



**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
Fifty-second session
Vienna, 8-19 April 2013****Draft report****XI. Review of international mechanisms for cooperation in the peaceful exploration and use of outer space**

1. Pursuant to General Assembly resolution 67/113, the Subcommittee considered agenda item 12, entitled “Review of international mechanisms for cooperation in the peaceful exploration and use of outer space”, as an item under its five-year workplan (A/AC.105/1003, para. 179). In accordance with the workplan, in 2013 the Subcommittee conducted an exchange of information on the range of existing international space cooperation mechanisms.
2. The representatives of Canada, China, Germany, Japan, Nigeria, Portugal, Saudi Arabia and the United States made statements under agenda item 12. During the general exchange of views, statements relating to the item were also made by representatives of other member States.
3. At its 869th meeting, on 15 April, the Subcommittee elected Setsuko Aoki of Japan as Chair of the working group on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, to be convened in 2014.
4. The Subcommittee had before it the following documents:
 - (a) Note by the Secretariat on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space containing information received from Australia, Kazakhstan and Portugal (A/AC.105/C.2/102);
 - (b) Conference room paper on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space



containing information received from Austria, China and Germany (A/AC.105/C.2/2013/CRP.14);¹

(c) Conference room paper on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space containing information received from the United States (A/AC.105/C.2/2013/CRP.17);

(d) Conference room paper containing the curriculum vitae of Setsuko Aoki, Chair of the working group on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space (A/AC.105/C.2/2013/CRP.23);

(e) Conference room paper containing the intergovernmental agreement on the International Space Station (A/AC.105/C.2/2013/CRP.24).

5. The Subcommittee noted with appreciation the following special presentations made under agenda item 12:

(a) “International Space Station”, by William H. Gerstenmaier, Associate Administrator for Human Exploration and Operations of NASA and Chair of the Multilateral Coordination Board of the International Space Station;

(b) “The legal framework for the International Space Station”, by the representatives of the following space agencies: Canadian Space Agency (CSA), ESA, JAXA, NASA and Russian Federal Space Agency (Roscosmos);

(c) “International mechanisms for cooperation in the peaceful exploration and use of outer space based on non-binding agreements”, by the representative of Japan.

6. The Subcommittee also noted with appreciation the special lunch-time seminar organized by Japan entitled “National and international mechanisms of space law”, which was held on 16 April.

7. The Subcommittee noted that since the beginning of the space age, there had been a constant increase in international cooperation pursued through a broad range of international space cooperation mechanisms concluded at the international, regional and subregional levels.

8. The Subcommittee noted that the exchange of information on the review of international cooperative mechanisms in space activities should focus not only on the legal aspects of those mechanisms but also on practical issues, such as the reasons behind the development of such mechanisms and the benefits for States that acceded to them.

9. The Subcommittee noted the breadth and diversity of the cooperative mechanisms utilized in space cooperation, ranging from multilateral and bilateral legally binding agreements; legally non-binding principles and technical guidelines; multilateral coordination mechanisms through which space system operators coordinate the development of applications of space systems for the benefit of the environment, human security and welfare, and development; to a variety of international and regional forums, including the African Leadership Conference on Space Science and Technology for Sustainable Development, the Asia-Pacific

¹ To be issued subsequently as document A/AC.105/C.2/102/Add.1.

Regional Space Agency Forum, the Asia-Pacific Space Cooperation Organization and the Space Conference of the Americas.

10. The Subcommittee noted that the ongoing International Space Station programme was a unique multilateral cooperation endeavour, underpinned by the intergovernmental agreement on the International Space Station which provided for a long-term multilateral framework among the partners for the design, development, operation and utilization of ISS in accordance with international law.

11. The Subcommittee noted that the review of the mechanisms for cooperation in space activities would assist States in understanding the different approaches to cooperation in space activities and would contribute to the further strengthening of international cooperation in the exploration and peaceful uses of outer space. In this regard, the Subcommittee noted that 2017, the final year of consideration of this agenda item, according to its workplan, coincided with the fiftieth anniversary of the Outer Space Treaty.

12. The view was expressed that international cooperation in outer space activities should be based on the concept of inclusive development, bringing the benefits of space activities to all countries, irrespective of their level of economic development, in accordance with the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Taking into Particular Account the Needs of Developing Countries, adopted by the General Assembly in its resolution 51/122 of 13 December 1996.

13. The view was expressed that the international cooperation mechanisms among the space community should also be extended to include partnerships with entities engaged in development assistance, thus strengthening the contribution of space technology and its applications to sustainable development goals and the post-2015 development agenda.

14. The Subcommittee agreed that States members of the Committee on the Peaceful Uses of Outer Space and international intergovernmental and non-governmental organizations having permanent observer status with the Committee should, in accordance with the workplan for 2014, be invited to provide information on the range of bilateral and multilateral mechanisms they utilize for space cooperation, including existing bilateral and multilateral agreements, non-binding arrangements, principles, technical guidelines and other cooperative mechanisms, in order for the working group to develop an understanding of the range of collaborative mechanisms employed by States and international organizations and the circumstances in which States favour certain classes of mechanisms over others.

XII. 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

15. Pursuant to General Assembly resolution 67/113, the 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-third session”, as a regular item on its agenda. Under that item, the

Subcommittee also considered matters related to the organization of work of the Subcommittee.

