



# General Assembly

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**Committee on the Peaceful  
Uses of Outer Space**  
Legal Subcommittee  
Forty-ninth session  
Vienna, 22 March-1 April 2010

## **Draft report**

### **I. Introduction**

#### **A. Opening of the session**

1. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its forty-ninth session at the United Nations Office at Vienna from 22 March to 1 April 2010 under the chairmanship of Ahmad Talebzadeh (Islamic Republic of Iran).

#### **B. Adoption of the agenda**

2. At its 803rd meeting, the Legal Subcommittee adopted the following agenda:
1. Adoption of the agenda.
  2. Election of the Chairman.
  3. Statement by the Chairman.
  4. General exchange of views.
  5. Status and application of the five United Nations treaties on outer space.
  6. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
  7. 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

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equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.

8. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
9. 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.
10. Capacity-building in space law.
11. General exchange of information on national mechanisms relating to space debris mitigation measures.
12. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space.
13. 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.

### **C. Attendance**

3. Representatives of the following States members of the Legal Subcommittee attended the session: Algeria, Argentina, Austria, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Burkina Faso, Canada, China, Colombia, Cuba, Czech Republic, Ecuador, Egypt, France, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kazakhstan, Kenya, Lebanon, Libyan Arab Jamahiriya, Mexico, Morocco, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela (Bolivarian Republic of) and Viet Nam.

4. At the 803rd meeting, on 22 March, the Chair informed the Subcommittee that requests had been received from Azerbaijan, Costa Rica, the Dominican Republic, Israel, Tunisia and the United Arab Emirates to attend the session as observers. Following past practice, those States were invited to send delegations to attend the current session of the Subcommittee and address it, as appropriate, without prejudice to further requests of that nature; that action did not involve any decision of the Subcommittee concerning status but was a courtesy that the Subcommittee extended to those delegations.

5. The Subcommittee took note of the application of Tunisia for membership in the Committee (A/AC.105/C.2/2010/CRP.6). Some delegations made statements expressing their support for the candidacy of Tunisia.

6. The session was attended by observers for the following intergovernmental organizations having permanent observer status with the Committee: Asia-Pacific Space Cooperation Organization (APSCO), European Telecommunications Satellite Organization (EUTELSAT-IGO), European Organisation for the Exploration of Meteorological Satellites (EUMETSAT), European Space Agency (ESA), International Mobile Satellite Organization (IMSO), International Institute for the

Unification of Private Law (Unidroit), International Organization of Space Communications (Intersputnik), and Regional Centre for Remote Sensing of the North African States (CRTEAN). The session was attended by observers for the following non-governmental organizations having permanent observer status with the Committee: European Space Policy Institute (ESPI), International Law Association (ILA), International Institute of Space Law (IISL), Secure World Foundation (SWF) and Space Generation Advisory Council (SGAC).

7. A list of the representatives of States, United Nations entities and other international organizations attending the session is contained in A/AC.105/C.2/2010/INF.42.

#### **D. Symposium**

8. On 22 March, IISL and the European Centre for Space Law (ECSL) held a symposium on the theme “National space legislation: crafting legal engines for the growth of space activities”, which was chaired by Tanja Masson-Zwaan of IISL and Sergio Marchisio of ECSL. The Subcommittee heard the following presentations during the symposium: “The need to implement the Outer Space Treaty in national law in the light of current and foreseeable space activities”, by Armel Kerrest; “Space legislation as enhancer of space activities and policies”, by Henry Hertzfeld; “Matching detail with practice: what are the essential elements that need to be specified in national space legislation?”, by Steven Freeland; “Considerations on Space liability insurance”, by Phillippe Montpert; “Economic impacts of national space legislation and the establishment of fair conditions for commercial activities”, by Matxalen Sanchez Aranzamendi; and “Accompanying space regulations: ensuring safe in-orbit operation and interoperability”, by Heike Wieland. Concluding remarks were made by the Chair of the Subcommittee and by the Chair of the Working Group on National Space Legislation. The papers and presentations delivered during the symposium were made available on the website of the Office for Outer Space Affairs of the Secretariat ([www.unoosa.org/oosa/COPUOS/Legal/2010/symposium.html](http://www.unoosa.org/oosa/COPUOS/Legal/2010/symposium.html)).

