



General Assembly

Distr.: Limited
28 February 2012

Original: English

Committee on the Peaceful Uses of Outer Space

Legal Subcommittee

Fifty-first session

Vienna, 19-30 March 2012

Item 12 of the provisional agenda*

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

Revised draft set of conclusions of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space

Working paper submitted by the Chair of the Working Group

I. Introduction

1. The Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, at its meeting held during the fiftieth session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, in 2011, reviewed the draft report of the Working Group as contained in conference room paper A/AC.105/C.2/2011/CRP.4.

2. At that meeting, the Working Group conducted a detailed review of its draft report by assessing the structure and validity of the overview of national space legislation contained in chapter II of the draft report, undertaking a thorough analysis of the draft set of conclusions in chapter IV and determining the process for finalizing the report (see A/AC.105/990, annex III).

3. The Working Group requested its Chair, in consultation with the Secretariat, to present to the Working Group at its next meeting a revised draft report in the form of a conference room paper for finalization by the Working Group and to make revised chapter IV, on conclusions, available in all official languages of the United Nations for adoption by the Working Group. That would enable further consideration of revised chapter IV, on conclusions, including discussion on the

* A/AC.105/C.2/L.285.



possible development of recommendations of the Legal Subcommittee, the Committee on the Peaceful Uses of Outer Space or the General Assembly (A/AC.105/990, annex III, para. 11).

4. Pursuant to the above-mentioned request of the Working Group, the Chair of the Working Group has prepared for consideration by the Working Group during the fifty-first session of the Subcommittee, in 2012, a revised draft set of conclusions of the Working Group (see paras. 7 to 26 below), along with a set of elements for consideration by States in enacting national space legislation (see annex).

5. The Chair proposes that the revised draft set of conclusions be finalized and adopted by the Working Group during the fifty-first session of the Subcommittee, in 2012, for inclusion in the final report of the Working Group.

6. The Chair also proposes that the Working Group discuss whether those conclusions may be transformed into a set of recommendations for consideration by the General Assembly.

II. Revised draft conclusions of the Working Group: general observations

7. The revised draft set of conclusions comprise the observations presented below.

General observations

8. The Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space emphasizes the importance of appropriate means of ensuring that outer space is used for peaceful purposes and that the obligations under international law and those specifically contained in the United Nations treaties on outer space are implemented.

9. The Working Group observes that, in view of the increasing participation of private actors in space activities, appropriate action at the national level is needed, in particular by authorizing and supervising non-governmental space activities.

10. The Working Group takes note of the need to maintain the sustainable use of outer space, in particular by mitigating space debris, and to ensure the safety of space activities and minimize the potential harm to the Earth and space environment.

11. The Working Group recalls the obligations contained in the United Nations treaties on outer space to provide information, to the greatest extent feasible and practicable, on the nature, conduct, locations and results of space activities, in particular through registration.

12. The Working Group notes that the need for consistency and transparency with regard to the authorization and supervision of space activities and the need for a practical regulatory system for private sector involvement provide further incentives for enacting regulatory frameworks at the national level, and notes that some States also include national space activities of a governmental or public character within that framework.

13. The Working Group recognizes the different approaches taken by States in dealing with various aspects of national space activities, namely by means of unified acts or a combination of national legal instruments, and notes that States have adapted their national legal frameworks according to their specific needs and practical considerations and that national legal requirements depend to a high degree on the range of space activities conducted and the level of involvement of the private sector.

14. The Working Group agrees that the below elements could be considered by States when enacting regulatory frameworks for national space activities, as appropriate, taking into account the specific needs of the State concerned.

Scope of application

15. The scope of space activities targeted by national regulatory frameworks may include, as appropriate, the launching of objects into and their return from outer space, the operation of a launch or re-entry site and the operation and control of space objects in orbit. Other issues to be considered may include the design and manufacturing of spacecraft, the application of space science and technology, and exploration activities and research.

16. The scope of application should take into account the role of a State as a launching State and as a responsible State under the United Nations treaties on outer space and determine national jurisdiction over space activities carried out from the national territory of a State and space activities carried out elsewhere in which nationals, both its natural and juridical persons, are involved, provided, however, that if another State is exercising jurisdiction with respect to such activities, the State should forebear from duplicative requirements and avoid unnecessary burdens for operators of space objects.

