



# General Assembly

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

**Legal Subcommittee**

**Fifty-first session**

Vienna, 19-30 March 2012

Agenda item 12

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

### **Draft report of the Chair of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space**

1. At its 839th meeting, on 19 March 2012, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space reconvened its Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space under the chairmanship of Irmgard Marboe (Austria).
2. The Working Group held [...] meetings, from [...] to [...] March 2012. At the opening meeting, the Chair recalled the multi-year workplan for the period 2008-2012 adopted by the Committee at its fiftieth session (A/62/20, para. 219) and amended at its fifty-fourth session (A/66/20, para. 215).
3. The Working Group had before it the following:
  - (a) Working paper submitted by the Chair of the Working Group entitled “Revised draft set of conclusions of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space” (A/AC.105/C.2/L.286);
  - (b) Conference room paper containing the draft report of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space (A/AC.105/C.2/2012/CRP.9);
  - (c) Conference room paper containing a schematic overview of national regulatory frameworks for space activities (A/AC.105/C.2/2012/CRP.8 and Add.1);



(d) Appendix to the report of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space (annex III) (A/AC.105/C.2/2012/CRP.22).

4. The Working Group conducted a detailed review of the draft report and, at its [...] meeting, adopted its final report on the work conducted under its multi-year workplan (A/AC.105/C.2/2012/CRP.9/Rev.2) as amended.<sup>1</sup>

5. The Working Group reviewed the schematic overview of national regulatory frameworks for space activities (A/AC.105/C.2/2012/CRP.8 and Add.1) and agreed that the schematic overview had already served as an important source of information on how States regulated their national space activities. Further updating was regarded as necessary in order to secure a correct analysis of national legislative frameworks. To that end, the Working Group recommended that Member States should be officially invited to continually provide to the Secretariat information for the updating of the schematic overview.

6. On the basis of the conclusions in the final report of the Working Group referred to in paragraph 4 above, the Working Group recommended that the text contained in the appendix to the present report should constitute the basis of a separate draft resolution for adoption by the General Assembly or should be incorporated into the draft resolution on international cooperation in the peaceful uses of outer space that is adopted each year by the Assembly and that the text should be considered and agreed upon by the Committee on the Peaceful Uses of Outer Space at its fifty-fifth session.

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<sup>1</sup> To be issued as A/AC.105/C.2/101.

## Appendix

### Recommendations on national legislation relevant to the peaceful exploration and use of outer space

*The General Assembly,*

*Emphasizing* the importance of appropriate means of ensuring that outer space is used for peaceful purposes and that the obligations under international law and those specifically contained in the United Nations treaties on outer space<sup>1</sup> are implemented,

*Recalling* its resolutions 59/115 of 10 December 2004, on the application of the concept of the “launching State”, and 62/101 of 17 December 2007, on recommendations on enhancing the practice of States and international intergovernmental organizations in registering space objects,

*Taking note* of the report of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space on the work conducted under its multi-year workplan,<sup>2</sup>

*Observing* that, in view of the increasing participation of private actors in space activities, appropriate action at the national level is needed, in particular with respect to the authorization and supervision of non-governmental space activities,

*Taking note* of the need to maintain the sustainable use of outer space, in particular by mitigating space debris, and to ensure the safety of space activities and minimize the potential harm to the environment,

*Recalling* the obligations contained in the United Nations treaties on outer space to provide information, to the greatest extent feasible and practicable, on the nature, conduct, locations and results of space activities, in particular through registration,

*Noting* the need for consistency and transparency with regard to the authorization and supervision of space activities and the need for a practical regulatory system for private sector involvement to provide further incentives for enacting regulatory frameworks at the national level, and noting that some States also include national space activities of a governmental or public character within that framework,

*Recognizing* the different approaches taken by States in dealing with various aspects of national space activities, namely by means of unified acts or a

<sup>1</sup> Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (United Nations, *Treaty Series*, vol. 610, No. 8843); Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (United Nations, *Treaty Series*, vol. 672, No. 9574); Convention on International Liability for Damage Caused by Space Objects (United Nations, *Treaty Series*, vol. 961, No. 13810); Convention on Registration of Objects Launched into Outer Space (United Nations, *Treaty Series*, vol. 1023, No. 15020); and Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (United Nations, *Treaty Series*, vol. 1363, No. 23002).

<sup>2</sup> (A/AC.105/C.2/101).

combination of national legal instruments, and noting that States have adapted their national legal frameworks according to their specific needs and practical considerations and that national legal requirements depend to a high degree on the range of space activities conducted and the level of involvement of the private sector,

*Recommends* the following elements for consideration by States when enacting regulatory frameworks for national space activities, in accordance with their domestic law, as appropriate, taking into account the specific needs of the State concerned:

1. The scope of space activities targeted by national regulatory frameworks may include, as appropriate, the launching of objects into and their return from outer space, the operation of a launch or re-entry site and the operation and control of space objects in orbit; other issues to be considered may include the design and manufacture of spacecraft, the application of space science and technology, and exploration activities and research;
2. The State, in enacting national regulatory frameworks, should take into account the role of a State as a launching State and as a responsible State under the United Nations treaties on outer space and determine national jurisdiction over space activities carried out from the national territory of a State and space activities carried out elsewhere in which nationals, both its natural and its juridical persons, are involved, provided, however, that if another State is exercising jurisdiction with respect to such activities, the State should consider forbearing from duplicative requirements and avoid unnecessary burdens for operators of space objects;
3. Space activities should require authorization by a competent national authority; the authorities and procedures, as well as the conditions, for granting, modifying, suspending and revoking the authorization should be set out clearly to establish a predictable and reliable regulatory framework; States might employ separate procedures for the licensing of operators conducting space activities and for the authorization of specific projects and programmes;
4. The conditions for authorization should be consistent with the international obligations and commitments of States, in particular under the United Nations treaties on outer space and other relevant instruments, and may pay due regard to the national security and foreign policy interests of States; the conditions for authorization should help to verify that space activities are carried out in a safe manner and minimize risks to persons, the environment or property and that those activities do not lead to harmful interference with other space activities; such conditions could also relate to the technological qualifications of the applicant and could include safety and technical standards that are in line with space debris mitigation guidelines, in particular with the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space;<sup>3</sup>
5. Appropriate procedures should ensure continuing supervision and monitoring of authorized space activities by applying, for example, a system

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<sup>3</sup> *Official Records of the General Assembly, Sixty-second Session, Supplement No. 20 (A/62/20), annex.*

of in situ inspections or a more general reporting requirement; enforcement mechanisms could include administrative measures or a sanctions regime, as appropriate;

6. A national registry of objects launched into outer space should be maintained by an appropriate national authority; operators should be requested to submit information to that authority to enable the State to submit the relevant information to the Secretary-General of the United Nations in accordance with applicable international instruments, including the Convention on Registration of Objects Launched into Outer Space<sup>4</sup> and General Assembly resolutions 1721 (XVI) B of 20 December 1961 and 62/101 of 17 December 2007; operators of space objects could also be requested to submit information on any change in the main characteristics of space objects, in particular of those which have become non-functional;

7. States could consider ways of seeking recourse from operators if their international liability has become engaged; in order to ensure appropriate coverage for damage claims, States could introduce insurance requirements and indemnification procedures, as appropriate;

8. Continuing supervision of non-governmental space activities should be ensured in the event of the transfer of ownership or control of a space object in orbit; national regulations may provide for authorization requirements or obligations for the submission of information on the change in status of the operation of a space object.

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<sup>4</sup> United Nations, *Treaty Series*, vol. 1023, No. 15020.