



General Assembly

Distr.: Limited
31 March 2011

Original: English

**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Fiftieth session
Vienna, 28 March-8 April 2011

Draft report

I. Introduction

A. Opening of the session

1. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its fiftieth session at the United Nations Office at Vienna from 28 March to 8 April 2011 under the chairmanship of Ahmad Talebzadeh (Islamic Republic of Iran).
2. The Subcommittee held a total of [...] meetings. The views expressed at those meetings are contained in unedited verbatim transcripts (COPUOS/Legal/T.[...]-[...]).

B. Adoption of the agenda

3. At its 820th meeting, on 28 March, the Subcommittee adopted the following agenda:
 1. Adoption of the agenda.
 2. Statement by the Chair.
 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;

V.11-81768 (E)



Please recycle The universal recycling symbol, consisting of three chasing arrows forming a triangle.

- (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.
- 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.
- 11. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space.
- 12. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-first session.

C. Attendance

4. Representatives of the following 52 member States of the Committee attended the session: Algeria, Argentina, Austria, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czech Republic, Ecuador, France, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Kazakhstan, Kenya, Lebanon, Malaysia, Mexico, Morocco, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Slovakia, South Africa, Spain, Sweden, Thailand, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) and Viet Nam.

5. At the 820th meeting, on 28 March, the Subcommittee decided to invite, at their request, observers for Azerbaijan, Costa Rica, the Dominican Republic, Israel, the United Arab Emirates and Yemen to attend the session and to address it, as appropriate, on the understanding that it would be without prejudice to further requests of that nature and that doing so would not involve any decision of the Subcommittee concerning status.

6. The session was attended by observers for the following intergovernmental organizations having permanent observer status with the Committee: Asia-Pacific Space Cooperation Organization, European Telecommunications Satellite Organization, European Organisation for the Exploitation of Meteorological Satellites, European Space Agency, International Mobile Satellite Organization, International Institute for the Unification of Private Law (Unidroit), International Organization of Space Communications (Intersputnik) and Regional Centre for Remote Sensing of the North African States. The session was attended by observers for the following non-governmental organizations having permanent observer status with the Committee: European Space Policy Institute, International Academy of

Astronautics, International Astronautical Federation, International Law Association, International Institute of Space Law, National Space Society, Secure World Foundation and Space Generation Advisory Council.

7. The Subcommittee noted the application of Azerbaijan for membership in the Committee (A/AC.105/C.2/2011/CRP.15).

8. The Subcommittee had before it information concerning the application of the Association of Remote Sensing Centres in the Arab World for permanent observer status with the Committee (A/AC.105/C.2/2011/CRP.11).

9. A list of the representatives of States, United Nations entities and other international organizations attending the session is contained in document A/AC.105/C.2/2011/INF/43.

D. Symposium

10. On 28 March, the International Institute of Space Law (IISL) and the European Centre for Space Law (ECSL) held a symposium on the theme “A new look at the delimitation of airspace and outer space”, which was chaired by Tanja Masson-Zwaan of IISL and Sergio Marchisio of ECSL. The Subcommittee heard the following presentations during the symposium: “A short look back at a long debate”, by Catherine Doldirina; “An engineering look at delimitation in light of technological changes”, by Luboš Perek; “Are there indications for upper and lower limits for air space and outer space in air law, space law and national legislation?”, by Marco Pedrazzi; “Legal implications for delimitation of airspace and outer space”, by Joanne Gabrynowicz; “Delimitation and the commercial use of outer space”, by Sang-Myon Rhee; and “Delimitation as an element for rules of the road: a space traffic management regime”, by Jean-Francois Mayence. Concluding remarks were made by the Chair of the Subcommittee and by the Chair of the Working Group on the Definition and Delimitation of Outer Space. The papers and presentations delivered during the symposium were made available on the website of the Office for Outer Space Affairs of the Secretariat (www.unoosa.org/oosa/COPUOS/Legal/2011/symposium.html).

11. The Subcommittee noted with appreciation that the symposium had constituted a valuable contribution to its work.

E. Adoption of the report of the Legal Subcommittee

12. At its [...]th meeting, on [...] April, the Subcommittee adopted the present report and concluded the work of its fiftieth session.

