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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Forty-fifth session
Vienna, 3-13 April 2006

Draft report

Addendum

VIII. Practice of States and international organizations in registering space objects

1. The Legal Subcommittee recalled that the General Assembly, in its resolution 60/99, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee should consider the practice of States and international organizations in registering space objects, in accordance with the workplan adopted by the Committee.
2. The Subcommittee had before it the following documents:
 - (a) Note by the Secretariat on the registration of space objects: harmonization of practices, non-registration of space objects, transfer of ownership and registration/non-registration of “foreign” space objects (A/AC.105/867);
 - (b) Note by the Secretariat on the practice of States and international organizations in registering space objects: benefits of becoming a party to the Convention on Registration of Objects Launched into Outer Space (A/AC.105/C.2/L.262);
 - (c) Note by the Secretariat on States and intergovernmental (or former intergovernmental) organizations that operate or have operated space objects in Earth orbit or beyond (1957-present) (A/AC.105/C.2/2006/CRP.5).
3. The Subcommittee noted with satisfaction that its work under agenda item 11 would encourage States to adhere to the Registration Convention, improve the application and enhance the effectiveness of the Convention and assist in developing and strengthening national legislative norms relating to the registration of objects launched into outer space.

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4. The Subcommittee was informed of progress being made by States towards becoming party to the Registration Convention; the practices of States regarding national legislation for implementing the Registration Convention; the establishment and maintenance of national registries of objects launched into outer space; and the transmission of information from those registries to the Register of Objects Launched into Outer Space maintained by the United Nations. The Subcommittee was also informed of bilateral agreements between States that took into account provisions of the Registration Convention.
5. The Subcommittee was also informed of the practice of some States in registering launch vehicles and payloads separately, as well as of the practice with regard to the transfer of ownership of space objects in orbit.
6. The Subcommittee agreed that it was important to urge greater adherence to the Registration Convention, which would lead to more States registering space objects, and also encourage international organizations to declare their acceptance of the rights and obligations under the Convention.
7. Some delegations expressed the view that it was important to identify practical ways and means to improve the application of the Registration Convention, ensuring that the registration process functioned well in the future, thus facilitating the productive and beneficial use of outer space. A uniform and complete application of the Registration Convention was important for the conduct of space activities, both governmental and non-governmental. All parties to the Registration Convention should ensure that the space objects for which they considered themselves to be the launching State were duly registered.
8. The Subcommittee noted with concern that in recent years there had been a marked decrease in the registration of objects launched into outer space and that the failure to register those objects undermined the application of the treaties on outer space.
9. The view was expressed that one factor that contributed to the problem with non-registration of space objects was that States that were not party to the Registration Convention and international organizations that were unable to declare their acceptance of the rights and obligations under the Convention were under no obligation to register their space objects.
10. The view was expressed that non-registration of space objects constituted not only a violation of international law but also a real concern, since orbital objects, including debris, and the multiplication of launch services were placing new constraints on global space activities. Non-registered space objects were, on that account, not subject to any jurisdiction and control from their launching States.
11. The view was expressed that, in order to secure compliance with the Convention, it would seem to be in the interest of the State from whose territory or facility a space object was launched to contact other States or international organizations that it considered to be involved in the launch, with a view to ensuring that the space object in question was registered.
12. The view was expressed that when a space object was transferred from the jurisdiction and control of the State of registry to the jurisdiction and control of another State, the State of registry, following the transfer of ownership, would no

longer bear international responsibility for the space object under article VI of the Outer Space Treaty.

13. The view was expressed that registration of a space object other than by a launching State was not conceivable under the Registration Convention. The obligation to register provided for by the Registration Convention had a different purpose than was provided for under article VIII of the Outer Space Treaty, which had to be linked to the liability system set up by article VII of the Outer Space Treaty and by the Liability Convention.

14. The view was expressed that, with regard to jurisdiction and control over a space object launched by multiple launching States, the State that had registered a space object would retain jurisdiction and control over that object according to article VIII of the Outer Space Treaty. In case jurisdiction and control over the space object were to be changed, an appropriate agreement had to be concluded among launching States in accordance with article II of the Registration Convention.

15. The view was expressed that in registering their space objects, States acknowledged their responsibility for launching space objects into outer space. The Liability Convention connected the liability for damage caused by a space object to the launching State, a matter that was directly connected to the registration of the space object in question. That delegation was also of the view that the Registration Convention and Liability Convention did not fully reflect the needs and realities of ongoing commercialization and use of space for research. Since national legislation addressed that problem only in part, there was a need for the adoption of universally recognized norms at the international level.

