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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Forty-fourth session
Vienna, 4-15 April 2005

Draft report

Addendum

VIII. Practice of States and international organizations in registering space objects

1. The Legal Subcommittee recalled that the General Assembly, in its resolution 59/116, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee should consider the practice of States and international organizations in registering space objects, in accordance with the work plan adopted by the Committee.
2. The Subcommittee had before it a background paper prepared by the Secretariat entitled "Practice of States and international organizations in registering space objects" (A/AC.105/C.2/L.255 and Corr.1 and 2).
3. The Subcommittee noted with satisfaction that its work under agenda item 9 would encourage States to adhere to the Registration Convention, improve the application and enhance the effectiveness of the Convention and assist in developing and strengthening national legislative norms relating to the registration of objects launched into outer space.
4. The Subcommittee was informed on the practices of States regarding national legislation for implementing the Registration Convention; the establishment and maintenance of national registries of objects launched into outer space; and the transmission of information from those registries to the Register of Objects Launched into Outer Space maintained by the United Nations. The Subcommittee was also informed on bilateral agreements between States that took into account provisions of the Registration Convention.



5. The Subcommittee was informed on progress being made by States towards becoming party to the Registration Convention.
6. The Subcommittee noted that the Institute of Air and Space Law of the University of Cologne and the German Aerospace Center had organized as part of their “Project 2001 Plus: Global and European Challenges for Air and Space Law at the Edge of the 21st Century”, a workshop on “Current issues in the registration of space objects” in Berlin, on 20 and 21 January 2005.
7. Some delegations expressed the view that the Subcommittee should identify practical ways and means to improve the application of the Registration Convention, ensuring that the registration process functioned well in the future and facilitating productive and beneficial use of outer space.
8. The view was expressed that in recent years there had been a marked decrease in the registration of objects launched into outer space and that the failure to register those objects undermined the outer space treaties.
9. The view was expressed that a uniform and complete application of the Registration Convention was important for governmental as well as commercial space activities.
10. The view was expressed that the implementation and application of the Registration Convention would be enhanced if the form and content of the information transmitted to the United Nations by States was standardized; if States ensured that all objects launched were registered; if a reasonable deadline was set for registering space objects; if national registries were made more accessible, for example through the Internet; if information on the existence of the United Nations Register was widely disseminated to national entities; if additional information, such as change of orbital position, was provided; and if, once the international registry under the future space assets protocol to the Convention on International Interests in Mobile Equipment was established, the name of the company or legal person having registered rights to a space object was entered into the United Nations Register.
11. The view was expressed that the Subcommittee should consider questions relating to the uniformity of information transmitted for inclusion in the United Nations Register; to international adjustments being made when more than one State participated in the launch of a space object; and to registration of space objects within a reasonable period of time following their launch.
12. The view was expressed that General Assembly resolution 59/115, which was the result of the work conducted by the Working Group on the review of the concept of the “launching State”, was a good example on how to reach positive results on such questions.
13. As mentioned in paragraph [...] above, at its 711th meeting, on 4 April, the Subcommittee reconvened its Working Group on agenda item 9 and elected Niklas Hedman (Sweden) as Chairman of the Working Group. The Working Group held [...] meetings. At its [...] meeting, on [...] April, the Subcommittee endorsed the report of the Working Group, which is contained in annex [...] to the present report.
14. The full text of the statements made during the discussions on agenda item 9 is contained in unedited verbatim transcripts (COPUOS/Legal/T.[...]-[...]).

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

15. The Legal Subcommittee recalled that the General Assembly, in its resolution 59/116, had noted that the Subcommittee, at its forty-fourth 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-fifth session, in 2006.

16. The Chairman recalled that the following proposals for new items to be included in the agenda of the Legal Subcommittee had been considered by the Subcommittee at its forty-third session and had been retained by their sponsors with a view to discussing them at subsequent sessions of the Subcommittee (see A/AC.105/826, para. 134):

(a) The appropriateness and desirability of drafting a universal comprehensive convention on international space law, proposed by China, Greece, the Russian Federation and Ukraine;

(b) Review of the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting, with a view to possibly transforming the text into a treaty in the future, proposed by Greece;

(c) Review of existing norms of international law applicable to space debris, proposed by the Czech Republic and Greece;

(d) Analysis of current remote sensing practices within the framework of the Principles Relating to Remote Sensing of the Earth from Outer Space, proposed by Brazil;

(e) Space debris, proposed by France and supported by member and cooperating States of the European Space Agency (ESA).