II. General exchange of views

13. Statements were made by representatives of the following States members of the Subcommittee during the general exchange of views: Algeria, Austria, Belgium, Brazil, Canada, Chile, China, Czech Republic, France, Germany, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kazakhstan, Kenya, Malaysia, Morocco, Philippines, Romania, Russian Federation, Saudi Arabia, South Africa, Spain,

Thailand, Tunisia, Ukraine, United States of America and Venezuela (Bolivarian Republic of). Statements were made by Colombia on behalf of the Group of Latin American and Caribbean States and Iran (Islamic Republic of) on behalf of the Group 77 and China. The observers for the International Astronautical Federation (IAF), IISL, the National Space Society (NSS) and the Secure World Foundation (SWF) also made statements.

14. At the 820th meeting, on 28 March, the Chair noted that the Committee and the Subcommittee were both holding their fiftieth session and highlighted the commemoration in 2011 of the fiftieth anniversary of human spaceflight. The Chair's statement is contained in an unedited verbatim transcript (COPUOS/Legal/T.[...]).

15. At the same meeting, the Director of the Office for Outer Space Affairs made a statement reviewing the role and work of the Office relating to space law and the role of the Office in discharging the responsibilities of the Secretary-General under the United Nations treaties on outer space, including the maintenance of the Register of Objects Launched into Outer Space.

16. The Subcommittee expressed its condolences to and solidarity with the Governments of Japan, Myanmar and New Zealand with regard to the recent natural disasters that had taken so many lives and caused so much damage in those countries.

17. Some delegations expressed the view that strengthening the security of the growing number of activities in outer space was an important objective.

18. Some delegations expressed the view that the use of outer space for peaceful purposes could be threatened unless more importance was placed on the long-term sustainability of outer space activities.

19. Some delegations expressed concern about an arms race in outer space and were of the view that present gaps in the legal regime on outer space required a more comprehensive legal regime to prevent militarization in outer space.

20. Some delegations reiterated their commitment to the peaceful use and exploration of outer space. Those delegations emphasized the following principles: equal and non-discriminatory access to outer space and equal conditions for all States, irrespective of their level of scientific, technical and economic development; non-appropriation of outer space, including the Moon and other celestial bodies, by claim of sovereignty, use, occupation or any other means; non-militarization of outer space and its exploitation strictly for the improvement of living conditions and peace on the planet; and regional cooperation to promote space activities, as established by the General Assembly and other international forums.

21. Some delegations expressed the view that the heightened pace of technological advancement in activities in outer space and the increased participation of States, international organizations and the private sector required continued reflection by the Legal Subcommittee to enable further strengthening of the legal regime on outer space so as to preserve outer space for future generations.

22. The view was expressed that the process of universal adherence to the United Nations treaties on outer space was slower than in other areas of international law.

23. The view was expressed that the Subcommittee should be commended for its role in establishing the core treaties on outer space and for its distinguished history of working through consensus to develop space law in a manner that promoted, rather than hindered, the exploration and use of outer space for peaceful purposes, and that such success was a result of the ability of the Subcommittee to focus on practical problems and to address such problems through a consensus-based, result-oriented process.

24. Some delegations expressed the view that further development of the international legal regime and structuring of the work of the Subcommittee in a manner that allowed all nations, whether advanced space-faring nations or nations with emerging space capabilities, to benefit from space activities in an equitable manner would contribute to socio-economic prosperity and sustainable development, in particular for the benefit of developing countries.

25. The Subcommittee noted the following events taking place during its current session: (a) the screening of a documentary entitled *Yuri Gagarin: Chosen by Stars* and an exhibition organized by the Government of the Russian Federation to mark the fiftieth anniversary of the first human space flight by Russian cosmonaut Yuri Gagarin; (b) a joint event organized by the delegation of the Russian Federation and the European Space Policy Institute entitled “Fiftieth anniversary of the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee: perspectives for space law”, (c) an exhibition entitled “Space. About a dream”, supported by the Government of Austria; and (d) a conference on the theme “‘Soft law’ in outer space: the function of non-binding norms in international space law”, co-organized by the University of Vienna and the national point of contact for Austria of ECSL. The Subcommittee expressed its gratitude to the hosts and organizers of those events.

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

26. Pursuant to General Assembly resolution 65/97, the Subcommittee considered agenda item 4, entitled “Status and application of the five United Nations treaties on outer space”, as a regular item of its agenda.

27. The representatives of Austria, China, South Africa, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 4. During the general exchange of views, statements relating to this item were also made by representatives of other member States, the representative of Colombia on behalf of the Group of Latin American and Caribbean States and the representative of the Islamic Republic of Iran on behalf of the Group of 77 and China.

28. At its 820th meeting, on 28 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 [...] meetings. At its [...] meeting, on [...] March, the Subcommittee endorsed the report of the Working Group, contained in annex [...] to the present report.

