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**Committee on the Peaceful  
Uses of Outer Space**  
Legal Subcommittee  
Forty-eighth session  
Vienna, 23 March-3 April 2009

## **Draft report**

### **Addendum**

## **IX. General exchange of information on national mechanisms relating to space debris mitigation measures**

1. In accordance with General Assembly resolution 63/90, the Legal Subcommittee considered agenda item 10, entitled “General exchange of information on national mechanisms relating to space debris mitigation measures”, as a single issue/item for discussion.
2. The Subcommittee heard the following presentations:
  - (a) “Space debris mitigation mechanism in Japan: the case in JAXA”, by the representative of Japan;
  - (b) “Implementation mechanism for space debris mitigation guidelines by DLR”, by the representative of Germany;
  - (c) “The Russian Federation’s activities on space debris mitigation in near-Earth space: examples of implementation of the COPUOS Space Debris Mitigation Guidelines”, by the representative of the Russian Federation;
  - (d) “Requirements on space debris mitigation for ESA projects”, by the observer for the European Space Agency (ESA).
3. The Subcommittee welcomed the inclusion of this item and noted that it would assist States in understanding the different approaches that States had taken to mitigating and preventing the growth of space debris.
4. The Subcommittee noted with satisfaction that the adoption by the General Assembly, in its resolution 62/217, of the Space Debris Mitigation Guidelines of the



Committee was a key step in providing space-faring nations with guidance on how to mitigate the problem of space debris.

5. The delegations of the following States presented information on their national regulatory mechanisms governing space debris mitigation and the ways in which they were implementing the Space Debris Mitigation Guidelines of the Inter-Agency Space Debris Coordination Committee and the Space Debris Mitigation Guidelines of the Committee: Canada, China, France, India, Japan, Russian Federation and United States.

6. The Subcommittee noted that some States had strengthened their regulatory mechanisms governing space debris mitigation through the nomination of governmental supervisory authorities, the involvement of academia and industry, as well as the development of new legislative norms, instructions, standards and frameworks.

7. The view was expressed that space debris posed an obvious danger to all space assets and that the orderly conduct of space activities would depend on observance of space debris mitigation guidelines by all States.

8. The view was expressed that the problem of space debris was part of the complex issue of the protection and preservation of the outer space environment.

9. The view was expressed that States should exercise greater control over private operators of space telecommunications systems as the activities of those operators largely contributed to the creation of space debris.

10. The view was expressed that the development by the Subcommittee of guidelines for space traffic management could contribute to resolving the problem of space debris.

11. The view was expressed that the taking by States of effective measures to mitigate the problem of space debris, including the implementation of the Space Debris Mitigation Guidelines of the Committee, would ensure that the future space activities of States, in particular of developing States, would not be negatively affected by space debris.

12. The Subcommittee agreed that the collision and other incidents that had occurred in space in recent years underlined the need for space-faring nations to coordinate their activities in a transparent and responsible manner through the tracking, monitoring and dissemination of information on space debris.

13. The Subcommittee urged States to continue to implement the Space Debris Mitigation Guidelines of the Committee and to study the experience of States that had already established national regulatory frameworks governing space debris mitigation.

14. The Subcommittee requested the Secretariat to explore possibilities for publishing the text of the Space Debris Mitigation Guidelines adopted by the Scientific and Technical Subcommittee in 2007 and endorsed by the General Assembly, in a way that would make the Guidelines more accessible to all Member States.

## **X. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space**

15. In accordance with General Assembly resolution 63/90, agenda item 11, entitled “General exchange of information on national legislation relevant to the peaceful exploration and use of outer space”, was considered in accordance with the multi-year workplan for the period 2008-2011, adopted by the Committee at its fiftieth session.<sup>1</sup>

16. The Subcommittee recalled that, in accordance with the multi-year workplan, States were to submit information on their respective national space legislation and regulatory frameworks.

