



General Assembly

Distr.: Limited
17 April 2013

Original: English

**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
Fifty-second session
Vienna, 8-19 April 2013**

Draft report

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

1. Pursuant to General Assembly resolution 67/113, the Subcommittee considered agenda item 5, entitled “Information on the activities of international intergovernmental and non-governmental organizations relating to space law”, as a regular item on its agenda.
2. Under agenda item 5, statements were made by the observers for the Asia-Pacific Space Cooperation Organization (APSCO), the European Space Agency (ESA) together with the European Centre for Space Law (ECSL), the European Space Policy Institute (ESPI), the Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation, the International Institute for Space Law (IISL), the International Law Association (ILA), the International Organization of Space Communication (Intersputnik) and the Space Generation Advisory Council (SGAC).
3. 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 the Secure World Foundation (SWF) and ILA (A/AC.105/C.2/103);
 - (b) Conference room paper containing information on activities relating to space law received from ILA (A/AC.105/C.2/2013/CRP.6);
 - (c) Conference room paper containing information on activities relating to space law received from ECSL and IISL (A/AC.105/C.2/2013/CRP.19 and Add.1);



(d) Conference room paper containing information on activities relating to space law received from Intersputnik (A/AC.105/C.2/2013/CRP.21).

4. The Subcommittee noted with satisfaction that the activities of international intergovernmental and non-governmental organizations relating to space law had continued to contribute significantly to the study, clarification and development of space law and that those organizations had continued to organize numerous conferences and symposiums, prepare publications and reports and organize training seminars for practitioners and students, all of which were intended to broaden and advance knowledge of space law.

5. The Subcommittee noted that international intergovernmental organizations had an important role to play in the development, strengthening and furtherance of understanding of international space law.

6. The Subcommittee welcomed the information provided by the observer for Intersputnik on the activities of Intersputnik relating to space law, including international cooperation in the form of joint satellite projects.

7. The Subcommittee noted with appreciation that APSCO would host the Space Law and Policy Forum in Beijing from 26 to 28 June 2013.

8. The Subcommittee welcomed the information provided by the observer for ILA on the adoption of the Sofia Guidelines for a Model Law on National Space Legislation, adopted by the 75th ILA Conference on 30 August 2012. The Subcommittee also noted that the Sofia Guidelines had been made available in conference room paper A/AC.105/C.2/2013/CRP.6.

9. The Subcommittee agreed that it was important to continue the exchange of information on recent developments in the area of space law between the Subcommittee and international intergovernmental and non-governmental organizations, and that such organizations should again be invited to report to the Subcommittee at its fifty-third session on their activities relating to space law.

VI. National legislation relevant to the peaceful exploration and use of outer space

10. Pursuant to General Assembly resolution 67/113, the Subcommittee considered agenda item 7, entitled “National legislation relevant to the peaceful exploration and use of outer space”, as a regular item on its agenda.

11. The representatives of Austria, Belgium, Brazil, France, Germany, Indonesia, Italy, Japan, Mexico, the Netherlands, Nigeria, the Russian Federation, South Africa, Spain, Ukraine and the United States made statements under agenda item 7. During the general exchange of views, statements relating to the item were made by representatives of other Member States.

12. The Subcommittee had before it the following:

(a) Working paper submitted by the Chair of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, entitled “Revised text of the draft recommendations on national legislation relevant to the peaceful exploration and use of outer space” (A/AC.105/C.2/L.289);

(b) Conference room paper containing a schematic overview of national regulatory frameworks for space activities (A/AC.105/C.2/2013/CRP.7).

13. In accordance with the agreement of the Committee at its fifty-fifth session, in 2012 (see A/67/20, para. 252), the Subcommittee considered the revised draft set of recommendations on national legislation relevant to the peaceful exploration and use of outer space, contained in document A/AC.105/C.2/L.289. The Subcommittee agreed on the text of the set of recommendations, as amended, and recommended that the text be submitted as a separate draft resolution for consideration by the General Assembly at its sixty-eighth session (see annex III below).

14. The Subcommittee commended Irmgard Marboe (Austria) for her guidance of the Working Group and her outstanding contribution to the work of the Subcommittee under this agenda item.

