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**Committee on the Peaceful
Uses of Outer Space**
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Vienna, 6-15 June 2012

**Revised version of the text on recommendations on national
space legislation relevant to the peaceful exploration and use
of outer space**

Note by the Secretariat

The present document contains a revised version of the text on recommendations on national space legislation (A/AC.105/1003, annex III, appendix) prepared by the Chair of the Legal Subcommittee Working Group on National Space Legislation as a result of informal consultations held during the fifty-fifth session of the Committee.

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Appendix

Recommendations on national legislation relevant to the peaceful exploration and use of outer space

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 space¹ 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 for the Peaceful Uses of Outer Space and the report of ~~its~~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,²

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 ~~private actors~~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 ~~obligations~~provisions contained in the United Nations treaties on outer space to ~~provide information~~ inform, to the greatest extent feasible and practicable, on the nature, conduct, locations and results of space activities, in particular through registration,

Noting the need for consistency and ~~transparency~~predictability with regard to the authorization and supervision of space activities and the need for a practical regulatory system for ~~private sector~~the involvement of non-governmental entities to

¹ 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).

² A/AC.105/C.2/101.

provide further incentives for enacting regulatory frameworks at the national level, and noting that some States also include national space activities of a governmental ~~or public~~-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 the ~~private sector~~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 ~~domestic~~national law, ~~as appropriate~~, taking into account their specific needs ~~of the State concerned~~:

1. 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~~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~~role of a State as a launching State and as a responsible State for national activities in outer space under the United Nations treaties on outer space, should 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 citizens~~natural and/or ~~its juridical~~ legal persons established, registered or seated in its territory, are involved, 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 for operators of space objects;
3. Space activities should require authorization by a competent national authority; ~~such~~the authority(ies) 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~~ within the regulatory framework; States might employ separate procedures for the licensing of operators conducting space activities and for the authorization of specific projects and programmes;
4. 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 with other relevant instruments, and may pay due regard to the national security and foreign policy interests of States; the conditions for authorization should help to ~~verify~~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 technological qualifications of the applicant and could include safety and technical standards that are in line ~~with space debris mitigation guidelines~~, in

particular, with the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space;³

5. Appropriate procedures should ensure continuing supervision and monitoring of authorized space activities by applying, for example, a system of ~~in~~ 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 a sanctions regime penalties, as appropriate;

6. 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 applicable international instruments, including the Convention on Registration of Objects Launched into Outer Space⁴ and considering General Assembly resolutions 1721 (XVI) B of 20 December 1961 and 62/101 of 17 December 2007; the State may also request the 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;

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

8. Continuing supervision of non-governmental 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.

³ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 20 (A/62/20), annex.*

⁴ United Nations, *Treaty Series*, vol. 1023, No. 15020.