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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Fifty-first session
Vienna, 19-30 March 2012

Draft report

Addendum

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

1. Pursuant to General Assembly resolution 66/71, the Subcommittee considered agenda item 11, entitled “General exchange of information on national mechanisms relating to space debris mitigation measures”, as a single issue/item for discussion.
2. The representatives of Austria, Belgium, Germany, Japan, Libya and Venezuela (Bolivarian Republic of) made statements under agenda item 11. During the general exchange of views, statements relating to the item were also made by representatives of other member States, the representative of Ecuador on behalf of the Group of Latin American and Caribbean States and the representative of Kenya on behalf of the Group of African States.
3. The Subcommittee heard the following presentations:
 - (a) “Space debris: current situation”, by the representative of Germany;
 - (b) “Overview of space debris activities in France”, by the representative of France;
 - (c) “Reflections on orbital debris mitigation measures”, by the representative of the United Kingdom.
4. The Subcommittee noted with satisfaction that the endorsement by the General Assembly, in its resolution 62/217, of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space was an important step in providing all space-faring nations with guidance on how to mitigate the problem of space debris.



5. The Subcommittee noted that the general exchange of information under agenda item 11 would assist States in understanding the different approaches, including development of national regulatory frameworks, that States had taken to mitigate and prevent the increase in space debris.
6. The Subcommittee noted with satisfaction that some States were implementing space debris mitigation measures consistent with the Space Debris Mitigation Guidelines of the Committee and/or with the Inter-Agency Space Debris Coordination Committee (IADC) Space Debris Mitigation Guidelines and that other States had developed their own space debris mitigation standards based on those guidelines. The Subcommittee also noted that some States were using the IADC Space Debris Mitigation Guidelines, the European Code of Conduct for Space Debris Mitigation and International Organization for Standardization (ISO) standard 24113 (Space systems: space debris mitigation requirements) as references in the regulatory framework established for national space activities.
7. The Subcommittee noted with satisfaction that some States had taken measures to enforce the implementation of internationally recognized guidelines and standards related to space debris through relevant provisions in their national legislation.
8. The Subcommittee noted that some States had strengthened their national mechanisms governing space debris mitigation through the nomination of governmental supervisory authorities, the involvement of academia and industry and the development of new legislative norms, instructions, standards and frameworks.
9. The Subcommittee expressed concern over the increasing amount of space debris and noted that the future of space activities largely depended on space debris mitigation.
10. Some delegations were of the view that the issues of mitigation of space debris and the limitation of its creation should be urgently addressed and placed among the priorities of the Subcommittee's work.
11. Some delegations were of the view that the Subcommittee should deepen its work relating to space debris and pay greater attention to the problem of collisions involving space debris and space objects, including space objects with nuclear power sources on board, as well as to other issues relating to space debris.
12. Some delegations were of the view that space debris issues should be addressed in a manner that would not jeopardize the development of space capabilities of developing countries.
13. Some delegations were of the view that the Subcommittee should undertake a legal analysis of the Space Debris Mitigation Guidelines of the Committee.
14. Some delegations were of the view that the Space Debris Mitigation Guidelines of the Committee should be developed into a new instrument with greater juridical strength.
15. Some delegations were of the view that there was a need for a review of the legal aspects of the Space Debris Mitigation Guidelines of the Committee, with a view to transforming the Guidelines into a set of principles to be adopted by the General Assembly.

16. The view was expressed that, regarding liability resulting from any damage caused by space debris, the Space Debris Mitigation Guidelines of the Committee and the Principles Relevant to the Use of Nuclear Power Sources in Outer Space should be given adequate relevance in the definition of the notion of “fault”, as contained in the Convention on International Liability for Damage Caused by Space Objects.

17. The view was expressed that any revision of the Space Debris Mitigation Guidelines of the Committee should take into account possible additional costs to the space programmes of developing countries.

18. Some delegations were of the view that the Scientific and Technical Subcommittee and the Legal Subcommittee should cooperate with the aim of developing legally binding rules relating to space debris.

19. Some delegations were of the view that the Legal Subcommittee could benefit from the work of the Scientific and Technical Subcommittee, its Working Group on the Long-term Sustainability of Outer Space Activities and the subsidiary expert groups of that Working Group.

20. The view was expressed that, although the technical aspects of space debris had been discussed in the Scientific and Technical Subcommittee, the Legal Subcommittee should thoroughly examine the legal aspects of the issue of space debris.

21. Some delegates expressed the view that member States should report to the Legal Subcommittee and disseminate information on action taken to reduce the generation of space debris.

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

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

23. Pursuant to General Assembly resolution 66/71, the Legal Subcommittee considered agenda item 13, entitled “Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Subcommittee at its fifty-second session”, as a regular item of its agenda. Under that item, the Subcommittee also considered matters related to the organization of work of the Subcommittee.