29. The Subcommittee noted that, as at 1 January 2011, the 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 101 States parties and had been signed by 26 additional States;

(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 55 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.

30. The Subcommittee welcomed reports from Member States regarding their progress towards becoming parties to the five United Nations treaties on outer space, in developing national space laws and in concluding bilateral and multilateral agreements on space cooperation. The Subcommittee noted that the activities of the Office for Outer Space Affairs were contributing to that progress.

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

32. 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 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.

33. The view was expressed that the law-making process undertaken by the Subcommittee should be supported in order to further promote adherence to the United Nations treaties on outer space. The delegation that expressed that view stated that the adoption of non-binding “soft law” instruments was a realistic

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

² *Ibid.*, vol. 672, No. 9574.

³ *Ibid.*, vol. 961, No. 13810.

⁴ *Ibid.*, vol. 1023, No. 15020.

⁵ *Ibid.*, vol. 1363, No. 23002.

solution that would further encourage States to adhere to and comply with the legal regime governing activities in outer space.

34. Some delegations were of the view that, although the United Nations treaties on outer space played an important role, those instruments were no longer sufficient for addressing legal issues arising from technological development, the expansion of space activities and the increasing participation of the private sector. Those delegations were also of the view that it was important to determine how to strengthen international and national legal systems in order to effectively address those issues.

35. Some delegations expressed the view 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.

36. The view was expressed that the placement of conventional weapons in outer space was not sufficiently prohibited by the Outer Space Treaty and that it was imperative to adopt adequate and efficient measures to prevent any possibility of an arms race in outer space.

37. Some delegations expressed the view that a universal comprehensive convention on space law should be developed in a balanced manner, with the aim of finding solutions for existing issues, giving legally binding status to the United Nations principles on outer space and supplementing provisions of the existing United Nations treaties on outer space.

38. Some delegations were of the view that the Legal Subcommittee should cooperate more closely with the Scientific and Technical Subcommittee in order to address legal aspects of scientific and technological developments.

39. The view was expressed that both Subcommittees should cooperate in developing binding norms relating to space debris and the use of nuclear power sources in outer space.

40. 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 fifty-first session, in 2012, would review the need to extend the mandate of the Working Group beyond that period.

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

IV. Information on the activities of international intergovernmental and non-governmental organizations relating to space law

42. Pursuant to General Assembly resolution 65/97, the Subcommittee considered, as a regular item of its agenda, an item entitled “Information on the activities of international intergovernmental and non-governmental organizations relating to space law”.

43. Statements were made by the observers for the European Space Agency (ESA), the International Law Association (ILA) and Intersputnik. During the general exchange of views, statements under this agenda item were also made by the observers for the International Astronautical Federation (IAF), IISL and the Secure World Foundation (SWF).
44. The Subcommittee noted with satisfaction that international intergovernmental organizations played a significant role in the strengthening and development of international space law by applying its norms throughout their activities and promoting it among their Member States.
45. For its consideration of the item, the Subcommittee had before it a note by the Secretariat containing information on activities relating to space law received from the Committee on Space Research (COSPAR), ECSL, Unidroit, IISL, ILA, Intersputnik and the International Telecommunications Satellite Organization (ITSO) (A/AC.105/C.2/L.281 and Add.1).
46. The Subcommittee noted that the activities of international intergovernmental and non-governmental organizations relating to space law had continued to contribute significantly to the development of space law and that those organizations had continued to organize numerous conferences and symposiums, prepare publications and reports and organize training seminars for practitioners and students, all of which were intended to broaden and advance the knowledge of space law.
47. The Subcommittee expressed its gratitude to the Asia-Pacific Space Cooperation Organization (APSCO), ESA, ECSL, IISL and ILA for their continuous contribution to the United Nations workshops on space law.
48. The Subcommittee invited ILA to inform the Subcommittee at its fifty-first session about the activities of that organization in relation to the work of the advisory group on dispute settlement in space law of the Permanent Court of Arbitration.
49. The Subcommittee agreed that it was important to continue the exchange of information on recent developments in the area of space law between the Subcommittee and international intergovernmental and non-governmental organizations.
50. The Subcommittee agreed that international intergovernmental and non-governmental organizations should again be invited to report to it at its fifty-first session on their activities relating to space law.
51. The full text of the statements made during the discussion on this agenda item is contained in unedited verbatim transcripts (COPUOS/Legal/[...]-[...]).
-