16. The representatives of Austria, Belgium, Canada, Chile, China, the Czech Republic, France, Indonesia, Iran (Islamic Republic of), Japan, Mexico, Nigeria, the Republic of Korea, Saudi Arabia, South Africa, Spain and the United States made statements under the item. During the general exchange of views, statements relating to the item were also made by representatives of other Member States, and by the representative of Guatemala on behalf of the Group of Latin American and Caribbean States.

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

17. The Subcommittee had before it the following:

(a) Working paper entitled “New agenda item on general exchange of information on practices in relation to non-legally binding instruments for outer space activities”, submitted by Japan and co-sponsored by Austria, Canada, France, Nigeria and the United States (A/AC.105/C.2/L.291);

(b) A conference room paper containing 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 (A/AC.105/C.2/2013/CRP.22).

18. The Chair drew the Subcommittee’s attention to the proposals for new items to be included in its agenda, as contained in the report on its fifty-first session (A/AC.105/1003, para. 192).

19. The Subcommittee noted the proposal by Japan, and co-sponsored by Austria, Canada, France, Nigeria and the United States, that the Subcommittee should include on its agenda a new item entitled “General exchange of information on practices in relation to non-legally binding instruments for outer space activities”.

20. Some delegations expressed the view that the proposal made by Japan was timely, in view of the importance of gaining knowledge about how States were putting into practice the non-legally binding United Nations instruments for outer space activities. Those delegations emphasized that a compilation of information about the practices of States in that regard would be a useful tool for States when developing their national regulatory frameworks for outer space activities. In that connection, those delegations also expressed their support for the proposal.

21. Some delegations expressed the view that while the initiative by Japan was welcome, a number of questions relating to the objectives, methodology and scope of work under the proposed item should be further elaborated and clarified before the proposal could be included as an item on the agenda of the Subcommittee.

22. The Subcommittee noted that the delegation of Japan would conduct further consultations with a view to submitting a revised version of the proposal for consideration by the Committee at its fifty-sixth session, in June 2013.

23. The Subcommittee agreed that the agenda item entitled “Examination and review of the developments concerning the Protocol to the Convention on

International Interests in Mobile Equipment on Matters Specific to Space Assets” should be discontinued as a single issue/item for discussion and that the representative of Unidroit should be invited to update the Subcommittee on developments relating to the Protocol under the agenda item entitled “Information on the activities of international intergovernmental and non-governmental organizations relating to space law”.

24. The Subcommittee agreed that the agenda item entitled “Capacity-building in space law” should be considered as a regular item on the agenda of the Subcommittee.

25. The Subcommittee agreed that the two single issues/items for discussion entitled “Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space” and “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”, should be retained on the agenda of the Subcommittee at its fifty-third session.

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

Regular items

1. Adoption of the agenda.
2. Election of the Chair.
3. Statement by the Chair.
4. General exchange of views.
5. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
6. Status and application of the five United Nations treaties on outer space.
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 equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.
8. National legislation relevant to the peaceful exploration and use of outer space.
9. Capacity-building in space law.

Single issues/items for discussion

10. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
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 2014 as reflected in the multi-year workplan in the report of the Legal Subcommittee on its fifty-first session (A/AC.105/1003, para. 179)).

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-fourth session.

27. 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-third session, and that the working group on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space should be convened to begin its work at that session.

28. The Subcommittee further agreed to review, at its fifty-third 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.

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

30. The Subcommittee recalled the proposal by Saudi Arabia to include on the agenda of the Subcommittee an item entitled "Regulation of the dissemination of Earth observation satellite images through the World Wide Web", and noted that Saudi Arabia intended to retain that proposal for possible discussion at the subsequent sessions of the Subcommittee.

31. The Subcommittee noted that the proposal by the Czech Republic for a new agenda item, as reflected in the report of the Legal Subcommittee on its fifty-first session (A/AC.105/1003, para. 192 (b)), would not be retained, as the substance of the proposal was already covered by the agenda item "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".

32. The Subcommittee noted that proposals for new items that had not been retained on the list of items for possible discussion at subsequent sessions could be included on that list at a later time, as appropriate.

33. The Subcommittee noted that its fifty-third session had been tentatively scheduled to be held from 24 March to 4 April 2014.

B. Organizational matters

34. Some delegations expressed the view that in order to optimize the efficiency of the Legal Subcommittee, the duration of its sessions should be shortened from

two weeks to one week. Those delegations emphasized that this change would not affect the quality or outcome of deliberations in the Subcommittee.

35. Some delegations expressed the view that the shortening of the sessions of the Legal Subcommittee would undermine its ability to continue to guarantee the rule of law in space activities, ensure the progressive development of space law and maintain outer space, a province of humankind for peaceful uses. Those delegations also noted that the Subcommittee continued to receive proposals for new agenda items every year and that adequate time was required for their consideration.

36. Some delegations expressed the view that there should be increased synergy and cooperation between the Scientific and Technical Subcommittee and the Legal Subcommittee, in order to further enhance consistency in the work of the Committee and its Subcommittees and to further the understanding and application of existing legal instruments relating to space law.

37. Some delegations 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 efficiency and discipline involved in that work should be enhanced.

38. The Subcommittee agreed to continue applying maximum flexibility in the scheduling of agenda items, in particular those under which working groups would be convened.

39. The Subcommittee noted with appreciation the demonstration made by the Conference Management Service related to the enhanced website for digital recordings, 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 (A/AC.105/C.2/L.282).