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Committee on the Peaceful Uses of Outer Space

Report on the United Nations/Islamic Republic of Iran Workshop on Space Law on the theme “Role of international space law in the development and strengthening of international and regional cooperation in the peaceful exploration and use of outer space”

(Tehran, 8-11 November 2009)

I. Introduction

A. Background and objectives

1. International and regional cooperation in the peaceful uses of outer space helps to bring the benefits of space technology applications to a wide circle of stakeholders, both governmental and non-governmental, and to intensify and diversify national space programmes. Policy and regulatory frameworks at the national, regional and international levels are of paramount importance to providing the necessary basis for States, particularly developing countries, to meet development goals and address challenges to sustainable development. In this connection, it is necessary to continue to strengthen the linkages between international space law and the conduct of space activities.

2. Each year the General Assembly, in its resolution on international cooperation in the peaceful uses of outer space, reaffirms the importance of international cooperation in developing the rule of law, including the relevant norms of space law, and urges States that have not yet become parties to the international treaties governing the exploration and use of outer space to give consideration to ratifying or acceding to them, as well as incorporating them into their national legislation. National space laws and other regulatory frameworks are necessary for States to implement their obligations under the United Nations treaties and to meet their specific national requirements.



3. Given the growing number of benefits derived from space science and technology applications, space activities by States, intergovernmental and non-governmental entities, as well as the private sector, continue to expand. In developing international and regional space cooperation, States should ensure that all actors conducting space activities comply with the requirements of international space law and that this branch of public international law properly reflects the needs of contemporary space activities.
4. The successful implementation and application of the international legal framework governing space activities depend on the understanding and acceptance, by policy- and decision makers, of the legal framework governing the conduct of space activities. The presence of suitable professionals, particularly in developing countries, that are able to provide legal advice and disseminate information and knowledge relating to space law is therefore dependent on adequate opportunities for education in space law and policy.
5. In order to promote adherence to the five United Nations treaties on outer space and to assist States in building their capacity in space law, the United Nations, together with the Government of the Islamic Republic of Iran and the Iranian Space Agency, and with the support of the Asia-Pacific Space Cooperation Organization (APSCO), organized the Workshop on Space Law on the theme “Role of international space law in the development and strengthening of international and regional cooperation in the peaceful exploration and use of outer space”, held in Tehran from 8 to 11 November 2009.
6. The Workshop, among other things, provided an overview of the legal regime governing the peaceful uses of outer space, examined and compared various aspects of existing national space legislation and considered the current state of university-level studies and programmes in space law and ways of enhancing the availability and development of those studies and programmes. The main objectives of the Workshop were:
 - (a) To promote understanding, acceptance and implementation of the United Nations treaties and principles on outer space;
 - (b) To promote exchange of information on national space legislation and policies for the benefit of professionals involved in national space activities;
 - (c) To consider trends and challenges to international space law, such as the commercialization of space activities and the increase in actors involved in space activities;
 - (d) To consider development of university-level studies and programmes in space law, with a view to promoting national expertise and capacity in this field;
 - (e) To consider mechanisms for increasing regional cooperation in the peaceful uses of outer space.
7. The Workshop was the sixth in a series of workshops organized by the Office for Outer Space Affairs of the Secretariat to build capacity in space law.
8. The present report was prepared for submission to the Committee on the Peaceful Uses of Outer Space at its fifty-third session and to its Legal Subcommittee at its forty-ninth session, both in 2010.

B. Attendance

9. The Workshop was attended by approximately 185 legislators, Government officials, practitioners and educators holding positions in Government departments and representatives of space agencies, international organizations, national universities, research institutions and the private sector, as well as university students.

10. Invited speakers and participants from the following countries contributed to the Workshop: Argentina, Azerbaijan, Czech Republic, France, Germany, Greece, Iran (Islamic Republic of), Iraq, Italy, Netherlands, Republic of Korea, Thailand, Turkey, Ukraine and United States of America. The following three international organizations were also represented: the Asia-Pacific Space Cooperation Organization, the International Institute for the Unification of Private Law (UNIDROIT) and the Office for Outer Space Affairs.

11. Funds provided by the United Nations and the Government of the Islamic Republic of Iran were used to cover the travel and living costs of 16 participants selected on the basis of their experience and potential to influence the development of space law and policy, build capacity and promote education in space law in their countries.

C. Programme

12. Representatives of the Iranian Space Agency, the Ministry of Communication and Information Technology of the Islamic Republic of Iran, the Research and Education Commission of the Iranian parliament, the Department of International and Legal Affairs of the Ministry of Foreign Affairs, APSCO and the Office for Outer Space Affairs opened the Workshop with introductory and welcoming statements.