15. The Subcommittee expressed its appreciation to the Secretariat for its contribution to the success of the Working Group.

16. The Subcommittee noted that States continued to undertake efforts aimed at the development of national space-related regulatory frameworks, in accordance with the United Nations treaties on outer space.

17. The Subcommittee agreed 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 and assisted States in understanding the different approaches taken at the national level to the development of national space-related regulatory frameworks.

18. The Subcommittee noted, in that regard, that the report of the Working Group on the work conducted under its multi-year workplan (A/AC.105/C.2/101) played a useful role by assisting States in the development of national space legislation.

19. The Subcommittee noted with satisfaction 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 national regulative frameworks played a significant role in regulating and promoting such cooperation activities.

20. The Subcommittee reiterated that it was important to take into account the increased level of commercial and private activities in outer space for developing a national space-related regulatory framework, particularly with respect to the responsibilities of States regarding their national space activities.

21. The Subcommittee agreed that it was important to continue to exchange information regularly on developments in the area of national space-related regulatory frameworks. In that regard, the Subcommittee encouraged Member States to continue to submit to the Secretariat texts of their national space laws and

regulations, as well as providing updates and inputs to the schematic overview of national regulatory frameworks for space activities.

22. The Subcommittee noted that on the basis of submissions from Member States referred to in paragraph [...] above, the Secretariat would continue to update its web page containing the database of national space legislation and that the future updates of the schematic overview would be published by the Secretariat in electronic form on the same web page. In this connection, the Subcommittee requested the Secretariat to provide it, at its fifty-third session, in 2014, with an updated schematic overview of national regulatory frameworks for space activities, including an electronic version for uploading to that web page.

IX. Capacity-building in space law

23. Pursuant to General Assembly resolution 67/113, the Subcommittee considered agenda item 10, entitled “Capacity-building in space law”, as a single issue/item for discussion.

24. The representatives of Argentina, Austria, Brazil, China, Germany, Indonesia, Japan, Mexico, Pakistan, Saudi Arabia and the United States made statements under agenda item 10. Statements were also made by the representative of Chile on behalf of the Group of Latin American and Caribbean States, and by the observer for Luxembourg. During the general exchange of views, statements relating to that item were also made by representatives of other Member States.

25. The Subcommittee had before it the following:

(a) Report on the United Nations/Argentina Workshop on Space Law on the theme “Contribution of space law to economic and social development”, held in Buenos Aires from 5 to 8 November 2012 (A/AC.105/1037);

(b) Contribution of space law to economic and social development — proceedings of the United Nations/Argentina Workshop on Space Law (ST/SPACE/58);

(c) Conference room papers containing information submitted by Australia, Austria, Colombia, Kazakhstan and Portugal on actions and initiatives to build capacity in space law (A/AC.105/C.2/2013/CRP.9-11 and 20);

(d) Conference room paper containing a directory of educational opportunities in space law (A/AC.105/C.2/2013/CRP.15).

26. The Subcommittee heard a presentation entitled “Recent progress of capacity-building in space law in Japan: the case of the Japan Aerospace Exploration Agency”, by the representative of Japan.

27. The Subcommittee agreed that capacity-building, training and education in space law were of paramount importance to national, regional and international efforts to further develop the practical aspects of space science and technology, especially in developing countries, and to increase knowledge of the legal framework within which space activities were carried out. It was emphasized that the Subcommittee had an important role to play in that regard.

28. The Subcommittee noted with appreciation that a number of national, regional and international efforts to build capacity in space law were being undertaken by governmental and non-governmental entities. Those efforts included encouraging universities to offer modules on space law; providing fellowships for graduate and postgraduate education in space law; assisting in the development of national space legislation and policy frameworks; organizing workshops, seminars and other specialized activities to promote greater understanding of space law; providing financial and technical support for legal research; preparing dedicated studies, papers and publications on space law; supporting space law moot court competitions; supporting the participation of young professionals in regional and international meetings relating to space law; providing for training and other opportunities to build experience; and supporting entities dedicated to the study of and research relating to space law.

29. The Subcommittee noted that some Member States provided financial assistance to enable young students to attend the Manfred Lachs Space Law Moot Court Competition, held each year during the meetings of the International Astronautical Congress. The Subcommittee further noted that the World Finals of the 2013 Manfred Lachs Space Law Moot Court Competition would be held in Beijing in September during the 56th Colloquium on the Law of Outer Space of IISL.

