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

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 fifty-second session at the United Nations Office at Vienna from 8 to 19 April 2013 under the chairmanship of Tare Charles Brisibe (Nigeria).
2. The Subcommittee held [...] meetings.

B. Adoption of the agenda

3. At its 859th meeting, on 8 April, the Subcommittee adopted the following agenda:
 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.
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.
12. Review of international mechanisms for cooperation in 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 fifty-third session.

C. Attendance

4. Representatives of the following [54] States members of the Committee attended the session: Algeria, Argentina, Armenia, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Brazil, Burkina Faso, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czech Republic, Ecuador, France, Germany, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Kazakhstan, Kenya, Lebanon, Libya, Malaysia, Mexico, Morocco, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) and Viet Nam.
5. At its fifty-second session, the Subcommittee decided to invite, at their request, observers for Côte d'Ivoire, the Dominican Republic, El Salvador, Guatemala, Israel, Luxembourg and the United Arab Emirates to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Committee concerning status.
6. The Subcommittee also decided to invite the observer for the European Union, at its request, to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Committee concerning status.
7. The International Telecommunication Union attended the session as an observer.

8. The session was attended by observers for the following intergovernmental organizations having permanent observer status with the Committee: Asia-Pacific Space Cooperation Organization, European Space Agency (ESA), European Telecommunications Satellite Organization, International Mobile Satellite Organization, International Organization of Space Communications (Intersputnik), International Telecommunication Satellite Organization and Regional Centre for Remote Sensing of the North African States. The observer for the International Institute for the Unification of Private Law (Unidroit) also attended the session.
9. The session was attended by observers for the following non-governmental organizations having permanent observer status with the Committee: European Space Policy Institute, Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation, International Institute of Space Law, International Law Association and Space Generation Advisory Council.
10. The Subcommittee had before it information concerning the application of Ghana for membership in the Committee (A/AC.105/C.2/2013/CRP.3).
11. The Subcommittee also had before it information concerning the request of the Inter-Islamic Network on Space Sciences and Technology (ISNET) for observer status with the Committee (A/AC.105/C.2/2013/CRP.4).
12. A list of the representatives of States, United Nations entities and other international organizations attending the session is contained in document A/AC.105/C.2/2013/INF/[...].

D. Symposium

13. On 8 April, the International Institute of Space Law (IISL) and the European Centre for Space Law (ECSL) held a symposium on the theme “The Unidroit Space Protocol”, which was co-chaired by Tanja Masson-Zwaan of IISL and Sergio Marchisio of ECSL. A welcome statement was made by the Chair of the Subcommittee. The Subcommittee heard the following presentations during the symposium: “The way to the successful completion of the negotiations”, by Martin Stanford; “The negotiations at Berlin: what promise for the future?”, by Bernhard Schmidt-Tedd and Stephan Hobe; “The perspective from emerging spacefaring nations”, by Patrick Phetole Sekhula; and “A look ahead”, by Tanja Masson-Zwaan on behalf of Chris Johnson. Concluding remarks were made by the co-chairs of the symposium and the Chair of the Subcommittee. 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/en/COPUOS/Legal/2013/symposium.html).
14. 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

15. At its [...] meeting, on [...] April, the Subcommittee adopted the present report and concluded the work of its fifty-second session.

II. General exchange of views

16. Statements were made by representatives of the following States members of the Committee during the general exchange of views: Algeria, Argentina, Armenia, Austria, Azerbaijan, Brazil, Canada, China, Cuba, Czech Republic, Ecuador, France, Germany, Greece, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Libya, Mexico, Morocco, Nigeria, Poland, Portugal, Republic of Korea, Russian Federation, South Africa, Ukraine, United Kingdom, United States, Venezuela (Bolivarian Republic of) and Viet Nam. A statement was made by Guatemala on behalf of the Group of Latin American and Caribbean States.

17. At the 859th meeting, on 8 April, the Chair made a statement in which he highlighted the main agenda items before the Subcommittee at its current session and its programme of work.

18. At the same meeting, the Director of the Office for Outer Space Affairs of the Secretariat made a statement in which she reviewed the role of the Office in discharging the responsibilities of the Secretary-General under the United Nations treaties on outer space, including the maintenance of the Register of Objects Launched into Outer Space, as well as the role and work of the Office relating to capacity-building in space law.