13. The first session of the Workshop focused on the legal regime governing the peaceful uses of outer space. Participants were provided with a comprehensive overview of the United Nations treaties and principles on outer space and other legal frameworks applicable to space activities. Participants discussed and identified the benefits of States' becoming parties to the treaties and conducting their space activities in accordance with the United Nations principles on outer space. The following presentations were given:

- (a) Overview of international space law;
- (b) Work of the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee;
- (c) International law in relation to space activities: 50 years after Sputnik I;
- (d) Actors involved in space activities (States, intergovernmental organizations and non-governmental Actors): overview and legal status;
- (e) Preliminary draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment;
- (f) The declarations and legal principles on outer space today;

- (g) Global navigation satellite systems (GNSS) and space law;
- (h) A brief survey of remote sensing law around the world;
- (i) Space environmental law and debris.

14. The second session, dedicated to national legislation and policies governing space activities, consisted of a review of the legal regime and focused primarily on the implementation and application of the United Nations treaties on outer space. First, a presentation was given on the Legal Subcommittee's Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space. Under Module I of the session, the following presentations were given on the general concepts and rights and obligations under the treaties:

- (a) Jurisdiction over national space activities;
- (b) The legal concept of the "launching State";
- (c) Responsibility and liability for space activities;
- (d) The United Nations register of objects launched into outer space.

Under Module II, presentations were given on national regulatory frameworks for space activities in the following countries:

- (a) Islamic Republic of Iran;
- (b) Kazakhstan, Russian Federation, Ukraine and other former republics of the Union of Soviet Socialist Republics;
- (c) United States of America;
- (d) States members of the European Union.

15. In a logical continuation of the preceding sessions, the third session focused on trends and prospects for the development of international space law, taking into account private and commercial space activities. The following presentations were delivered:

- (a) The development of private and commercial space activities;
- (b) Current and future development of international space law;
- (c) Status and application of the United Nations treaties on outer space: rights, obligations and benefits for States parties.

16. The fourth session focused on the role of bilateral and multilateral agreements and frameworks for regional and international cooperation. The following presentations were delivered:

- (a) Regional and international cooperation and the role of bilateral and multilateral agreements;
- (b) Ways and means of coordinating space activities and institution-building: experience of the States in the region and the role of APSCO.

17. The fifth session was about specific considerations and needs for capacity-building and education in space law. Participants examined the experience of educators in promoting education and developing courses in space law, considered mechanisms for overcoming regional challenges and discussed the core elements to

be included in curricula on space law. The session included the following presentations:

- (a) Needs and current opportunities for education in space law in the region;
- (b) The United Nations curriculum on space law: background and analysis.

The session ended with a round-table discussion on ways and means of promoting education in space law.

18. The papers presented at the Workshop are available on the website of the Office for Outer Space Affairs (<http://www.unoosa.org/oosa/SAP/act2009/iran/presentations.html>) and will be published as proceedings of the United Nations/Islamic Republic of Iran Workshop on Space Law.

II. Recommendations, observations and conclusions

19. It was noted with appreciation that this was the sixth United Nations workshop in the series and that by holding it in the Islamic Republic of Iran, the Office for Outer Space Affairs had been able to meet the important goal of ensuring that each region would benefit from this capacity-building initiative.

20. Appreciation was expressed to the Government of the Islamic Republic of Iran, the Iranian Space Agency, APSCO and the Office for Outer Space Affairs for organizing the Workshop.

21. Workshop participants recalled the fundamental principles enshrined 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,¹ inter alia, that the exploration and use of outer space should be the province of all mankind; that outer space should be free for exploration and use by all States without discrimination; that outer space, including the Moon and other celestial bodies, was not subject to national appropriation by claims of sovereignty, by means of use or occupation, or by any other means; that activities in outer space should be carried out in accordance with international law, including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international cooperation and understanding; that States should bear international responsibility for national space activities, whether governmental or non-governmental; and that States parties were internationally liable for damage caused by space objects they launched into outer space.

22. The Workshop noted the common interest of all humankind in the exploration and peaceful uses of outer space for sustainable development.

23. The Workshop emphasized the need to continue promoting the universal acceptance of, and compliance with, the United Nations treaties on outer space.

24. The Workshop noted with appreciation the document developed by the Legal Subcommittee, at its forty-third session, in 2004, containing information on the benefits to, rights and obligations of, parties to the United Nations treaties (A/AC.105/826, annex I, appendix I).

¹ United Nations, *Treaty Series*, vol. 610, No. 8843.

