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**Committee on the Peaceful
Uses of Outer Space
Fifty-fourth session
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Draft report

Chapter II

Recommendations and decisions

A. Ways and means of maintaining outer space for peaceful purposes

1. In accordance with paragraph 34 of General Assembly resolution 65/97, the Committee continued its consideration, as a matter of priority, of ways and means of maintaining outer space for peaceful purposes.
2. The representatives of Brazil, Greece, Indonesia, Italy, Japan, the Russian Federation, the United States and Venezuela (Bolivarian Republic of) 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, the representative of Colombia on behalf of the Group of Latin American and Caribbean States, the representative of the Islamic Republic of Iran on behalf of the Group of 77 and China and the representative of Hungary on behalf of the European Union.
3. The Committee heard a presentation entitled "Space Security Index 2011", by the representative of Canada.
4. The Committee agreed that, through its work in the scientific, technical and legal fields, it had a fundamental role to play in ensuring that outer space was maintained for peaceful purposes.
5. The Committee agreed that, during its consideration of the matter, the Committee should continue to consider ways to promote regional and interregional



cooperation and the role that space technology could play in the implementation of the recommendations of the World Summit on Sustainable Development.¹

6. The Committee emphasized that regional and interregional cooperation and coordination in the field of space activities were essential to strengthen the peaceful uses of outer space, to assist States in the development of their space capabilities and to contribute to the achievement of the Millennium Development Goals.²

7. The Committee noted with satisfaction that the Sixth Space Conference of the Americas had been held in Pachuca, Mexico, from 15 to 19 November 2010, hosted by the Government of Mexico. The Conference had concluded with the adoption of the Pachuca Declaration which, inter alia, called for the creation of a space technical advisory group made up of representatives of space agencies and/or Government agencies responsible for space matters in the countries of the continent, which should provide advisory assistance to the work of the Space Conference of the Americas and its respective pro tempore secretariats. The Committee noted with appreciation the preparatory work for the Conference carried out by the Government of Ecuador as pro tempore secretariat and by the International Group of Experts.

8. The Committee also noted with appreciation that the fourth African Leadership Conference on Space Science and Technology for Sustainable Development, on the theme "Building a shared vision for space in Africa", would be hosted by the Government of Kenya and be held in Mombasa from 26 to 28 September 2011. In that regard, the Committee noted the cooperation between the Office for Outer Space Affairs and the Government of Kenya on activities to be organized in connection with the Conference.

9. The Committee further noted with satisfaction that the seventeenth session of the Asia-Pacific Regional Space Agency Forum had been held in Melbourne, Australia, from 23 to 26 November 2010. The theme of the session was "The role of space technology and industry in addressing climate change". The eighteenth session of the Forum would be jointly organized by the Government of Singapore and the Government of Japan and be hosted by Singapore in December 2011.

10. The Committee also noted that the fourth meeting of the Council of the Asia-Pacific Space Cooperation Organization (APSCO) had been held in Pattaya, Thailand, on 26 and 27 January 2011, and that Turkey had become the most recent member State of APSCO.

11. Some delegations emphasized the following principles: equal and non-discriminatory access to outer space and equal conditions for all States, irrespective of their level of scientific, technical and economic development; 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 the improvement of living conditions and peace on the planet; and regional cooperation to promote space activities, as established by the General Assembly and other international forums.

¹ *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum).

² A/56/326, annex.