19. The Subcommittee noted the observance, on 12 April, of the International Day of Human Space Flight, declared by the General Assembly in its resolution 65/271, which commemorated the first space flight, by cosmonaut Yuri Gagarin, and the commemoration, in 2013, of the first space flight by a woman, cosmonaut Valentina Tereshkova. In this regard, the Subcommittee noted with satisfaction the publication by the Office for Outer Space Affairs of an online autograph album entitled Messages from Space Explorers to Future Generations, which was available on its website (www.unoosa.org).

20. The Subcommittee noted a number of developments in member States' conduct of space activities and implementation of national space legislation, the importance of international and regional cooperation in this area and the broad commitment to carrying out activities in outer space for peaceful purposes, and in accordance with the international legal regime on outer space, to ensure its long-term sustainability for the benefit of humankind.

21. Some delegations expressed the view that the existing international legal framework governing outer space activities enabled States to benefit from activities conducted in outer space, and that it was essential to continue to seek universal adherence to and application of the United Nations treaties on outer space.

22. Some delegations reiterated the importance of the existing treaties on outer space and emphasized the following principles: equality and non-discriminatory access to outer space and equal conditions for all States, irrespective of their level of scientific and technical development, as well as the equitable and rational use of outer space; non-appropriation of outer space, including the Moon and other celestial bodies, by claim of sovereignty, use, occupation or any other means; non-militarization of outer space and its exploitation strictly for peaceful purposes; and regional cooperation to promote space activities.

23. Some delegations reiterated the importance of further development of the international legal regime based on the existing treaties and principles to ensure greater transparency and confidence-building in the conduct of space activities, and in a manner that allowed all nations to benefit from space activities, taking into particular account the interests of developing countries.
24. Some delegations expressed the view that the Subcommittee should be actively involved in the development of new guidelines to ensure the safety, security and predictability of outer space activities, with the aim of limiting or minimizing harmful interference in outer space.
25. Some delegations reiterated the importance of maintaining the long-term sustainability, safety, stability and security of space by establishing guidelines for its transparent and responsible use, and welcomed initiatives that further contributed to the development of international space law, including the draft international code of conduct on outer space activities.
26. Some delegations expressed the view that it was crucial to have closer cooperation and coordination of work between the Legal Subcommittee and the Scientific and Technical Subcommittee in order to better address legal aspects of scientific and technological developments, and with a view to promoting the development of binding international norms addressing critical issues such as space debris and the use of nuclear power sources in outer space.
27. Some delegations expressed concern about an arms race in outer space and noted that current gaps in the legal regime on outer space made it necessary to have a more comprehensive legal regime to prevent militarization in outer space.
28. Some delegations expressed the view that the placement of conventional weapons in outer space was not sufficiently prohibited by the Outer Space Treaty and that it was imperative to adopt adequate and efficient measures to prevent any possibility of an arms race in outer space.
29. The view was expressed that ensuring the safety and security of outer space necessitated a more constructive dialogue between the Committee on the Peaceful Uses of Outer Space and the Conference on Disarmament.
30. The view was expressed that the Committee 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 a result of the ability of the Subcommittee to focus on practical problems and to address such problems through a consensus-based, results-oriented process.
31. The Subcommittee expressed its appreciation to the delegation of Germany for having presented volume II of the *Cologne Commentary on Space Law* to delegations at the present session of the Subcommittee, as a contribution to capacity-building in space law. Together with volume I, which was presented in 2010, it now constituted a complete, article-by-article commentary on all five United Nations treaties on outer space.

III. Status and application of the five United Nations treaties on outer space

32. Pursuant to General Assembly resolution 67/113, the Subcommittee considered agenda item 4, entitled “Status and application of the five United Nations treaties on outer space”, as a regular item of its agenda.

33. The representatives of Germany, Indonesia, Mexico, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 4. 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.

34. At its 859th meeting, on 8 April, the Subcommittee reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space under the chairmanship of Jean-François Mayence (Belgium). At its [...] meeting, on [17] April, the Subcommittee endorsed the report of the Chair of the Working Group, contained in annex I to the present report.