24. The representatives of Algeria, Argentina, Austria, Belgium, Brazil, Canada, Chile, China, the Czech Republic, France, Germany, Iran (Islamic Republic of), Italy, Japan, Mexico, the Netherlands, the Russian Federation, Saudi Arabia, South Africa, Spain, the United Kingdom, the United States and Venezuela (Bolivarian Republic of) made statements under the item. A statement under the item was also made by the representative of Peru on behalf of the following States: Algeria, Argentina, Brazil, Chile, China, Cuba, Ecuador, Indonesia, Iran (Islamic Republic

of), Iraq, Kenya, Mexico, Nigeria, Pakistan, Peru, the Russian Federation, Saudi Arabia, South Africa and Venezuela (Bolivarian Republic of). During the general exchange of views, statements relating to the item were also made by representatives of other member States, the representative of Ecuador on behalf of the Group of Latin American and Caribbean States and the representative of Kenya on behalf of the Group of African States.

A. Proposals to the Committee for new items to be considered by the Legal Subcommittee at its fifty-second session

25. The Subcommittee had before it a conference room paper entitled “Review of the international mechanisms for cooperation in the peaceful exploration and use of outer space” (A/AC.105/C.2/2012/CRP.21/Rev.1).

26. The Chair drew the Subcommittee’s attention to the proposals for new items to be included in the agenda of the Subcommittee, as contained in the report on its fiftieth session (A/AC.105/990, para. 173).

27. The Subcommittee agreed to include “National legislation relevant to the peaceful exploration and use of outer space” as a new regular item on its agenda.

28. The Subcommittee agreed that, with the modification of the titles of the item relating to the Unidroit protocol on matters specific to space assets and the item relating to space debris mitigation measures, all of the single issues/items for discussion currently on the agenda should be retained at its fifty-second session.

29. The Subcommittee agreed to include “Review of the international mechanisms for cooperation in the peaceful exploration and use of outer space”, proposed by China, Ecuador, Japan, Peru, Saudi Arabia and the United States, as an item under the following five-year workplan:

2013 Exchange of information on the range of existing international space cooperation mechanisms. Member States and permanent observers would be invited to provide information prior to the session of the Legal Subcommittee and to make special presentations on the range of bilateral and multilateral mechanisms they utilize for space cooperation.

2014 Continue the exchange of information. Establish a working group. Request the Secretariat to prepare a report categorizing the range of mechanisms for international cooperation, including existing bilateral and multilateral agreements, non-binding arrangements, principles, technical guidelines and other cooperative mechanisms, based upon submissions by member States, as well as additional research, to be distributed to member States in advance of the session of the Legal Subcommittee.

2015 Exchange of additional or supplemental information on existing international space cooperation mechanisms, taking into account the report by the Secretariat. Examination in the working group of the submissions provided in order to develop an understanding of the range of collaborative mechanisms employed by States and international organizations and the circumstances in which certain classes of mechanisms are favoured by States over other mechanisms. Request the Secretariat to prepare a report identifying the legal

issues commonly addressed in the existing agreements relevant to international space cooperation, based upon submissions by member States, additional research and consultation with member States. The report should be distributed to member States in advance of the session of the Subcommittee.

2016 Working group reviews the report of the Secretariat, continues to examine responses received from member States and begins drafting its own report.

2017 Working Group finalizes its report to the Subcommittee, including conclusions.

30. The Subcommittee agreed that a working group should be established to consider the item from 2014 to 2017.

31. The Subcommittee agreed on the following items to be proposed to the Committee for inclusion in the agenda of the Subcommittee at its fifty-second session:

Regular items

1. Adoption of the agenda.
2. Statement by the Chair.
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.
7. National legislation relevant to the peaceful exploration and use of outer space.

Single issues/items for discussion

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 Protocol to the Convention on International Interests in Mobile Equipment on Matters specific to Space Assets.
10. Capacity-building in space law.
11. General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee.

Items considered under workplans

12. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space.

(Work for 2013 as reflected in paragraph 29 of the present report)

New items

13. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-third session.

32. The Subcommittee also agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space and the Working Group on Matters Relating to the Definition and Delimitation of Outer Space should be reconvened at its fifty-second session.

33. The Subcommittee further agreed to review, at its fifty-second session, the need to extend beyond that session the mandate of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space.

34. The Subcommittee agreed that IISL and ECSL should again be invited to organize a symposium, to be held during its fifty-second session.

35. The Subcommittee recalled the working paper submitted by the Czech Republic (A/AC.105/C.2/L.283) at its fiftieth session, in which it was proposed that the Subcommittee should include on its agenda a new item entitled "Review of the legal aspects of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space, with a view to transforming the Guidelines into a set of principles to be adopted by the General Assembly".

36. Some delegates expressed the view that the initiative by the Czech Republic was timely, in view of the importance of the issue of space debris to all States and the absence of relevant binding legal mechanisms to address that issue. In that connection, those delegates also expressed their support for the proposal.

37. Some delegates expressed the view that it would be premature to begin transforming the Guidelines into a set of principles to be adopted by the General Assembly, as the consideration of space debris in the context of the long-term sustainability of outer space had only just begun in the Scientific and Technical Subcommittee.

38. Some delegates expressed the view that it would be productive to revisit the proposal following the results of the work of the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee.