17. For its consideration of the item, the Subcommittee had before it the following:

(a) Note by the Secretariat entitled “Information on national legislation relevant to the peaceful exploration and use of outer space”, containing replies received from China, the Czech Republic, Germany, Mongolia, the Republic of Korea and Turkey (A/AC.105/932);

(b) Conference room paper containing information on the national legislation of Poland and Saudi Arabia relevant to the peaceful exploration and use of outer space (A/AC.105/C.2/2009/CRP.9);

(c) Conference room paper containing information on the national legislation of South Africa relevant to the peaceful exploration and use of outer space (A/AC.105/C.2/2009/CRP.13);

(d) Conference room paper containing information on the national legislation of the Republic of Korea relevant to the peaceful exploration and use of outer space (A/AC.105/C.2/2009/CRP.14);

(e) Conference room paper containing information on the national legislation of Japan relevant to the peaceful exploration and use of outer space (A/AC.105/C.2/2009/CRP.17);

(f) Conference room paper containing information on the national legislation of France relevant to the peaceful exploration and use of outer space (A/AC.105/C.2/2009/CRP.18).

18. The Subcommittee heard the following presentations:

(a) “French space law”, by the representative of France;

(b) “Belgian space law”, by the representative of Belgium;

(c) “Japan’s basic space law”, by the representative of Japan;

(d) “Comments from EUTELSAT IGO on French space law”, by the observer for the European Telecommunications Satellite Organization (EUTELSAT IGO).

<sup>1</sup> *Official Records of the General Assembly, Sixty-second Session, Supplement No. 20 (A/62/20), para. 219.*

19. The Subcommittee noted with satisfaction that the general exchange of information on national legislation relevant to the peaceful exploration and use of outer space provided States with a comprehensive overview of the current status of national space laws and regulations. The Subcommittee also noted that the information was considered valuable; that it allowed all States, in particular developing States, to gain an understanding of existing national regulatory frameworks; and that it could assist such States in their efforts to establish their own national regulatory frameworks in accordance with their specific needs and level of development.

20. The Subcommittee noted with appreciation that, as space activities continued to increase in number and scope and as they were performed by governmental and non-governmental actors, a growing number of developing countries had adopted national space policies and had included legal provisions dealing with outer space in their national legal regimes.

21. The Subcommittee noted with appreciation the increasing number of space-related international cooperation programmes and projects. In that connection, the Subcommittee noted the importance of the development of space legislation by States, as that legislation played a significant role in regulating and promoting such cooperation activities.

22. The Subcommittee noted with satisfaction the strengthening of efforts by States to promote and develop international space law, in particular in view of the increase in problems associated with the exploration and uses of outer space, such as the problem of space debris.

23. The Subcommittee took note of the database maintained by the Office for Outer Space Affairs, on its website (<http://www.unoosa.org>), on national space legislation and multilateral and bilateral agreements related to the peaceful exploration and use of outer space. The Subcommittee encouraged States to continue to submit to the Office, for inclusion in the database, the texts of laws and regulations, as well as of policy and other legal documents, related to space activities.

24. The Subcommittee agreed that the agenda item on the general exchange of information on national legislation was closely linked to the agenda item on capacity-building in space law, since capacity-building efforts were important in promoting understanding of national requirements for space activities, especially given the different constitutional and legal systems of Member States. The dissemination of such information could stimulate the development of national space laws and would significantly enhance international cooperation, in particular for the benefit of developing countries.

25. The view was expressed that sharing information on national legislation and its possible harmonization could help States to improve the legal framework of international cooperation in space activities and could also facilitate consensus on the direction for the development of international space law.

26. The view was expressed that, in the further development of international space law, full consideration should be given to bilateral and regional agreements as those legal instruments provided an essential foundation for international cooperation in the exploration and use of outer space.

