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

**Report on the United Nations/Nigeria Workshop on Space
Law on the theme “Meeting international obligations and
addressing domestic needs”**

(Abuja, 21-24 November 2005)

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I. Introduction

A. Background and objectives

1. The development of space law and policy is a priority for the growing number of States conducting space activities or concerned with the use of space applications. The importance of promoting the development of space law was emphasized by the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III),¹ held in Vienna in 1999, and reaffirmed by the Committee on the Peaceful Uses of Outer Space in its report to the General Assembly on the occasion of the Assembly's review of the implementation of the recommendations of UNISPACE III, in 2004 (A/57/213). In addition, the Assembly, in its annual resolutions on international cooperation in the peaceful uses of outer space, has urged States that have not yet become parties to the United Nations treaties governing the activities of States in the exploration and use of outer space to give consideration to ratifying or acceding to those treaties as well as incorporating them into their national legislation.

2. The successful implementation and application of the international legal framework governing space activities depends on the understanding and acceptance, by policy- and decision makers, of the United Nations treaties and principles on outer space. The development of space law and policy in a country relies on the presence of well prepared professionals able to disseminate information and knowledge on the existing legal framework governing activities in outer space. The availability of such professionals is determined by the availability of educational opportunities and institutions that address the subject of space law and policy.

3. In order to promote the ratification of the five United Nations treaties on outer space and assist States to build their capacity in space law, the United Nations, together with the Government of Nigeria through its National Space Research and Development Agency, organized a workshop on space law in Abuja from 21 to 24 November 2005 for the benefit of countries in the African region. The main objectives of the Workshop were to develop expertise and capability in national and international space law and promote education in space law in the region.

4. The Workshop was the fourth in a series of workshops being organized by the United Nations to build capacity in space law, and the first for the African region.

5. The present report was prepared for submission to the Committee on the Peaceful Uses of Outer Space at its forty-ninth session and to its Legal Subcommittee at its forty-fifth session, both in 2006.

B. Programme

6. Representatives of the National Space Research and Development Agency of Nigeria and the Secretariat opened the Workshop with introductory and welcoming statements.

7. The Workshop provided participants with an overview of the United Nations treaties and principles on outer space and addressed the development of national space laws and policies. Participants also considered ways and means of enhancing

the availability and development of university-level studies and programmes in space law, in particular in the African region. The final session was devoted to finalizing the observations, recommendations and conclusions of the Workshop.

8. Over 30 papers and presentations were delivered by invited speakers from both developing and industrialized countries.

C. Attendance

9. Legislators, government officials, practitioners and educators from developing and industrialized countries, in particular from Africa, were invited by the United Nations to participate in the Workshop. Participants held positions in governmental departments, space agencies, international organizations, national universities, research institutions and private practice.

10. Approximately 75 participants from the following 21 countries attended the Workshop: Algeria, Brazil, Burkina Faso, Canada, Czech Republic, Democratic Republic of the Congo, Egypt, Finland, France, Ghana, Italy, Kenya, Lesotho, Morocco, Netherlands, Nigeria, South Africa, Sudan, Tunisia, United States of America and Zimbabwe.

11. Funds provided by the United Nations and the Government of Nigeria were used to cover the travel and living costs of participants from developing countries and countries with economies in transition. Twenty-four 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, build capacity and promote education in space law in the African region.

II. Summary of presentations

12. The first session of the Workshop focused on international space law. Participants were provided with a comprehensive overview of the United Nations treaties and principles on outer space and the work being conducted by the Legal Subcommittee. Participants were also provided with information on the United Nations Register of Objects Launched into Outer Space, the mechanism provided by the General Assembly in its resolution 1721 B (XVI) of 20 December 1961 to States not yet party to the Convention on Registration of Objects Launched into Outer Space² to provide voluntary information, and were briefed on the function of the web-based online index of objects launched into outer space. In addition, participants discussed and identified the benefits for States to become party to the treaties and conduct their space activities in accordance with the United Nations principles on outer space.

13. During the session on national space law and policy, participants considered the national space laws and policies of Brazil, Nigeria, South Africa and the United States and discussed the development of national space policies and strategies. They also examined the fundamental provisions to be incorporated into national space laws.

14. The third session reviewed ways and means of coordinating national space-related activities, in particular, the experience of African countries. Presentations

were made by Algeria, Morocco, Nigeria and South Africa. In addition, participants from Egypt, Ghana and Kenya provided information on their national space-related activities, education and institutions.

15. The fourth session considered legal and regulatory developments in aeronautical communications and navigation, policy as regards dissemination of remote sensing data and national implementing legislation, the regulations and procedures of the International Telecommunication Union and intellectual property laws in the context of space activities. Participants were also given an overview of the work being conducted on the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment.

16. Ways and means of promoting education in space law, in particular in the African region, were the focus of the fifth session, at which participants examined the experience of African educators in promoting education and developing courses in space law and considered mechanisms for overcoming regional challenges. Participants also discussed core elements to be included in education curricula on space law.

17. Papers presented at the Workshop are available on the website of the Office for Outer Space of the Secretariat (<http://www.oosa.unvienna.org/SAP/act2005/nigeria/presentations/>) and will be published as proceedings of the United Nations/Nigeria Workshop on Space Law.