17. Some delegations stressed the importance of including new items on the agenda of the Legal Subcommittee. The view was expressed that it was necessary to support the continuous development of international space law.

18. The view was expressed that, in order to enhance the work of the Subcommittee, the Secretariat could prepare, together with the permanent observers of the Committee on the Peaceful Uses of Outer Space, a list of new and emerging legal issues related to outer space that could be considered for inclusion on the agenda of the Subcommittee at future sessions.

19. Some delegations expressed the view that the present legal regime governing the activities of States in the exploration and use of outer space was not keeping pace with existing scientific and technological developments. Those delegations expressed the view that a universal comprehensive convention should be developed in a balanced manner with the aim of finding solutions for existing issues, giving legal binding status to the principles on outer space and supplementing provisions of the existing United Nations treaties on outer space.

20. The view was expressed that the development of a universal comprehensive convention on outer space should include provisions to prevent the weaponization and militarization of outer space.

21. Some delegations expressed the view that the current legal framework established by the United Nations treaties on outer space adequately met the needs of the international community in matters relating to outer space. Those delegations were of the view the legal framework governing global space activities would be strengthened through increased participation in and adherence to the existing United Nations treaties and principles on outer space and that the elaboration of a comprehensive convention was not desirable.

22. The view was expressed that the consideration of a universal comprehensive convention with regard to outer space would hinder the work of the Legal Subcommittee and would create uncertainty on the status and validity of the existing outer space treaties and principles.

23. The Subcommittee noted that the sponsors of the proposal to include an item entitled "Appropriateness and desirability of drafting a universal comprehensive convention on international space law" on the agenda of the Subcommittee had agreed to temporarily suspend consideration of their proposal in view of the fact that the Subcommittee would not be in a position to reach consensus on the inclusion of that item on its agenda. Those delegations informed the Subcommittee that a proposal for the Working Group on agenda item 4 to consider a questionnaire on possible options for future development of international space law would be submitted in the form of a working paper.

24. Some delegations expressed the view that the Legal Subcommittee should examine the legal aspects of space debris mitigation. Some delegations expressed the view that, taking into account the progress made by the Scientific and Technical Subcommittee with regard to space debris mitigation, it had become appropriate to include that matter on the agenda of the Legal Subcommittee.

25. Some delegations were of the view that given the work still to be conducted by the Scientific and Technical Subcommittee in relation to space debris, it would be premature for the Legal Subcommittee to include an item relating to space debris on its agenda.

26. The Legal Subcommittee noted that the sponsor of the proposal to include an item entitled "Analysis of current remote sensing practices within the framework of the Principles Relating to Remote Sensing of the Earth from Outer Space" had withdrawn its proposal in view of the fact that the Subcommittee would be not in a position to reach consensus on the inclusion of that item on its agenda. That delegation reiterated that the intent of including the item on the agenda had not been to affect the sensitive compromise reached with regard to those Principles. That delegation further noted that the question of providing better access to the benefits associated with the use of remote sensing technologies enjoyed broad interest and that appropriate legal frameworks could play an important role in the development and dissemination of remote sensing applications.

27. The Legal 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-fifth session:

Regular items

1. Opening of the session, election of the Chairman 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 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.

Items considered under work plans

9. Practice of States and international organizations in registering space objects.
2006: Identification by the working group of common practices and drafting of recommendations for enhancing adherence to the Convention on Registration of Objects Launched into Outer Space.

New items

10. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-sixth session.
28. The Legal Subcommittee agreed that the working groups on agenda items 4, 6 (a) and 9 should be reconvened at its forty-fifth session.
29. The Subcommittee took note of the working paper submitted by Kazakhstan, the Russian Federation and Ukraine, entitled "Questionnaire on possible options for future development of international space law" (A/AC.105/C.2/L.259) and agreed that the working paper could be discussed by the Working Group on agenda item 4, "Status and application of the five United Nations treaties on outer space".
30. The Subcommittee agreed to review, at its forty-fifth session, the need to extend the mandate of the Working Group on agenda item 4 beyond that session of the Subcommittee.
31. The Subcommittee noted that the sponsors of the following proposals for new items to be included in 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 possibly 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) Discussion on matters related to the Principles on Remote Sensing, proposed by Chile and Colombia;

(d) Space debris, proposed by France and supported by member and cooperating States of ESA.

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