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**Committee on the Peaceful
Uses of Outer Space**

**Report on the United Nations/Brazil Workshop on Space
Law on the theme “Disseminating and developing
international and national space law: the Latin America and
Caribbean perspective”**

(Rio de Janeiro, Brazil, 22-25 November 2004)

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I. Introduction

A. Background and objectives

1. Each year an increasing number of States are participating in, conducting or deriving benefit from space activities and their applications. The importance of international cooperation in developing the rule of law, including relevant norms of space law, is reaffirmed every year by the General Assembly in its resolutions on international cooperation in the peaceful uses of outer space and States that have not yet become parties to the treaties governing the use of outer space are urged each year to give consideration to ratifying or acceding to them, as well as incorporating them into their national legislation.
2. The Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III)¹ emphasized the importance of the United Nations treaties on outer space and called for action to promote the development of space law to meet the needs of the international community.
3. Finally, the Action Plan of the United Nations Strategy for an Era of Application of International Law called for every office, department, programme, fund and agency of the United Nations to promote the application of international law and to provide technical assistance to help Governments implement their commitments under the treaties to which they are or might wish to become parties.
4. While the need for effective laws and policies on space activities, not just at the international level but also at the national level, is becoming clear to the increasing number of States actively involved in the field of space, the successful operation of space law, policies and institutions in a country relies on the presence of suitable professionals. Therefore, educational opportunities and institutions that address the subject of space law and policy are essential to building capacity at the national level.
5. In order to promote the ratification of the five United Nations treaties on outer space and assist States in building their capacity in space law, the United Nations, together with the Associação Brasileira de Direito Aeronáutico e Espacial (SBDA) and the Government of Brazil, organized a workshop on space law in Rio de Janeiro, Brazil, from 22 to 25 November 2004 especially for the benefit of countries in the Latin American and Caribbean region. The main objectives of the Workshop were to develop expertise and capability in national and international space law with an emphasis on matters of specific interest to the Latin American and Caribbean region and to promote cooperation in space law.
6. The Workshop was the third in a series of workshops being organized by the United Nations to build capacity in space law and the first for Latin America and the Caribbean.
7. The present report was prepared for submission to the Committee on the Peaceful Uses of Outer Space at its forty-eighth session and to its Legal Subcommittee at its forty-fourth session. Papers presented at the Workshop will be published as proceedings of the United Nations/Brazil Workshop on Space Law.

B. Programme

8. At the opening of the Workshop, introductory and welcoming statements were made by representatives of SBDA and the Secretariat.

9. The Workshop considered the current and future development of international and national space law as well as a number of issues of specific interest to the Latin American and Caribbean region. In addition, participants from countries in the region presented information on their national institutions conducting space activities and considered ways and means of building capacity and education in space law. The final session was devoted to finalizing the observations, recommendations and conclusions of the Workshop.

10. Thirty papers and presentations were delivered by invited speakers from both developing and developed countries.

C. Attendance

11. Legislators, government officials, practitioners and educators from developing and developed countries, in particular from Latin America and the Caribbean, were invited to participate in the Workshop. Participants held positions in governmental departments, space agencies, international organizations, universities, research institutions and private practice.

12. Approximately 75 participants from the following 18 countries attended the Workshop: Antigua and Barbuda, Argentina, Brazil, Canada, Chile, Colombia, Czech Republic, France, Germany, Guyana, Japan, Mexico, Netherlands, Peru, Ukraine, United States of America, Uruguay and Venezuela (Bolivarian Republic of).

13. Funds provided by the United Nations, SBDA and the Government of Brazil were used to cover the travel and living costs of participants from developing countries and countries with economies in transition. Twenty-three participants were sponsored after selection on the basis of their experience and potential to influence the development of space law and policy in their countries and building capacity and education in space law in the Latin American and Caribbean region.

II. Summary of presentations

14. The first session of the Workshop addressed the current and future development of international space law. Participants considered the development of the existing international legal framework governing activities in outer space, discussed the legal nature of the General Assembly resolutions relating to space activities and examined the major principles of international space law, including non-appropriation, peaceful uses of outer space and protection of the environment. They also discussed the future development of international space law and considered different approaches to addressing questions arising from the growing commercialization and privatization of space activities.

15. The focus of the second session was the current and future development of national space law and policy. Participants discussed the rationale for national space

law, considered the relationship between national and international space law and examined national space legislation from various countries, including Australia, Brazil, the Russian Federation, South Africa, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States. They also discussed the different mechanisms available to States in relation to the development of national space legislation.

16. Participants also considered a number of issues of particular interest to countries of Latin America and the Caribbean.

17. The session on space law and technological cooperation focused on the role of the United Nations in international cooperation and the approach of States in selected cooperation agreements, especially with regard to applicable law, liability to third parties and intellectual property rights.