III. Recommendations, observations and conclusions

18. Participants at the Workshop agreed that universal acceptance of and compliance with the United Nations treaties governing the activities of States in the exploration and use of outer space would contribute to the orderly use of outer space and ensure the strengthening of the rule of law, provide transparency with regard to rights and obligations of States in conducting space activities, increase development of customary behaviour, create a level playing field for all actors, ensure that non-state actors complied with the provisions of the treaties, enhance strategic stability and predictability and safeguard against arbitrary rulings. They therefore recommended that States not yet parties to the outer space treaties take the necessary steps to ratify or accede to them.

19. Participants agreed that, by becoming parties to the outer space treaties, States could better protect and defend their legitimate rights and interests, take legal action in accordance with the treaties, enforce equality of parties before the law, propose their amendment, clarification, updating and revision and also propose new agreements, declarations and other instruments to regulate new areas or activities, including the use of new technologies.

20. Participants observed that United Nations mechanisms such as the Committee on the Peaceful Uses of Outer Space provided a useful avenue and tools for exchanging views and reaching consensus on important issues.

21. Participants agreed that it was imperative for States to conduct their space activities in accordance with international law, including the Charter of the United Nations and the outer space treaties, as well as to observe, in good faith, the United Nations principles on outer space.

22. Participants noted that the principles on outer space could serve as foundations for future international treaties to further develop the legal regime of outer space.
23. They also noted that the online index of objects launched into outer space, a web database maintained by the Office for Outer Space Affairs, contained information officially received from Member States and international organizations in accordance with the Registration Convention and General Assembly resolution 1721 B (XVI), as well as complementary information collected from unofficial recognized sources.
24. Participants agreed that the index could serve as a useful cross-referencing tool for assisting States that were parties to the Registration Convention and those States which wished to provide voluntary information in accordance with resolution 1721 B (XVI) to ensure that information on their objects launched into outer space had been transmitted to the Secretary-General.
25. They also agreed that the website of the Office for Outer Space Affairs provided a valuable public service and was vital for disseminating information on space law and the work of the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee.
26. Participants recognized the crucial role of space technologies for sustainable development and noted the need for establishing and nurturing supportive national regulatory environments to optimize the utilization of space technologies.
27. Participants agreed that it was essential for States to conduct a policy and legal assessment in order to establish the proper local context prior to developing their national space policies and laws.
28. They also agreed that States should ensure the participation of key stakeholders in the development of their national space policies.
29. They further agreed that the outer space treaties provided a basis for the development of national space laws.
30. Participants agreed that when a State party chose to enact national space laws it was important for it to do so in accordance with its international obligations and the national requirements of its existing legal system.
31. Participants noted that national space laws should establish a regime for, among other things, licensing, registration of space objects launched into outer space, liability and safety, a system for financial responsibility, including indemnification and insurance, and that they should take into account domestic interests, respect foreign interests and set up mechanisms for cooperative efforts with other States.
32. They also noted that other existing national space laws could serve as examples when considering the development of national space laws.
33. Participants agreed that developing countries with a sensing capability were in a position to influence the development of law by taking action to establish evidence of state practice that would enhance and protect the right of access to data from all sensing States. That could be achieved by applying the Principles Relating to Remote Sensing of the Earth from Outer Space (General Assembly

resolution 41/65, annex) and concluding bilateral and multilateral agreements among developing countries that possessed sensing capabilities.

34. Participants also agreed that it was essential for developing countries to harness existing skills and educational experiences to overcome the challenges of developing capacity in space law.

35. They further agreed that those challenges could be addressed by making use of available online resources and video-conferencing as means of supplementing educational resources, by taking advantage of any available financial resources to gain access to experts in space law with a view to conducting intensive courses, obtaining advice on the curriculum and assisting in the preparation of reading lists.

36. Participants agreed that the Office for Outer Space Affairs should pursue the possibility of identifying fellowship opportunities for students from developing countries to undertake studies in space law.

37. They also agreed that it was essential for educators, space law practitioners, legislators and policy- and decision makers in the African region to remain engaged in space law networks, including taking advantage of electronic mail to facilitate regular communication when a lack of resources limited other means of participation.

38. They further agreed that increased opportunities for education in space law in the African region could be achieved by encouraging Governments, educational institutions as well as the private sector to participate actively in those efforts and by finding innovative solutions for overcoming financial constraints.

39. Participants agreed that by including individuals with space law expertise in their delegations to meetings of space-related intergovernmental organizations, such as the Committee on the Peaceful Uses of Outer Space and the International Telecommunication Union, Governments in the African region would enhance their capacity to promote the development agenda in those organizations and encourage their youth to pursue professional careers in space law.

40. Participants recommended that the Office for Outer Space Affairs develop, in accordance with recommendations made at previous United Nations workshops on space law, a baseline course on space law.

41. They agreed that the participation of youth in conferences, symposiums and workshops addressing space science, technology and law, such as the International Astronautical Congress, should be encouraged and facilitated.

42. Participants expressed their deep appreciation to the Government of Nigeria, its National Space Research and Development Agency 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.I.3).

² United Nations, *Treaty Series*, vol. 1023, No. 15020.