35. The Subcommittee had before it the following:

(a) “United Nations Treaties and Principles on Outer Space, related General Assembly resolutions and other documents” (ST/SPACE/61);

(b) Conference room paper on the status of international agreements relating to activities in outer space as at 1 January 2013 (A/AC.105/C.2/2013/CRP.5);

(c) Set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space (A/AC.105/C.2/2013/CRP.12);

(d) Responses received from Germany and Kazakhstan to the set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space (A/AC.105/C.2/2013/CRP.13);

(e) Response received from Austria to the set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space (A/AC.105/C.2/2013/CRP.18).

36. The Subcommittee noted that, as at 1 January 2013, the status of the five United Nations treaties on outer space was as follows:

(a) The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, had 102 States parties and had been signed by 26 additional States;

(b) The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space had 92 States parties and had been signed by 24 additional States; two international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Agreement;

(c) The Convention on International Liability for Damage Caused by Space Objects had 89 States parties and had been signed by 22 additional States;

three international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(d) The Convention on Registration of Objects Launched into Outer Space had 59 States parties and had been signed by 4 additional States; two international intergovernmental organizations had declared their acceptance of the rights and obligations established under the Convention;

(e) The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies had 15 States parties and had been signed by 4 additional States.

37. The Subcommittee welcomed the fact that Lithuania had become a party to the Outer Space Treaty, the Rescue Agreement and the Liability Convention on 25 March 2013.

38. The Subcommittee welcomed reports from Member States regarding their progress towards becoming parties to the five United Nations treaties on outer space, in developing national space laws and in concluding bilateral and multilateral agreements on space cooperation.

39. Some delegations expressed the view that the United Nations treaties on outer space represented a solid legal structure, one that was crucial for supporting the increasing scale of space activities and strengthening international cooperation in the peaceful uses of outer space. Those delegations welcomed further adherence to the treaties and urged those States that had not yet become parties to the treaties to consider doing so.

40. Some delegations expressed the view that it was necessary to review, update and strengthen the five United Nations treaties on outer space with a view to invigorating the guiding principles that govern space activities of States, strengthening international cooperation and making space technology available to all people. Those delegations were of the view that such review and updating should not undermine the fundamental principles underlying the existing legal regime, but should enrich and further develop those principles.

41. Some delegations expressed the view that the five United Nations treaties on outer space were a basis for the regulation of the participation and the responsibility of both Governments and non-governmental organizations and strengthened the safety and security of space activities. Those delegations were of the view that the legal regime governing activities in outer space should ensure that space research and space activities benefit the quality of life and well-being of human beings and the prosperity of current and future generations.

42. Some delegations expressed the view that a universal, comprehensive convention on outer space should be developed with the aim of finding solutions for existing issues, which would allow the international legal regime on outer space to be taken to the next level of its development.

43. Some delegations expressed the view that States that had already ratified the United Nations treaties on outer space should examine the sufficiency of their national laws for the implementation of the treaties.

44. Some delegations expressed the view that the Subcommittee had a pivotal role in the further development of the international legal regime governing the activities

of States in the exploration and use of outer space, in particular in view of the increased commercialization and heightened pace of outer space activities, and the increased participation of actors conducting activities in outer space.

45. Some delegations expressed the view that in the light of current developments in space activities, specifically regarding commercialization, privatization and space safety, the application of the existing treaties on outer space should be constantly analysed and reviewed to ensure the relevance of the current space law regime to the level of development in space activities.

46. The view was expressed that there was a need to identify barriers in implementing the provisions of the treaties and that the exchange of best practices and the provision of technical assistance could further improve the implementation of the treaties by State parties.

47. The view was expressed that the objective of maintaining outer space for peaceful purposes required the updating of international law to explicitly prohibit the use of any weapons in outer space.

48. The view was expressed that the success of the Subcommittee in advancing the field of space law was a result of its ability to focus on practical problems and to seek to address any such problems via a consensus-based and results-oriented process. The delegation expressing that view was also of the view that the Subcommittee should, during its deliberations, aim to continue that tradition and to avoid the temptation to focus on theoretical rather than practical issues.

49. The view was expressed that the issue of in-orbit transfers of ownership of space objects was of great importance and that it would be beneficial to have an expanded discussion on this topic at future sessions of the Subcommittee.

50. The view was expressed that the Moon Agreement, in all its aspects, should continue to be discussed by the Subcommittee in order for its provisions to be further clarified and understood.