12. Some delegations were of the view that it was necessary to ensure greater security in outer space through the development and implementation of transparency and confidence-building measures.
13. Some delegations were of the view that international cooperation in space activities should be enhanced in order to promote all aspects of the peaceful utilization of outer space and to improve present and future activities in that area with a view to contributing to global economic, social and economic prosperity and sustainable development, particularly for developing countries.
14. Some delegations were of the view that, in order to develop and maintain applications for the peaceful uses of outer space, it was crucial to build concrete bilateral and multilateral ties between interested parties at both the regional and interregional levels.
15. Some delegations were of the view that, in the light of the continually growing awareness among States of the potential, importance and impact of space activities, all forums in which space-related issues were addressed should be enhanced and strengthened in order to ensure that all States took part in those activities on the basis of equality.
16. The view was expressed that, in order to ensure that the benefits of outer space activities reached all States and that the results of innovations and applications of space technology were maximized, inclusive development should be given priority in the exploration and use of outer space with respect to the space environment and equal access to outer space by all States, taking into consideration the interest of humankind.
17. The view was expressed that the exploration and peaceful use of outer space was not of a competitive nature, pitting spacefaring nations against non-spacefaring nations, but rather should be a cooperative endeavour benefiting the international community as a whole.
18. The view was expressed that outer space could be maintained for peaceful purposes through cooperation in space science and technology and exploration activities, as well as through human presence in space.
19. The view was expressed that, in order to maintain the benefits derived from outer space activities, States should adhere to the existing international legal framework governing outer space activities and implement the guidelines designed to improve conduct in outer space.
20. Some delegations were of the view that the existing legal regime with respect to outer space was not adequate to prevent the placement of weapons in outer space and address the issues of the space environment and that it was important to further develop international space law in order to maintain outer space for peaceful purposes.
21. The view was expressed that the existing norms of space law had some ambiguity with regard to the non-militarization of outer space, such as the first paragraph of article IV of the Treaty on Principles Governing the Activities of States

in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.³

22. Some delegations were of the view that, in order to ensure that outer space was used peacefully and to prevent its militarization, the elaboration of a special binding international legal instrument was necessary.

23. Some delegations were of the view that, in order to maintain the peaceful nature of space activities and prevent the placement of weapons in outer space, it was essential for the Committee to enhance its cooperation and coordination with other bodies and mechanisms of the United Nations system.

24. The view was expressed that the conclusion of the draft treaty on the prevention of the placement of weapons in outer space and of the threat or use of force against outer space objects, which had been presented by China and the Russian Federation to the Conference on Disarmament in 2008, would prevent an arms race in outer space.

25. The view was expressed that the Committee had been created exclusively to promote international cooperation with respect to the peaceful uses of outer space and that disarmament issues were more appropriately dealt with in other forums, such as the First Committee of the General Assembly and the Conference on Disarmament.

26. The Committee noted the ongoing work carried out by the European Union on a code of conduct for outer space activities and that the revised version of the draft text had been supported by the Council of the European Union in September 2010. The draft code of conduct included transparency and confidence-building measures and reflected a comprehensive approach to safety and security in outer space guided by the following principles: freedom of access to space for all for peaceful purposes, preservation of the security and integrity of space objects in orbit and due consideration for the legitimate security and defence interests of States. The Committee also noted that consultations with other States were under way, with a view to reaching consensus on a text that would be acceptable to the greatest possible number of States.

27. The Committee noted that the General Assembly, in paragraph 2 of its resolution 65/68, requested the Secretary-General to establish, on the basis of equitable geographical distribution, a group of governmental experts to conduct a study, commencing in 2012, on outer space transparency and confidence-building measures. In that connection, some delegations were of the view that the Working Group on the Long-Term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee should coordinate its activities with those activities of the group of governmental experts relevant to the Working Group's mandate on voluntary measures for the safety and sustainability of space activities.

28. The Committee recommended that, at its fifty-fifth session, in 2012, consideration should continue, on a priority basis, of the item on ways and means of maintaining outer space for peaceful purposes.

³ United Nations, *Treaty Series*, vol. 610, No. 8843.

D. Report of the Legal Subcommittee on its fiftieth session

29. The Committee took note with appreciation of the report of the Legal Subcommittee on its fiftieth session (A/AC.105/990), which contained the results of its deliberations on the items considered by the Subcommittee in accordance with General Assembly resolution 65/97.