25. The Workshop noted the important role played by intergovernmental organizations in the conduct of space activities and agreed that those organizations should declare their acceptance of the rights and obligations in accordance with the provisions of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space,² the Convention on International Liability for Damage Caused by Space Objects,³ the Convention on Registration of Objects Launched into Outer Space,⁴ and the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies.⁵
26. The Workshop agreed that the United Nations treaties on outer space provided for the orderly use of outer space and contributed to the strengthening of the rule of law.
27. The Workshop agreed that States could better protect their legitimate rights and interests in the peaceful exploration and use of outer space by becoming parties to the United Nations treaties on outer space.
28. The Workshop stressed the need to maintain outer space for peaceful purposes and recalled that the Outer Space Treaty prohibited the placement in orbit around the Earth of any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, the installation of such weapons on celestial bodies and the stationing of such weapons in outer space in any other manner.
29. The Workshop noted with appreciation the efforts of the United Nations towards transparency and confidence-building measures in order to avoid the placement of weapons and an arms race in outer space.
30. The Workshop drew attention to the need to protect and preserve the space environment and noted that space debris posed a danger to the safe conduct of space activities. An appropriate mechanism was needed to ease the transfer, among States, of the technology required for reducing space debris.
31. The Workshop noted the need for consideration to be given to “space traffic management” to ensure the safety of space operations.
32. The Workshop noted that more technical and legal studies were needed, in cooperation with the International Telecommunication Union (ITU), for ensuring equitable access for all States to outer space, in particular to the geostationary orbit, which is a limited natural resource, without prejudice to the role of ITU.
33. The Workshop observed that a broad range of national legal frameworks, representing different legal systems, had been promulgated by States to give effect to the United Nations treaties on outer space.
34. The Workshop noted the different approaches taken by States in dealing with various aspects of national space activities, namely either by means of unified acts or a combination of national legal instruments.
35. The Workshop agreed that, through regular exchange of information and experiences in regulating national space activities, States would be able to draw

² Ibid., vol. 672, No. 9574.

³ Ibid., vol. 961, No. 13810.

⁴ Ibid., vol. 1023, No. 15020.

⁵ Ibid., vol. 1363, No. 23002.

mutual benefit from examining new developments towards identifying common principles, norms and procedures.

36. The Workshop agreed that the following should be considered by States in establishing their national space legislation:

(a) The need for national procedures to authorize and license national space activities, including those conducted by non-governmental entities;

(b) The need for provisions to ensure the safe conduct of space activities, including the protection of the space environment;

(c) The need for liability and indemnification procedures, as well as insurance;

(d) The need for procedures to ensure the registration of objects launched into outer space;

(e) The need for procedures to ensure supervision and control of national space activities.

37. The Workshop recognized the need for States to identify their role as a “launching State” in the context of the Outer Space Treaty, the Registration Convention and the Liability Convention and noted that States should enter into bilateral and multilateral agreements, as appropriate, in cases of joint launches to determine registration responsibilities and indemnification of damage.

38. The Workshop also recognized the need for States to provide information on the change in status of the operation of a space object in the event of a transfer of ownership in orbit.

39. The Workshop encouraged States to provide information on any change in the main characteristics of space objects, in particular those that became non-functional.

40. The Workshop noted that States would be able to offer entities involved in space activities legal certainty and transparency by developing and publishing national space laws and relevant regional agreements, particularly in the context of the increasing commercialization and privatization of space activities.

41. The Workshop noted that national regulatory frameworks would have to take into consideration the developments relating to the use of GNSS with a view to supporting efforts aimed at increasing coordination and interoperability between the different systems.

42. The Workshop noted that an increasing number of “sensed” States had become “sensing” States and that this shift provided an important incentive for developing national policies related to remote sensing.

43. The Workshop noted that regional and international cooperation in outer space required closer cooperation between space-faring and non-space-faring States with a view to assisting least developed and developing countries in meeting their immediate needs, in particular in relation to addressing and mitigating the consequences of natural disasters. The Workshop noted that this could be achieved by means of facilitating the transfer of knowledge and expertise and making remote sensing data available free of charge or at a reasonable cost.

44. The Workshop recognized the important role that regional cooperation mechanisms could play in supporting efforts aimed at strengthening regulatory and policy frameworks, promoting education in space law and fostering educational programmes within the region concerned.

45. The Workshop encouraged closer cooperation and dialogue between universities and institutions with established space law programmes and those educational institutions wishing to develop such programmes. The Workshop noted that this cooperation could help to overcome the hurdles of limited access to materials and the related costs.

46. The Workshop welcomed with appreciation the development of a curriculum on space law to be integrated into the existing educational framework of the regional centres for space science and technology education affiliated to the United Nations.

47. The Workshop noted that with the addition of a basic course on space law, the regional centres would be able to offer scholars with scientific and technical skills the necessary legal basis to conduct space activities.
