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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Forty-seventh session
Vienna, 31 March-11 April 2008

Draft report

Addendum

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

1. The Legal Subcommittee recalled that the General Assembly, in its resolution 62/217, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee, at its forty-seventh session, should consider the general exchange of information on national legislation relevant to the peaceful exploration and use of outer space in accordance with the workplan adopted by the Committee at its fiftieth session.¹

2. The Subcommittee had before it the following:

(a) Note by the Secretariat entitled “Information on national legislation relevant to the peaceful exploration and use of outer space” (A/AC.105/912);

(b) Conference room paper containing information on the national legislation governing space activities of the United States (A/AC.105/C.2/2008/CRP.9);

(c) Conference room paper containing information on the national legislation governing space activities of Brazil, Colombia, Germany and the Netherlands (A/AC.105/C.2/2008/CRP.14).

3. The Subcommittee was of the view that its discussion of the agenda item on general exchange of information on national legislation relevant to the peaceful exploration and use of outer space provided the Subcommittee with a broader

¹ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 20 (A/62/20), para. 219.*



picture of how States regulated their national space activities and that such information could be of value to any State involved in space activities in their efforts to establish a domestic regulatory framework.

4. The Subcommittee noted that an exchange of information on national legislation would allow it to examine the main developments taking place at the national level in order to identify common principles, norms and procedures.

5. The delegations of the following countries presented information on their national regulatory frameworks governing space activities or on plans to create such frameworks or national infrastructure: Belgium, Brazil, Bulgaria, Canada, China, Colombia, France, Germany, Japan, Netherlands, Republic of Korea, Russian Federation, South Africa, Ukraine and United States.

6. The Subcommittee noted that several national regulatory frameworks presented at the current session dealt with the following issues: national jurisdiction for regulating the space activities of governmental and non-governmental entities; procedures for authorizing and licensing national space activities; liability; indemnification procedures; insurance; intellectual property rights; distribution of remote sensing data; registration of objects launched into outer space and establishment of national registries; safety requirements for the conduct of space activities, in particular for launching activities; and regulatory frameworks for national space agencies or other national entities mandated to carry out and supervise space activities. The Subcommittee also noted that some States had promulgated domestic regulations on space debris mitigation and the protection of the Earth environment in relation to space activities.

7. The Subcommittee noted that those regulatory frameworks represented different legal systems with either unified acts or a combination of national legal instruments dealing with different aspects of space activities.

8. The Subcommittee took note, with appreciation, of the information provided by those delegations. The Subcommittee agreed that the work of the working group to be established under that agenda item at its forty-eighth session would be further facilitated if more States would submit information on their respective national legislation and regulatory frameworks. That information would be compiled in a document to be prepared by the Secretariat.

9. The Subcommittee took note of the database on national space legislation and multilateral and bilateral agreements related to the peaceful exploration and use of outer space, maintained by the Office for Outer Space Affairs on its website (<http://www.unoosa.org>). The Subcommittee encouraged States to continue to submit to the Office, for inclusion in the database, the texts of laws and regulations, as well as policy and other legal documents, related to space activities.

10. The Subcommittee agreed that its agenda item on the general exchange of information on national legislation was closely linked to the agenda item on capacity-building in space law, since capacity-building efforts were important in promoting understanding of national requirements for space activities, in particular given the different constitutional and legal systems of Member States. The dissemination of such information could stimulate the development of national space laws and would significantly enhance international cooperation, in particular for the benefit of developing countries.

11. The Subcommittee noted the important role played by regional coordination mechanisms in promoting cooperation among States in the peaceful uses of outer space.
12. The view was expressed that information on the activities of international intergovernmental and non-governmental organizations relating to space law would greatly assist States in developing national space legislation.
13. The view was expressed that an exchange of information on national legislation would promote both the acceptance and implementation of the principles enshrined in the United Nations treaties on outer space.
14. The view was expressed that, although the development of national legislation was crucial to the administration of space activities, it could only have a complementary character to international space law. That delegation was of the view that further advances in international space law were necessary in order to adequately regulate space activities.
15. The view was expressed that the exchange of information on national legislation could contribute to the further development of international space law.
16. The Subcommittee agreed that Irmgard Marboe (Austria) should be elected Chairman of the working group to be established by the Subcommittee at its forty-eighth session, in 2009.
17. The full text of the statements made during the discussion on agenda item 12 is contained in unedited verbatim transcripts (COPUOS/Legal/T.[...]).

X. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-eighth session

18. The Legal Subcommittee recalled that the General Assembly, in its resolution 62/217, had noted that the Subcommittee, at its forty-seventh session, would submit its proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Subcommittee at its forty-eighth session, in 2009.
19. The Chairman recalled the proposals for new items to be included in the agenda of the Legal Subcommittee that had been considered by the Subcommittee at its forty-sixth session and retained by their sponsors with a view to discussing them at subsequent sessions of the Subcommittee (see A/AC.105/891, para. 141).
20. The Subcommittee agreed to include “General exchange of information on national mechanisms relating to space debris mitigation measures”, which had been proposed by Italy and Ukraine and supported by several other delegations, as a new single issue/item on the agenda of the Subcommittee at its forty-eighth session, in 2009. The Subcommittee also agreed to retain all the single issues/items currently on the agenda of the Subcommittee for consideration at its forty-eighth session.
21. The Subcommittee agreed on the following items to be proposed to the Committee on the Peaceful Uses of Outer Space for inclusion in the agenda of the Subcommittee at its forty-eighth session:

Regular items

1. Opening of the session and adoption of the agenda.
2. Statement by the Chairman.
3. General exchange of views.
4. Status and application of the five United Nations treaties on outer space.
5. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
6. 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

7. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
8. 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.
9. Capacity-building in space law.
10. General exchange of information on national mechanisms relating to space debris mitigation measures.

Items considered under workplans

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

2009: Examination, in a working group, of the responses received in order to develop an understanding of the manner in which Member States have regulated governmental and non-governmental space activities.

New items

12. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-ninth session.
22. The Subcommittee agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space and the Working Group on Matters Relating to the Definition and Delimitation of Outer Space should be reconvened at its forty-eighth session. The Subcommittee also agreed that a working group on agenda item 11 should be established at its forty-eighth session.

23. The Subcommittee agreed to review, at its forty-eighth session, the need to extend the mandate of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space beyond that session of the Subcommittee.
24. Some delegations expressed the view that, considering the efficient conduct of its work at the present session, the Subcommittee could consider shortening the duration of its future sessions.
25. The view was expressed that the Subcommittee should further strengthen its work by considering additional items instead of shortening its future sessions.
26. The view was expressed that “The means to enable equitable access and rational and economic use of other Earth orbits, taking duly into account the needs of developing countries” should be included as a new sub-item under agenda item 6.
27. Some delegations expressed the view that the inclusion of such a sub-item would infringe on the role and mandates of ITU and were therefore opposed to its inclusion on the agenda.
28. Some delegations, recalling the discussion at the forty-sixth session of the Subcommittee (A/AC.105/891, para. 137) and taking into account the discussion in the symposium held during the present session, proposed that “Legal implications of space applications for global climate change” be included as a new single issue/item on the agenda of the Subcommittee. Those delegations expressed their satisfaction with the fact that the symposium had drawn attention to the complex legal issues relating to the use of space applications in monitoring and mitigating the effects of global climate change.
29. Other delegations were of the view that the Subcommittee was not the right forum in which to discuss legal issues related to climate change, as those issues were already being dealt with in other, more appropriate forums.
30. The Subcommittee noted that the sponsors of the following proposals for new items to be included on its agenda intended to retain their proposals for possible discussion at its subsequent sessions:
 - (a) Review of the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting, with a view to transforming the text into a treaty in the future (proposed by Greece);
 - (b) Review of existing norms of international law applicable to space debris (proposed by the Czech Republic and Greece);
 - (c) Matters relating to the Principles Relating to Remote Sensing of the Earth from Outer Space (proposed by Chile and Colombia);
 - (d) Review of the Principles Relating to Remote Sensing of the Earth from Outer Space, with a view to transforming them into a treaty in the future (proposed by Greece);
 - (e) The appropriateness and desirability of drafting a universal comprehensive convention on international space law (proposed by China, Greece, the Russian Federation and Ukraine);
 - (f) Legal implications of space applications for global climate change (proposed by Chile).

31. The full text of the statements made during the discussion on agenda item 13 is contained in unedited verbatim transcripts (COPUOS/Legal/T.[...]).