30. The Committee expressed its appreciation to Ahmad Talebzadeh (Islamic Republic of Iran) for his able leadership during the fiftieth session of the Subcommittee.

31. The representatives of Austria, Belgium, Canada, China, the Czech Republic, France, Germany, Japan, Italy, the United States and Venezuela (Bolivarian Republic of) made statements under the item. Statements relating to the item were also made by the representative of Colombia on behalf of the Group of Latin American and Caribbean States and the representative of Venezuela (Bolivarian Republic of) on behalf of the Group of 77 and China.

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

32. The Committee took note of the discussion of the Subcommittee under its agenda item on the status and application of the five United Nations treaties on outer space, as reflected in the report of the Subcommittee (A/AC.105/990, paras. 29-43).

33. The Committee endorsed the decisions and recommendations of the Subcommittee and its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, which had been reconvened under the chairmanship of Jean-François Mayence (Belgium) (A/AC.105/990, paras. 31 and 42 and annex I, paras. 7, 10 and 14).

34. The Committee had before it conference room paper A/AC.105/C.1/2011/CRP.12, containing a corrigendum to the status of international agreements relating to activities in outer space as at 1 January 2011 (ST/SPACE/11/Rev.2/Add.4).

35. Some delegations were of the view that the United Nations treaties on outer space constituted a solid legal structure that was crucial for supporting the increasing scale of space activities and for strengthening international cooperation on the peaceful uses of outer space. Those delegations welcomed further adherence to the treaties and hoped that those States that had not yet ratified or acceded to the treaties would consider becoming parties to them.

36. Some delegations were of the view that the Committee should review, update and modify the five treaties, for the purpose of strengthening the guiding principles of outer space activities, in particular those principles that guarantee its peaceful use, strengthen international cooperation, make space technology available to humanity and strengthen liability regimes governing governmental and non-governmental actors in space.

37. Some delegations were of the view that the five United Nations treaties, while essential for the peaceful development of space activities, were no longer sufficient for addressing legal issues arising from technological development, the expansion of

space activities and the increasing participation of the private sector and that therefore further debate in the Subcommittee was warranted.

38. Some delegations were of the view that the debate on issues such as the transfer of ownership of objects in outer space was important and that those issues should continue to be studied by the Working Group.

39. Some delegations expressed the view that a comprehensive legal instrument of space law could be negotiated and concluded without prejudice to the existing legal framework for space activities.

40. The view was expressed that negotiating a new comprehensive convention on outer space would be counterproductive and could undermine the existing international legal regime governing outer space activities, particularly the principles contained in articles I and II of the Outer Space Treaty.

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

41. The Committee took note of the discussion of the Subcommittee under the item on information on the activities of international intergovernmental and non-governmental organizations relating to space law, as reflected in the report of the Subcommittee (A/AC.105/990, paras. 44-53).

42. The Committee noted the important role of international intergovernmental and non-governmental organizations and their contribution to its endeavours to promote the development of space law.

43. The Committee noted the role played by intergovernmental organizations in providing platforms for strengthening the legal framework applicable to space activities and invited those organizations to consider taking steps to encourage their members to adhere to the outer space treaties.

3. Matters relating to the definition and delimitation of outer space and 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

44. The Committee took note of the discussion of the Subcommittee under the agenda item on matters relating to the definition and delimitation of outer space and 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, as reflected in the report of the Subcommittee (A/AC.105/990, paras. 54-73).

45. The Committee endorsed the recommendations of the Subcommittee and its Working Group on the Definition and Delimitation of Outer Space, reconvened under the chairmanship of José Monserrat Filho (Brazil) (A/AC.105/990, para. 57 and annex II, para. 13).

46. Some delegations were of the view that the lack of a definition or delimitation of outer space created legal uncertainty concerning the applicability of space law and air law.

47. Some delegations were of the view that the Subcommittee, in considering matters relating to the definition and delimitation of outer space, should take into account recent and future technological developments, and that the Scientific and Technical Subcommittee should also consider that subject.

