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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
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Draft report

III. Status and application of the five United Nations treaties on outer space

1. Pursuant to General Assembly resolution 64/86, the Legal Subcommittee considered agenda item 5, entitled “Status and application of the five United Nations treaties on outer space”, as a regular item of its agenda and reconvened its Working Group on the item.
2. At its 805th meeting, on 23 March, the Subcommittee reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space under the chairmanship of Jean François Mayence (Belgium). The Working Group held four meetings. At its 4th meeting, on 1 April, the Subcommittee endorsed the report of the Working Group, contained in annex [...] to the present report.
3. The Subcommittee noted with satisfaction that the Secretariat had distributed an updated document containing information, as at 1 January 2010, on States parties and additional signatories to the United Nations treaties and other international agreements relating to activities in outer space (ST/SPACE/11/Rev.2/Add.3). The Subcommittee also noted that, since that date, three additional accessions had been recorded, such that the current status of the five United Nations treaties on outer space was as follows:

(a) 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 had 100 States parties and had been signed by 26 additional States;

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



(b) The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space² had 91 States parties and had been signed by 24 additional States;

(c) The Convention on International Liability for Damage Caused by Space Objects³ had 88 States parties and had been signed by 23 additional States;

(d) The Convention on Registration of Objects Launched into Outer Space⁴ had 53 States parties and had been signed by 4 additional States;

(e) The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies⁵ had 13 States parties and had been signed by 4 additional States.

4. The Subcommittee recalled that the Rescue Agreement, the Liability Convention, the Registration Convention and the Moon Agreement contained mechanisms permitting international intergovernmental organizations conducting space activities to declare their acceptance of the rights and obligations established under those treaties.

5. The Subcommittee agreed that those international intergovernmental organizations that had not yet made such declarations should consider taking steps to encourage their members to adhere to the outer space treaties, thereby enabling their acceptance of the rights and obligations under those treaties.

6. Some delegations were of the view that the United Nations treaties on outer space represented a solid legal structure crucial for supporting the increasing scale of space activities and for strengthening international cooperation in the peaceful uses of outer space. Those delegations welcomed further adherence to the treaties and hoped that those States that had not yet ratified or acceded to the treaties would consider becoming parties to them.

7. Some delegations recognized that, under the legal framework of the United Nations treaties on outer space, the use of space by nations, international organizations and private entities had flourished. As a result, space technology and services were contributing immeasurably to economic growth and improvements in the quality of life throughout the world.

8. Some delegations, while recognizing the important role played thus far by the United Nations treaties, expressed the view that those instruments were no longer sufficient for addressing the rapid development of space activities and emphasized the need to explore the possibility of modifying some of the provisions of the existing legal regime.

9. Some delegations expressed the view that a universal comprehensive convention governing the activities of States in the exploration and use of outer space should be developed in a balanced manner with the aim of finding solutions for existing issues, giving legal binding status to the United Nations principles on

² Ibid., vol. 672, No. 9574.

³ Ibid., vol. 961, No. 13810.

⁴ Ibid., vol. 1023, No. 15020.

⁵ Ibid., vol. 1363, No. 23002.

outer space and supplementing provisions of the existing United Nations treaties on outer space.

10. Some delegations expressed the view that the successful implementation and application of the international legal framework governing space activities depended on understanding and acceptance on the part of policymakers and decision makers of the United Nations treaties and principles on outer space.

11. Some delegations recalled the joint statement on the benefits of adherence to the Moon Agreement (A/AC.105/C.2/L.272, annex) and recognized it as a useful basis for further discussion.

12. The view was expressed that the placement of conventional weapons in outer space was not sufficiently prohibited by the Outer Space Treaty.

13. The Subcommittee expressed satisfaction at the holding, in conjunction with its session, of an informal seminar on the Moon Agreement, organized by Austria. The main purpose of the seminar was to address the benefits of adherence to the Moon Agreement and the reasons why some States had not adhered to the Agreement with a view to providing valuable input to the discussion of the Subcommittee and the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space.

14. The Subcommittee endorsed the recommendation that the mandate of the Working Group be extended for one additional year. It was agreed that the Subcommittee, at its fiftieth session, in 2011, would review the need to extend the mandate of the Working Group beyond that period.

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