30. The Subcommittee noted with appreciation that the travaux préparatoires for the United Nations treaties and principles on outer space, available on the website of the Office for Outer Space Affairs, constituted a valuable source of information for academics and national legislators alike and contributed to capacity-building in space law.

31. The Subcommittee noted that the agenda item on national legislation relevant to the peaceful exploration and use of outer space and the agenda item on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space had great potential to further the contribution of the Subcommittee to capacity-building, as the discussions and exchange of information would be of practical value to States in setting up their space activities.

32. The Subcommittee noted that the Office for Outer Space Affairs planned to organize a session on space law on the margins of the Fifth African Leadership Conference on Space Science and Technology for Sustainable Development, to be held in Ghana in 2013.

33. The Subcommittee noted with satisfaction that, pursuant to paragraph 45 of the report of the Scientific and Technical Subcommittee on its fiftieth session (A/AC.105/1038), the Office for Outer Space Affairs had invited member States of the Committee on the Peaceful Uses of Outer Space to nominate experts to take part in the mission to evaluate the capacity of Beihang University in Beijing to serve as a host of a regional centre for space science and technology education under the United Nations Programme on Space Applications.

34. The Subcommittee noted with appreciation the holding of the eighth United Nations workshop on space law, entitled "Contribution of Space Law to Economic and Social Development". The workshop, held in Buenos Aires from 5 to 8 November 2012, had been hosted by the Government of Argentina and organized

jointly by the Office for Outer Space Affairs and the National Commission on Space Activities (CONAE) of Argentina, with the support of ESA.

35. The Subcommittee noted that the workshop had discussed the role of the Committee on the Peaceful Uses of Outer Space and its subsidiary bodies in fostering international cooperation in space activities, and in that regard had taken note of the contribution of the Committee to the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012 (A/AC.105/993), which included a set of recommendations on ways and means of strengthening the use of space-derived geospatial data for the purpose of supporting sustainable development policies and of establishing national spatial data infrastructures.

36. The Subcommittee also noted that the workshop had reviewed the development of national space legislation in 13 countries in the region, acknowledging the value of the report of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space on the work conducted under its multi-year workplan (A/AC.105/C.2/101).

37. The Subcommittee noted that the workshops organized by the Office for Outer Space Affairs in cooperation with host countries were a valuable contribution to capacity-building in space law and international cooperation in the peaceful uses of outer space.

38. The Subcommittee noted with satisfaction that the Office for Outer Space Affairs had updated the directory of education opportunities in space law (A/AC.105/C.2/2013/CRP.15), including with information on available fellowships and scholarships, and agreed that the Office should continue to update the directory. In that connection, the Subcommittee invited member States to encourage contributions at the national level for future updating of the directory.

39. The Subcommittee also noted with satisfaction that the education curriculum on space law would be finalized in 2013 and that it would constitute a dynamic educational tool that could be easily used by educators from different professional backgrounds. The Subcommittee welcomed the fact that the curriculum would have a web-based compilation of reading materials, to be found on the website of the Office for Outer Space Affairs, which would be updated as new or additional materials were identified.

40. The Subcommittee recommended that member States and permanent observers of the Committee inform the Subcommittee, at its fifty-third session, of any action taken or planned at the national, regional or international level to build capacity in space law.

Annex III

Set of recommendations on national legislation relevant to the peaceful exploration and use of outer space, for submission as a separate draft resolution for consideration by the General Assembly at its sixty-eighth session

The General Assembly,

Emphasizing 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^a are implemented,

Recalling its resolutions 59/115 of 10 December 2004, on the application of the concept of the “launching State”, and 62/101 of 17 December 2007, on recommendations on enhancing the practice of States and international intergovernmental organizations in registering space objects,

Taking note of the work of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space and the report of its Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space on the work conducted under its multi-year workplan,^b

Noting that nothing in the conclusions of the Working Group or in the present recommendations constitutes an authoritative interpretation or a proposed amendment to the United Nations treaties on outer space,