27. The view was expressed that the availability of information on the activities of international intergovernmental and non-governmental organizations relating to space law would greatly assist States in developing national space legislation.
28. The view was expressed that an exchange of information on national space legislation would promote both the acceptance and the implementation of the principles enshrined in the United Nations treaties on outer space.
29. The view was expressed that the examination of existing legislation and practices would help States to identify common principles, norms and procedures, as well as the solutions best suited to different national interests, needs and specificities. That delegation was of the view that such an exchange of information on national legislation could also contribute to the further development and strengthening of the international space law regime.
30. The Subcommittee noted that a number of States had expressed concern about the lack of regulation, in view of the increasing number of space activities carried out by commercial entities and non-governmental organizations, and thus felt that, if warranted, the issue could be further considered by the Subcommittee under this agenda item.
31. At its 783rd meeting, the Legal Subcommittee established the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, under the chairmanship of Irmgard Marboe (Austria). In accordance with the multi-year workplan, the Working Group would examine responses received from Member States in order to develop an understanding of the manner in which Member States regulated governmental and non-governmental space activities.
32. The Working Group held six meetings. The Subcommittee, at its [801st] meeting, on 3 April, endorsed the report of the Working Group contained in annex [II] to the present report.
33. The full text of the statements made during the discussion on agenda item 11 is contained in unedited verbatim transcripts (COPUOS/Legal/[...]-[...] and [...]).

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

34. The Legal Subcommittee recalled that the General Assembly, in its resolution 63/90, had noted that the Subcommittee, at its forty-eighth 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-ninth session, in 2010.
35. 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-seventh session and retained by their sponsors with a view to discussing them at subsequent sessions of the Subcommittee (see A/AC.105/917, para. 160).
36. The Subcommittee agreed to retain all the single issues/items currently on the agenda of the Subcommittee for consideration at its forty-ninth session.

37. The 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-ninth session:

*Regular items*

1. Opening of the session, election of the Chairman 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.
9. Capacity-building in space law.
10. General exchange of information on national mechanisms relating to space debris mitigation measures.

*Items considered under workplans*

11. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space.  
  
2010: Continued examination, by a working group, of responses received and initiation of drafting of the working group's report, including conclusions.

*New items*

12. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fiftieth session.
38. The Subcommittee also agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, the Working Group on Matters Relating to the Definition and Delimitation of Outer Space and the

Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space should be reconvened at its forty-ninth session.

39. The Subcommittee further agreed to review, at its forty-ninth 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.

40. The Subcommittee further agreed that IISL and ECSL should again be invited to organize a symposium, to be held during the first week of its forty-ninth session.

41. The Subcommittee noted a proposal by Saudi Arabia, supported by the Islamic Republic of Iran, for a new agenda item on regulation of the dissemination of Earth observation satellite images through the World Wide Web. Those delegations were of the view that the dissemination of space-based images, in particular through the World Wide Web, seriously undermined the privacy of citizens worldwide, as well as the sovereignty and national security of States.

42. Some delegations expressed the view that, while those concerns were valid and relevant to the discussions in the Committee, it was too early to consider them in the Legal Subcommittee.

43. The Subcommittee noted a proposal by Colombia that, under the existing regular agenda item 6 (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", the Legal Subcommittee should play a role in a contribution to be made by the Committee to the work of the International Telecommunication Union (ITU), in particular to (a) the ITU workshop to be organized on the use of spectral orbit resources; (b) the study to be carried out by Working Group 4A of the ITU Radiocommunication Sector in 2011; and (c) the ITU World Radiocommunication Conference to be held in the second half of 2011.

44. The view was expressed that the consideration of those issues by the Committee would infringe on the role and mandates of ITU.

45. The Subcommittee noted that the sponsors of the following proposals for new items to be included on 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 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) Matters relating to the Principles Relating to Remote Sensing of the Earth from Outer Space (proposed by Chile and Colombia);

(d) Review of the Principles Relating to Remote Sensing of the Earth from Outer Space, with a view to transforming them into a treaty in the future (proposed by Greece);

(e) The appropriateness and desirability of drafting a universal comprehensive convention on international space law (proposed by China, Greece, the Russian Federation and Ukraine);

(f) Legal implications of space applications for global climate change (proposed by Chile);

(g) Regulation of the dissemination of Earth observation satellite images through the World Wide Web (proposed by Saudi Arabia).

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

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