



# General Assembly

Distr.: Limited  
10 April 2001

Original: English

---

## Committee on the Peaceful Uses of Outer Space

Legal Subcommittee  
Fortieth session  
Vienna, 2-12 April 2001

### **Draft report of the Legal Subcommittee on its fortieth session, held in Vienna from 2 to 12 April 2001**

#### **Addendum**

#### **VIII. Review of the concept of the “launching State”**

1. At the 646th meeting, on 6 April, the Chairman made an introductory statement on agenda item 9.
2. The Chairman noted that the General Assembly, in its resolution 55/122, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Legal Subcommittee continue to consider an agenda item entitled “Review of the concept of the ‘launching State’”, in accordance with the three-year work plan adopted by the Committee,<sup>1</sup> and that the Subcommittee establish a working group to consider the item.
3. In accordance with the second year of the work plan, the Subcommittee reviewed the concept of the “launching State” as contained in the Convention on International Liability for Damage Caused by Space Objects (the “Liability Convention”, General Assembly resolution 2777 (XXVI), annex) and the Convention on Registration of Objects Launched into Outer Space (the “Registration Convention”, resolution 3235 (XXIX), annex) as applied by States and international organizations.
4. The Subcommittee had before it the following:
  - (a) Note by the Secretariat, entitled “Review of existing national space legislation illustrating how States are implementing, as appropriate, their responsibilities to authorize and provide continuing supervision of non-governmental entities in outer space” (A/AC.105/C.2/L.224);
  - (b) A compilation of documents relevant to the agenda item, containing background material on the work plan, extracts of national laws relevant to the

concept of the “launching State” and examples of multilateral and bilateral agreements relevant to the concept of the launching State (A/AC.105/C.2/2001/CRP.5);

(c) A compilation of presentations made at the fortieth session of the Legal Subcommittee under agenda item 9 (A/AC.105/C.2/2001/CRP.10).

5. The representative of Australia presented an overview of the policy of the Government of Australia aiming at facilitating commercial space programmes consistent with Australia’s obligations under the five United Nations treaties on outer space. The representative noted that the promulgation of the Space Activities Act of 1998, the development of accompanying regulations and the establishment of an independent Space Licensing and Safety Office were key measures towards the creation of a legal and regulatory framework for commercial space activities in Australia. The Space Activities Act contained, among other things, a regime for licensing launches from Australian territory and launches of Australian payloads from overseas sites. In order to obtain government permission to launch a space object, an applicant must have demonstrated, among other things, (a) that it was competent to operate a launch facility and launch vehicles of the kind specified, and (b) that it had comprehensive third-party liability insurance.

6. Additional presentations were made within the Working Group on agenda item 9 (see annex [...] to the present report).

7. The view was expressed that the review of the concept of the “launching State” by the Legal Subcommittee should further enunciate state obligations under the United Nations treaties on outer space against the background of increasing non-governmental involvement in space activities and joint participation by nationals of more than one State in launching activities.

8. As indicated in paragraph [...] above, at its 639th meeting, the Legal Subcommittee established a Working Group on agenda item 9, under the chairmanship of Kai-Uwe Schrogl (Germany).

9. The Working Group on agenda item 9 held [...] meetings. At its [...] meeting, on [...] April, the Legal Subcommittee endorsed the report of the Working Group, which is contained in annex [...] to the present report.

10. The full text of the statements made by delegations during the discussion on agenda item 9 is contained in unedited verbatim transcripts (COPUOS/Legal/T.646- [...]).

#### *Notes*

<sup>1</sup> *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 20 and corrigendum (A/54/20 and Corr.1), para. 114.*