48. Some delegations were of the view that the geostationary orbit — a limited natural resource clearly in danger of saturation — must be used rationally and should be made available to all States, irrespective of their current technical capacities. That would provide States with the possibility of having access to the orbit under equitable conditions, bearing in mind, in particular, the needs and interests of developing countries, as well as the geographical position of certain countries, and taking into account the processes of the International Telecommunication Union (ITU) and relevant norms and decisions of the United Nations.

49. The view was expressed that the utilization by States of the geostationary orbit on the basis of “first come, first served” was unacceptable and that therefore the Subcommittee should develop a legal regime guaranteeing equitable access to orbital positions for States, in accordance with the principles of peaceful use and non-appropriation of outer space.

4. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space

50. The Committee took note of the discussion of the Subcommittee under the agenda item on the review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space,⁴ as reflected in the report of the Subcommittee (A/AC.105/990, paras. 74-89).

51. The Committee endorsed the recommendation of the Subcommittee on this item (A/AC.105/990, para. 88).

52. Some delegations expressed the view that close communication should be maintained among the Scientific and Technical Subcommittee, the Legal Subcommittee and other relevant bodies of the United Nations system, with the aim of promoting the development of binding international standards that address the use of nuclear power sources in outer space.

53. Some delegations expressed the view that more consideration should be given to the use of nuclear power sources in outer space, specifically in the geostationary orbit and low-Earth orbits, in order to address the legal aspects of the problem of potential collisions of nuclear-powered space objects in orbit and the incidents or emergencies that might be created by the accidental re-entry of such objects into the Earth's atmosphere, as well as the impact of such a re-entry on the Earth's surface, human life and health and the ecosystem. Those delegations were of the view that increased attention should be given to those issues through adequate strategies, long-term planning and regulations, including the Safety Framework for Nuclear Power Source Applications in Outer Space.

54. Some delegations were of the view that it was exclusively States, irrespective of their level of social, economic, scientific or technical development, that had an

⁴ General Assembly resolution 47/68.

obligation to engage in regulatory activity associated with the use of nuclear power sources in outer space and that the matter concerned all of humanity. Those delegations were also of the view that Governments bore international responsibility for national activities involving the use of nuclear power sources in outer space conducted by governmental and non-governmental organizations and that such activities must be beneficial and not detrimental to humanity. In that context, those delegations called on the Legal Subcommittee to undertake a review of the Safety Framework for Nuclear Power Source Applications in Outer Space and to promote binding standards with a view to ensuring that any activity conducted in outer space was governed by the principles of preservation of life and maintenance of peace.

55. Some delegations were of the view that there should be greater coordination and interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to promote greater understanding, acceptance and implementation of the existing legal instruments and the development of new legal instruments to define the responsibility of States with regard to the use of nuclear power sources in outer space.

5. Examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment

56. The Committee took note of the discussion of the Subcommittee under the item on the examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment, as reflected in the report of the Subcommittee (A/AC.105/990, paras. 90-103).

57. The Committee noted that the Unidroit Governing Council had held its ninetieth session from 9 to 11 May 2011 in Rome and had authorized the transmission of the preliminary draft protocol for adoption by a diplomatic conference, which is planned to be held in the first quarter of 2012.

6. Capacity-building in space law

58. The Committee took note of the discussion of the Subcommittee under the item on capacity-building in space law, as reflected in the report of the Subcommittee (A/AC.105/990, paras. 104-120).

59. The Committee endorsed the recommendations of the Subcommittee on the agenda item (A/AC.105/990, paras. 117 and 119).

60. The Committee agreed that research, training and education in space law were of paramount importance to national, regional and international efforts to further develop space activities and to increase knowledge of the legal framework within which space activities were carried out.

61. The Committee noted that the exchange of views on national and international efforts to promote a wider appreciation of space law and endeavours such as the annual workshops on space law and the development of the curriculum on space law were playing a vital role in building capacity in that area.