18. Under space law and remote sensing activities, participants considered the development of the Principles Relating to Remote Sensing of the Earth from Space (General Assembly resolution 41/65, annex), the impact of commercialization on remote sensing activities and the differing views of Member States with regard to the need for a review of the Principles. Participants reflected on the growing number of countries with remote sensing capability and the potential for the development of state practices through the increasing participation of those States in bilateral and multilateral agreements. The Workshop was provided with information on the current legal situation regarding the use of satellite data as evidence before national and international courts.

19. The effect that the renewed global interest in missions to the Moon might have on the legal regime governing the Moon and other celestial bodies and the exploration and exploitation of the Moon by private enterprises was the focus of the session dedicated to the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (resolution 34/68, annex). At the session entitled "Twenty years after the Moon Agreement: space law challenges for returning to the Moon", participants considered the meaning of the concept of "common heritage of mankind" and discussed the international regime to govern the exploitation of natural resources of the Moon, the right to collect, remove and use minerals from the Moon and the prohibition of any threat or use of force on or from the Moon and other celestial bodies.

20. The session on space law and the world launching industry provided participants with an overview of the general legal and contractual arrangements between Ukraine and other States with regard to launching activities and information on the development of Europe's policy and related cooperation and legal agreements. Legal issues that could arise from communications, navigation, surveillance/air traffic management (CNS/ATM) were the focus of the session on space law and CNS/ATM. Participants briefly considered liability issues that could arise from global navigation satellite systems.

21. Finally, the session dedicated to national institutions and education in space law provided a platform for participants from countries in the Latin American and Caribbean region to exchange information on their respective national space programmes and institutions. Under capacity-building and education in space law, participants considered how to improve the dissemination of information on space law in the region and examined ways of increasing understanding of international

space law, in particular in developing countries. Presentations were made by participants from Antigua and Barbuda, Argentina, Brazil, Chile, Guyana, Mexico, Peru, Uruguay and the Office for Outer Space Affairs of the Secretariat.

III. Observations, recommendations and conclusions

22. The Workshop recommended that States not yet parties to the space treaties take the necessary steps to ratify or accede to them.

23. The Workshop agreed on the importance of promoting a better understanding and knowledge of international space law.

24. The Workshop recognized the necessity to further develop international space law to address contemporary questions relating to the exploration and use of outer space, including issues arising from the increasing involvement of private and other commercial entities in space activities.

25. The Workshop recommended that States consider the development of national space legislation and regional agreements to enable them to offer entities involved in space activities legal certainty and transparency.

26. The Workshop observed that enacting national space legislation was one of many mechanisms by which to authorize and continue to supervise space activities of non-governmental entities and that States were free to use any mechanism they deemed appropriate.

27. The Workshop agreed that 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 (General Assembly resolution 51/122, annex), reflected current aspirations of States with respect to international cooperation, in particular when fostering the development of relevant and appropriate space capacities.

28. The Workshop agreed that information on existing international space law should be widely disseminated to professionals in the legal and space science and technology fields, in particular in developing countries.

29. The Workshop agreed that implementation of space law and policies by States required availability of qualified professionals. The Office for Outer Space Affairs should continue its efforts to actively support and promote education and capacity-building in space law. This was essential for promoting national expertise and capacity in this field.

30. The Workshop agreed that the regional centres for space science and technology education affiliated to the United Nations could play an important role in building capacity in space law. The Workshop recommended that the regional centres in Latin America and the Caribbean include space law in their curricula.

31. The Workshop recognized the valuable public service provided by the website of the Office for Outer Space Affairs (www.unoosa.org) and recommended that the Office further develop its site, in particular the section on space law.

32. The Workshop agreed that the principle of “common heritage of mankind” in the Moon Agreement and the principle of “province of all mankind” in the Treaty on

Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (General Assembly resolution 2222 (XXI), annex) were two different principles.

33. The Workshop welcomed the efforts undertaken by national institutions in the Latin American and Caribbean region to ensure the peaceful uses of outer space for the benefit of humankind and recommended that they continue to support the development of space law.

34. The Workshop agreed that multilateral and bilateral cooperation among States in space law and activities was a practical means to allow full access to information. This would be useful for the development of Latin American and Caribbean States in overcoming poverty, mitigating the damage caused by natural disasters and addressing other priority areas.

35. The Workshop noted the commitment of SBDA to continue collaborating with the Office for Outer Space Affairs and other international bodies to further develop space law, in particular in Latin America and the Caribbean. The Workshop also noted that SBDA had committed itself to increasing regional cooperation in space law and to establishing specific programmes for education, training and research in international and national space matters.

36. The Workshop expressed its deep appreciation to the Instituto Nacional de Pesquisas Espaciais and the Centro Técnico Aeroespacial for the excellent opportunity provided to participants at the Workshop to learn about the technical aspects of space activities and to become aware of Brazil's significant efforts in space activities.

37. The Workshop also expressed its appreciation to the Government of Brazil, SBDA and the Office for Outer Space Affairs for organizing the Workshop.

Notes

¹ See *Report of the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space, Vienna, 19-30 July 1999* (United Nations publication, Sales No. E.00.1.3).