39. Some delegates expressed the view that the Legal Subcommittee should review the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, as well as the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space, with a view to turning them into legally binding norms.

40. The Subcommittee recalled the proposal by Saudi Arabia to include on the agenda of the Subcommittee an item on the regulation of the dissemination of Earth observation satellite images through the World Wide Web.

41. Some delegations were of the view that irresponsible dissemination of space-based images, in particular through the Internet, seriously undermined the privacy of citizens and posed serious safety concerns given the level of detail contained in those images.

42. The view was expressed that the scope and depth of the proposed item should be clarified, preferably in a written document, before the Subcommittee could consider the feasibility of including on its agenda an item related to regulation of the dissemination of Earth observation satellite images through the World Wide Web.

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

(b) Review of the legal aspects of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space with a view to transforming the Guidelines into a set of principles on space debris to be elaborated by the Legal Subcommittee and adopted by the General Assembly (proposed by the Czech Republic).

44. The Subcommittee noted that proposals for new items that had not been retained on that list could be included on the list at a later time, as appropriate.

45. The Subcommittee noted that its fifty-second session had been tentatively scheduled to be held from 8 to 19 April 2013.

B. Organizational matters

46. The Subcommittee had before it the following:

(a) A conference room paper entitled “Organizational matters” (A/AC.105/C.2/2012/CRP.14);

(b) A conference room paper entitled “Review of the financial and other implications of webcasting the sessions of the Subcommittee” (A/AC.105/C.2/2012/CRP.15).

47. Some delegates expressed the view that the sessions of the Legal Subcommittee should be shortened. Those delegates proposed that the savings in time could be allocated to the session of the Committee, on a temporary basis if necessary, in particular in view of the work to be undertaken in the coming years by the Working Group on the Long-term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee, which would also involve the Committee. The reallocation of meeting time from the Legal Subcommittee to the Committee could therefore be done with the understanding that the time could be reallocated back to the Subcommittee, when necessary.

48. Some delegations were of the view that the reallocation of time from the Legal Subcommittee to the Committee should be commenced on a trial basis, in 2013 and 2014.

49. Some delegates expressed the view that the shortening of the sessions of the Legal Subcommittee would undermine the ability of the Subcommittee to continue to guarantee the rule of law in space activities, ensure the progressive development of space law and maintain the peaceful uses of outer space as a province of humankind. Those delegates also noted that the Subcommittee continued to receive proposals for new agenda items every year and that its work was cyclical by nature.
50. Some delegations expressed the view that, regarding the scheduling of work, the simultaneous opening of several agenda items for consideration was neither effective nor a practice followed by other bodies. Those delegations were of the view that the practice should be discontinued.
51. The view was expressed that agenda items that were not action-oriented and not expected to lead to specific decisions by the Subcommittee should be absorbed under other related agenda items.
52. Some delegates expressed the view that the reports of the Subcommittee should be made more action-oriented and focused on decisions made by the Subcommittee, following the example of other bodies.
53. Some delegates expressed the view that the substance of the conference room paper entitled "Organizational matters", which reviewed good practices used by other comparable United Nations entities on the structure of reports of intergovernmental bodies, should be used as a basis for discussions on the organization of work of both the Committee and its Subcommittees.
54. Some delegates expressed the view that items on the agenda of the Legal Subcommittee should be streamlined and rationalized in order to improve the effectiveness of discussions and allow the cost-effective participation of delegations in the work of the Subcommittee and that the efficiency of that work and working discipline should be enhanced.
55. Some delegates expressed the view that the current working methods of the Subcommittee should not be discarded before the Subcommittee had considered and reached agreement on specific proposals on alternative methods and before it was able to provide the Secretariat with clear guidance on how its work should be organized and reported on.
56. Some delegates expressed the view that any changes in the working methods of the Subcommittee would need to be considered and agreed upon by the Committee.
57. The Subcommittee requested the Secretariat to advance the consideration by the Subcommittee of its agenda item on proposals to the Committee on new items to be considered by the Subcommittee at its next session, in order to allow adequate time for substantive discussions on organizational matters.
58. The Subcommittee agreed that proposals relating to the organization of work of the Subcommittee, including the restructuring of its report, should be submitted in writing to facilitate the consideration of those matters.
59. The Subcommittee agreed to continue applying maximum flexibility in the scheduling of agenda items, in particular those under which working groups would be convened.

60. The view was expressed that sessions of the Subcommittee could be broadcast via the World Wide Web, as that practice would be both cost-effective and in line with the growing interest in webcasting meetings.

61. Some delegates expressed the view that, in the light of the information provided in the conference room paper on the financial and other implications of webcasting the sessions of the Subcommittee, it was not feasible from a budgetary and practical standpoint to introduce webcasting of the sessions of the Subcommittee at the present time.

62. The Subcommittee noted with appreciation the demonstration made by the Conference Management Service and the Financial Resources Management Service related to the new website for digital recordings to be established in accordance with the decision made by the Subcommittee at its fiftieth session and by the Committee at its fifty-fourth session, in 2011, to discontinue the use of unedited transcripts (A/AC.105/C.2/L.282), starting with their respective sessions in 2012.