62. Some delegations were of the view that capacity-building in space law, in particular in developing countries, needed to be enhanced through international

cooperation. In that connection, greater support by the Office for Outer Space Affairs and Member States was needed to enhance both North-South and South-South cooperation in order to facilitate the sharing of space law knowledge among States.

63. Some delegations were of the view that greater academic links should be established between academic institutions in developing countries and long-term fellowship programmes, universities, United Nations centres of research and other national and international institutions on space law.

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

64. The Committee took note of the discussion of the Subcommittee under the item on national mechanisms relating to space debris mitigation measures, as reflected in the report of the Subcommittee (A/AC.105/990, paras. 121-142).

65. The Committee endorsed the recommendation of the Subcommittee on this item (A/AC.105/990, para. 140).

66. The Committee expressed concern over the increasing amount of space debris and 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 a key step in providing all space-faring nations with guidance on how to mitigate the problem of space debris.

67. Some delegations were of the view that the issue of mitigation of space debris should continue to be treated as a priority, with a view to further increasing research in the areas of technology for space debris observation, space debris environmental modelling and technologies to protect space systems from space debris and to limit substantially the creation of additional space debris.

68. Some delegations were of the view that space debris mitigation efforts should not lead to setting up overly high standards or thresholds for space activities in a way that might hinder the enhancement of capacity-building in developing countries.

69. Some delegations were of the view that technical research should be carried out with a view to improving the Space Debris Mitigation Guidelines of the Committee and keeping them up to date with new technologies and capabilities of detection and reduction of space debris, in accordance with General Assembly resolution 62/217.

70. Some delegations were of the view that the Subcommittee should include on its agenda an item to review 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.

71. The view was expressed that, in order to meet the challenges related to space debris mitigation resulting from the current intensification and diversification of space activities, the Legal Subcommittee should explore the possibility of developing appropriate new rules, including soft laws.

8. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space

72. The Committee took note of the discussion of the Subcommittee under the item on national legislation relevant to the peaceful exploration and use of outer space, as reflected in the report of the Subcommittee (A/AC.105/990, paras. 143-153).

73. The Committee endorsed the recommendations of the Subcommittee and its Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, reconvened under the chairmanship of Irmgard Marboe (Austria) (A/AC.105/990, para. 145 and annex III, paras. 7-12).

74. The Committee noted with satisfaction that the discussions of the Working Group had enabled States to gain an understanding of existing national regulatory frameworks, share experiences on national practices and exchange information on national legal frameworks, for the benefit of States in the process of enacting legislation on national space activities.

9. Draft provisional agenda for the fifty-first session of the Legal Subcommittee

75. The Committee took note of the discussion of the Subcommittee under the agenda item on the draft provisional agenda for the fifty-first session of the Legal Subcommittee, as reflected in the report of the Subcommittee (A/AC.105/990, paras. 154-175).

76. On the basis of the deliberations of the Legal Subcommittee at its fiftieth session, the Committee agreed that the following substantive items should be considered by the Subcommittee at its fifty-first session:

Regular items

1. General exchange of views.
2. Status and application of the five United Nations treaties on outer space.
3. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
4. 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.

Single issues/items for discussion

5. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
6. Examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment.

7. Capacity-building in space law.
8. General exchange of information on national mechanisms relating to space debris mitigation measures.

Items considered under workplans

9. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space.
2012: Finalization, by a working group, of a report to the Legal Subcommittee.

New items

10. 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.
77. The Committee agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, the Working Group on Matters Relating to the Definition and Delimitation of Outer Space and the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space should be reconvened at the fifty-first session of the Legal Subcommittee.
78. The Committee also agreed that the Subcommittee should review, at its fifty-first 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.
79. The Committee further agreed that the International Institute of Space Law and the European Centre for Space Law should be invited to organize a symposium on space law at the fifty-first session of the Subcommittee.
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