9. The Subcommittee noted with appreciation that the symposium had constituted a valuable contribution to its work.

#### **E. Adoption of the report of the Legal Subcommittee**

10. The Legal Subcommittee held a total of [...] meetings. The views expressed at those meetings are contained in unedited verbatim transcripts (COPUOS/Legal/T.[...]-[...]).

11. At its [...]th meeting, on 1 April 2010, the Subcommittee adopted the present report and concluded the work of its forty-ninth session.

## **II. General exchange of views**

12. The Legal Subcommittee welcomed the election of Ahmad Talebzadeh (Islamic Republic of Iran) as its new Chair for the period 2010-2011.

13. The Subcommittee expressed its appreciation to the outgoing Chair, Vladimír Kopal (Czech Republic), for his leadership in conducting the work of the Subcommittee and his tireless efforts in promoting the study of the international legal regime governing outer space activities.

14. Statements were made by representatives of the following States members of the Subcommittee during the general exchange of views: Algeria, Austria, Belgium, Costa Rica (on behalf of the States members of the Subcommittee that are members of the Group of Latin American and Caribbean States), Brazil, Burkina Faso, Canada, China, Colombia, Cuba, Czech Republic, Ecuador, Egypt, France, Germany, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Libyan Arab Jamahiriya, Morocco, Nigeria, Poland, Republic of Korea, Russian Federation, Saudi Arabia, South Africa, Thailand, Ukraine, United Kingdom, United States and Venezuela (Bolivarian Republic of). The observer for Tunisia also made a statement. The observers for IISL and Intersputnik also made statements.

15. At the 803rd meeting, on 22 March, the Chair made a statement briefly describing the work to be undertaken by the Subcommittee at its forty-ninth session. The Chair's statement is contained in an unedited verbatim transcript (COPUOS/Legal/T.[...]).

16. The Subcommittee expressed its condolences to and solidarity with the Governments of Chile and Haiti in the wake of the recent natural disasters that had taken so many human lives and caused so much damage.

17. At the 803rd meeting, on 22 March, the Director of the Office for Outer Space Affairs made a statement reviewing the role and work of the Office relating to space law and on the development, in all official languages of the United Nations, of the model registration form for objects launched into outer space (A/AC.105/C.2/2010/CRP.7).

18. The Subcommittee heard the following presentations by the observer for Tunisia on this agenda item: "L'espace: démarche et vision en Tunisie" and "La législation tunisienne relative à l'espace".

19. Some delegations expressed the view that there should be greater coordination and interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee with a view to promoting the establishment of binding international norms addressing critical issues such as space debris and the use of nuclear power sources in outer space.

20. Some delegations expressed the view that the proposal presented by the Chair of the Committee on the Peaceful Uses of Outer Space during its fifty-second session, entitled "Towards a United Nations space policy", would facilitate better coordination between Member States, would allow the United Nations system to be better prepared for the challenges of space cooperation in the coming years, would serve well the development goals of all countries and would strengthen the Committee within the United Nations.

21. The view was expressed that the increased participation of the private sector in space activities, which had been the exclusive domain of Governments half a century earlier, required continued reflection by the Subcommittee to enable continued refinement and strengthening of the legal regime on outer space and to

provide an ample and solid platform for international cooperation in the peaceful uses of outer space.

22. The view was expressed that problems and challenges arising from an arms race in outer space as well as the current trend of commercial and private space activities in outer space had made evident the lack of effective international regulatory measures and institutional norms.

23. The view was expressed that the European Union Draft Code of Conduct for outer space activities required thorough consideration by the Subcommittee and that the Code should not serve as an alternative to the existing norms of international space law.

24. The view was expressed that the Subcommittee played a unique role in improving the legal framework of international cooperation in space activities and that its work constituted a meaningful contribution to addressing legal issues arising from the evolving space environment.

