCHING STATE”

Working Paper submitted by Germany on behalf of Austria, the Czech Republic, France, Hungary, Morocco, the Netherlands, Sweden and Ukraine\*

*The General Assembly,*

*Having considered* the Report of the Committee on the Peaceful Uses of Outer Space on its forty-second session and the Report of its Legal Subcommittee on its forty-first session,

*Bearing in mind* that the term “launching State” is an important concept in space law. It is based on article VII 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 (the “Outer Space Treaty”, General Assembly resolution 2222 (XXI), annex and formulated identically in article I (c) of the Convention on International Liability for Damage Caused by Space Objects (the “Liability Convention”, resolution 2777 (XXVI), annex) and article I (a) of the Convention on Registration of Objects Launched into Outer Space (the “Registration Convention”, resolution 3235 (XXIX), annex) as follows:

“(c) The term launching State means:

“(i) A State which launches or procures the launching of a space object;

“(ii) A State from whose territory or facility a space object is launched;”

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It identifies inter alia those States which may be liable for damage caused by a space object and which would have to pay compensation in such a case. Furthermore, a launching State is responsible for registering a space object consistent with the Outer Space Treaty and the Registration Convention,

*Recalling* that the Liability Convention entered into force in 1972, and the Registration Convention entered into force in 1976. Changes in space activities since that time include the continuous development of new technologies, an increase in the number of States carrying out space activities, an increase in international cooperation in the peaceful uses of outer space and an increase in space activities carried out by non-governmental entities,

*Desirous* to increase adherence to and the full application of the Liability Convention and the Registration Convention,

*Adopts* the following recommendations.

1. States conducting space activities should consider steps to implement national laws to authorize and provide continuing supervision of the activities of their nationals in outer space and to implement their international obligations under the Liability Convention, the Registration Convention and other international agreements. The implementation of national legal provisions on space could benefit the country concerned in ways such as: (a) effecting the country's jurisdiction and control over the space object; (b) reducing the risk of launch accidents and other damage in connection with space activities; (c) providing fast and effective compensation for such damage; and (d) providing mechanisms for a government that is internationally liable under the Liability Convention to receive indemnification from any non-governmental entities that caused the damage. The Office for Outer Space Affairs could serve as a resource for legal information and assistance for countries seeking to develop national space laws, in particular developing countries.

2. Following common practice, States should consider the conclusion of agreements in accordance with article V, paragraph 2, of the Liability Convention for each stage of a mission with respect to joint launches or cooperation programmes.

3. The consideration of harmonizing voluntary practices would provide useful guidance in a practical context to national bodies implementing the United Nations treaties on outer space. Agreements or informal practices to streamline the separate space licensing procedures of various States involved in a launch might reduce insurance costs and regulatory burdens for private industry and regulatory costs for governments. For instance, it might be valuable to consider ways of reducing the number of countries that set duplicate third-party insurance requirements for a particular launch or launch stage. States could also consider voluntary harmonized practices regarding on-orbit transfer of ownership of spacecraft. In general, such practices would increase the consistency and predictability of national space laws and help avoid lacunae in the implementation of the treaties. Voluntary harmonized practices could be considered on a bilateral or multilateral basis, or on a global basis through the United Nations.