Authorization and licensing

17. Space activities should require authorization by a competent national authority. States might employ separate procedures for the licensing of operators conducting space activities and for the authorization of specific projects and programmes.

18. The conditions for authorization should be consistent with the international obligations and commitments of States, in particular under the United Nations treaties on outer space and other relevant instruments, and may pay due regard to the national security and foreign policy interests of States.

19. The authorities and procedures, as well as the conditions, for granting, modifying, suspending and revoking the authorization should be set out clearly to establish a predictable and reliable regulatory framework.

Safety

20. The conditions for authorization should help to verify that space activities are carried out in a safe manner and minimize risks to persons, the environment or property and that those activities do not lead to harmful interference with other space activities. Such conditions could also relate to the technological qualifications of the applicant.

21. The conditions for authorization could include safety and technical standards that are in line with space debris mitigation guidelines, in particular the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space.

Continuing supervision of activities of non-governmental entities

22. Appropriate procedures should ensure continuing supervision and monitoring of authorized space activities by applying, for example, a system of in situ inspections or a more general reporting requirement. Enforcement mechanisms could include administrative measures or a sanctions regime, as appropriate.

Registration

23. A national registry of objects launched into outer space should be maintained by an appropriate national authority. Operators should be requested to submit information to that authority to enable the State to submit the relevant information to the Secretary-General of the United Nations in accordance with international instruments, including the Convention on Registration of Objects Launched into Outer Space and General Assembly resolutions 1721 (XVI) B and 62/101.

24. Operators of space objects could also be requested to submit information on any change in the main characteristics of space objects, in particular of those which have become non-functional.

Liability and insurance

25. States could consider ways of seeking recourse from operators if their international liability has become engaged. In order to ensure appropriate coverage for damage claims, States could introduce insurance requirements and indemnification procedures, as appropriate.

Transfer of ownership or control of space objects in orbit

26. Continuing supervision of non-governmental space activities should be ensured in the event of a transfer of ownership or control of a space object in orbit. National regulations may provide for authorization requirements or obligations for the submission of information on the change in status of the operation of a space object.

Annex

National space legislation: regulative categories — set of elements for consideration by States in enacting national space legislation

<i>Regulative category</i>	<i>Examples of corresponding United Nations treaties and principles on outer space, related General Assembly resolutions and other guidelines</i>	<i>Elements</i>
Scope of application	Partly, article VI 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	Activities (<i>rationed material</i>); jurisdiction (<i>ratione loci/personae</i>)
Authorization and licensing	Article VI of the Outer Space Treaty; General Assembly resolution 59/115	Licensing procedure; change of status: modification, suspension or revocation of license; conditions for granting licences; connection to other relative categories: registration, liability, safety
Safety	Article IX of the Outer Space Treaty; Principles Relevant to the Use of Nuclear Power Sources in Outer Space; Space Debris Mitigation Guidelines of the Committee on the Peaceful Use of Outer Space	Avoidance of harmful interference with activities in the peaceful exploration and use of outer space, as stipulated in article IX of the Outer Space Treaty; design and technical requirements, safety assessments and risk analysis; responses to emergency situations
Continuing supervision of activities of non-governmental entities	Article VI of the Outer Space Treaty	Mechanisms for the supervising role and competencies of supervising authorities (during normal operation and in case of incidents)
Registration	Articles VIII and XI of the Outer Space Treaty; articles II and IV of the Convention on Registration of Objects Launched into Outer Space; General Assembly resolutions 1721 (XVI) B and 62/101	Establishment of appropriate registry at the national level; obligation to submit information to competent authority; submission of data to the United Nations
Liability and insurance	Articles VI and VII of the Outer Space Treaty; articles II and III of the Convention on International Liability for Damage Caused by Space Objects	Obligation of insurance and financial responsibility; amount of insurance coverage (minimum requirements); state indemnification
Transfer of ownership or control of space objects in orbit	Articles VI, VII and VIII of the Outer Space Treaty; Convention on Registration of Objects Launched into Outer Space; Convention on International Liability for Damage Caused by Space Objects; General Assembly resolution 62/101	Adequate requirements for the transfer of satellites