25. Some delegations expressed the view that there was a need to rationalize the work of the Subcommittee to make it more efficient and cost-effective by considering, among other measures, the possible shortening of its sessions.

26. The view was expressed that the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee had an extraordinary record in advancing the field of space law and developing space law in a manner that promoted, rather than hindered the exploration and use of outer space and that such success was due to the Subcommittee's ability to focus on practical problems and to address such problems through a consensus-based, results-oriented process.

#### **IV. Information on the activities of international intergovernmental and non-governmental organizations relating to space law**

27. Pursuant to General Assembly resolution 64/86, the Legal Subcommittee considered, as a regular item of its agenda, agenda item 6, entitled "Information on the activities of international intergovernmental and non-governmental organizations relating to space law".

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

(a) Note by the Secretariat containing information on activities relating to space law received from ECSL, IISL, ILA, IMSO, Intersputnik and ITSO (A/AC.105/C.2/L.278 and Add.1);

(b) Conference room paper containing information on activities relating to space law received from IMSO and ITSO (A/AC.105/C.2/2010/CRP.3);

(c) Conference room paper containing additional information on the activities of ITSO (A/AC.105/C.2/2010/CRP.15).

29. The Subcommittee noted that the activities of international intergovernmental and non-governmental organizations relating to space law had contributed significantly to the development of space law.
30. The Subcommittee welcomed the information provided by the observer for ESA on the activities of ESA and ECSL relating to space law, including participation in international legal studies, lectures at various forums on a broad range of subjects, maintenance of the network of national focal points for space law, the annual summer course on space law and policy, the Manfred Lachs Space Law Moot Court Competition, the Practitioners' Forum, other meetings and symposiums that had been supported and organized, and documents, newsletters and publications that had been made available.
31. The Subcommittee welcomed the information provided on the activities of EUTELSAT-IGO relating to space law, including monitoring relevant regulatory changes and developments that might impact on the operations of Eutelsat S.A. and the organization of tripartite meetings among ITSO, IMSO and EUTELSAT-IGO.
32. The Subcommittee was informed about the efforts being undertaken by EUTELSAT-IGO to address the repeated interference being experienced on several radio and television channels broadcast via Eutelsat satellites.
33. The Subcommittee welcomed the information provided by the observer for IMSO on the activities of IMSO relating to space law, including the amendments to the IMSO Convention, the participation of IMSO in the testing and implementation of the long-range identification and tracking (LRIT) system as part of its functions as the LRIT Coordinator and the integration of the data centres established by Governments into the system, among other matters.
34. The Subcommittee welcomed the information provided by the observer for Intersputnik on the activities of Intersputnik relating to space law, including cooperation with other international organizations, the assistance provided to telecommunications administrations and satellite operators worldwide and information on the new notifying administration of Intersputnik.
35. The Subcommittee welcomed the information provided by the observer for IISL on the activities of IISL relating to space law, including the Manfred Lachs Space Law Moot Court Competition, the 53rd IISL colloquium, other meetings and symposiums supported or organized, IISL publications and reports and the special activities planned for the commemoration of the fiftieth anniversary of the Institute.
36. The Subcommittee welcomed the information provided by the observer for ILA on the activities of ILA relating to space law, including participation in United Nations events promoting capacity-building in space law, the work undertaken by its Space Law Committee relating to, inter alia, the legal aspects of remote sensing with special reference to satellite data in international litigation, national space legislation, registration issues, new developments on space debris, dispute settlement related to space activities, the legal aspects of near-Earth objects, the development of a model law and the efforts undertaken to promote awareness of legal aspects of space activities in Spanish-speaking countries.
37. The Subcommittee welcomed the information provided on the activities of SWF relating to space law, including the organization of events that promoted space law knowledge.

38. The Subcommittee welcomed the information provided on the activities of the International Centre for Space Law of the Ukrainian National Academy of Sciences relating to research, analysis, education and promotion of space law, including the provision of legal expertise, support for the development of national legislation, promotion of international cooperation and the preparation of dedicated publications.

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

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