Observing that, in view of the increasing participation of non-governmental entities in space activities, appropriate action at the national level is needed, in particular with respect to the authorization and supervision of non-governmental space activities,

Taking 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 environment,

Recalling the provisions contained in the United Nations treaties on outer space with respect to providing information, to the greatest extent feasible and practicable, on the activities carried out in outer space, in particular through registration of objects launched into outer space,

^a Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (United Nations, *Treaty Series*, vol. 610, No. 8843); Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (United Nations, *Treaty Series*, vol. 672, No. 9574); Convention on International Liability for Damage Caused by Space Objects (United Nations, *Treaty Series*, vol. 961, No. 13810); Convention on Registration of Objects Launched into Outer Space (United Nations, *Treaty Series*, vol. 1023, No. 15020); and Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (United Nations, *Treaty Series*, vol. 1363, No. 23002).

^b A/AC.105/C.2/101.

Noting the need for consistency and predictability with regard to the authorization and supervision of space activities and the need for a practical regulatory system for the involvement of non-governmental entities to provide further incentives for enacting regulatory frameworks at the national level, and noting that some States also include national space activities of a governmental character within that framework,

Recognizing 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 noting 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 non-governmental entities,

Recommends the following elements for consideration, as appropriate, by States when enacting regulatory frameworks for national space activities, in accordance with their national law, taking into account their specific needs and requirements:

1. The scope of space activities targeted by national regulatory frameworks may include, as appropriate, the launch 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 for consideration may include the design and manufacture of spacecraft, the application of space science and technology, and exploration activities and research;

2. The State, taking into account the obligations of a State as a launching State and as a State responsible for national activities in outer space under the United Nations treaties on outer space, should ascertain national jurisdiction over space activities carried out from territory under its jurisdiction and/or control; likewise, it should issue authorizations for and ensure supervision over space activities carried out elsewhere by its citizens and/or legal persons established, registered or seated in territory under its jurisdiction and/or control, provided, however, that if another State is exercising jurisdiction with respect to such activities, the State should consider forbearing from duplicative requirements and avoid unnecessary burdens;

3. Space activities should require authorization by a competent national authority; such authority or authorities, as well as the conditions and procedures for granting, modifying, suspending and revoking the authorization, should be set out clearly within the regulatory framework; States might employ specific procedures for the licensing and/or for the authorization of different kinds of space activities;

4. The conditions for authorization should be consistent with the international obligations of States, in particular under the United Nations treaties on outer space, and with other relevant instruments, and may reflect the national security and foreign policy interests of States; the conditions for authorization should help to ascertain 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 experience, expertise and technical qualifications of the applicant and could include safety and technical standards that are in line, in particular, with

the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space;^c

5. Appropriate procedures should ensure continuing supervision and monitoring of authorized space activities by applying, for example, a system of on-site inspections or a more general reporting requirement; enforcement mechanisms could include administrative measures, such as the suspension or revocation of the authorization, and/or penalties, as appropriate;

6. A national registry of objects launched into outer space should be maintained by an appropriate national authority; operators or owners of space objects for which the State is considered to be the launching State or the State responsible for national activities in outer space under the United Nations treaties on outer space should be requested to submit information to the authority to enable the State on whose registry such objects are carried to submit the relevant information to the Secretary-General of the United Nations in accordance with applicable international instruments, including the Convention on Registration of Objects Launched into Outer Space,^d and in consideration of General Assembly resolutions 1721 (XVI) B of 20 December 1961 and 62/101 of 17 December 2007; the State may also request information on any change in the main characteristics of space objects, in particular when they have become non-functional;

7. States could consider ways of seeking recourse from operators or owners of space objects if their liability for damage under the United Nations treaties on outer space has become engaged; in order to ensure appropriate coverage for damage claims, States could introduce insurance requirements and indemnification procedures, as appropriate;

8. Continuing supervision of the space activities of non-governmental entities should be ensured in the event of the transfer of ownership or control of a space object in orbit; national regulations may provide for authorization requirements with regard to the transfer of ownership or obligations for the submission of information on the change in status of the operation of a space object in orbit.

^c *Official Records of the General Assembly, Sixty-second Session, Supplement No. 20 (A/62/20), annex.*

^d United Nations, *Treaty Series*, vol. 1023, No. 15020.