16. The view was expressed that the obligation to register covered all objects launched into outer space, regardless of the status, nature or purpose of their operation.

17. As mentioned in paragraph [...] above, at its [...] meeting, on [...] April 2006, the Subcommittee reconvened its Working Group on agenda item 11 and elected Kai-Uwe Schrogl (Germany) Chairman of the Working Group. The Working Group held [...] meetings. At its [...] meeting, on [...] April 2006, the Subcommittee endorsed the report of the Working Group, which is contained in annex [...] to the present report.

18. The full text of the statements made during the discussions on agenda item 11 is contained in unedited verbatim transcripts (COPUOS/Legal/T.[...]).

IX. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-sixth session

19. The Legal Subcommittee recalled that the General Assembly, in its resolution 60/99, had noted that the Subcommittee, at its forty-fifth session, would submit its proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Subcommittee at its forty-sixth session, in 2007.

20. The Chairman recalled the proposals for new items to be included in the agenda of the Legal Subcommittee that had been considered by the Subcommittee at

its forty-fourth session and retained by their sponsors with a view to discussing them at subsequent sessions of the Subcommittee (see A/AC.105/850, para. 148).

21. The Subcommittee noted that informal consultations were being conducted among member States with regard to the proposal to consider an item entitled "International cooperation with a view to developing national infrastructure for the use of geo-spatial data". The Subcommittee noted that the proposal, introduced by Brazil, would be further refined and could be presented to the Committee, on the basis of those consultations, for consideration at its forty-ninth session, to be held in June 2006.

22. Some delegations proposed the inclusion of an item entitled "Legal aspects of disaster management" on the future agenda of the Legal Subcommittee. Those delegations noted that a formal proposal would be drawn up following the conclusion of the work being conducted by the ad hoc expert group on the possibility of creating an international entity to provide for coordination and means of realistically optimizing the effectiveness of space-based services for use in disaster management and further consultations among member States.

23. The view was expressed that it was important for the Legal Subcommittee to consider the legal aspects of space debris mitigation. That delegation noted that, as the Scientific and Technical Subcommittee was carrying out extensive work in relation to space debris, the discussion on the inclusion of a new item on space debris on the agenda of that Subcommittee could be postponed for the next session of the Legal Subcommittee. That delegation also noted the importance of the space debris mitigation guidelines developed by the Inter-Agency Space Debris Coordination Committee (IADC) and expressed the view that the Committee on the Peaceful Uses of Outer Space was the most appropriate forum for promoting the application of those guidelines at the international level.

24. The Legal Subcommittee agreed on the following items to be proposed to the Committee on the Peaceful Uses of Outer Space for inclusion in the agenda of the Subcommittee at its forty-sixth session:

Regular items

1. Opening of the session and adoption of the agenda.
2. Statement by the Chairman.
3. General exchange of views.
4. Status and application of the five United Nations treaties on outer space.
5. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
6. Matters relating to:
 - (a) The definition and delimitation of outer space;
 - (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without

prejudice to the role of the International Telecommunication Union.

Single issues/items for discussion

7. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
8. Examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment.

Items considered under workplans

9. Practice of States and international organizations in registering space objects.
2007: Report to the Committee on the Peaceful Uses of Outer Space.

New items

10. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-seventh session.
25. The Legal Subcommittee agreed that the working groups on the status and application of the five United Nations treaties on outer space, on matters relating to the definition and delimitation of outer space and on the practice of States and international organizations in registering space objects should be reconvened at its forty-sixth session.
26. The Subcommittee agreed to review, at its forty-sixth session, the need to extend the mandate of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space beyond that session of the Subcommittee.
27. The Subcommittee noted that the sponsors of the following proposals for new items to be included in its agenda intended to retain their proposals for possible discussion at its subsequent sessions:
- (a) Review of the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting, with a view to possibly transforming the text into a treaty in the future, proposed by Greece;
 - (b) Review of existing norms of international law applicable to space debris, proposed by the Czech Republic and Greece;
 - (c) Discussion on matters relating to the Principles on Remote Sensing, proposed by Chile and Colombia;
 - (d) Space debris, proposed by France and supported by member and cooperating States of ESA;
 - (e) Review of the Principles on Remote Sensing, with a view to transforming them into a treaty in the future, proposed by Greece;
 - (f) Legal aspects of disaster management, proposed by the Czech Republic.

28. The full text of the statements made during the discussions on agenda item 12 is contained in unedited verbatim transcripts (COPUOS/Legal/T.[...]).
