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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
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Vienna, 19-30 March 2012
Agenda item 5
**Status and application of the five United Nations treaties
on outer space**

Draft report of the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on 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 the Status and Application of the Five United Nations Treaties on Outer Space under the chairmanship of Jean-François Mayence (Belgium).
2. The Working Group held [...] meetings, from [...] to [...] March 2012. At the opening meeting of the Working Group, on [...] March, the Chair recalled the mandate of the Working Group (A/AC.105/942, annex I, paras. 4 and 6; and A/AC.105/990, annex I, para. 7).
3. The Chair recalled that the Subcommittee, at its fiftieth session, had agreed to review at its current session the need to extend the mandate of the Working Group beyond the current session of the Subcommittee (A/AC.105/990, para. 42).
4. The Working Group had before it the following:
 - (a) United Nations Treaties and Principles on Outer Space, related General Assembly resolutions and other documents (ST/SPACE/51);
 - (b) Conference room paper on the status of international agreements relating to activities in outer space as at 1 January 2012 (A/AC.105/C.2/2012/CRP.3);
 - (c) An addendum to the note by the Secretariat on activities being carried out or to be carried out on the Moon and other celestial bodies, international and national rules governing those activities and information received from States parties to the Agreement Governing the Activities of States on the Moon and Other



Celestial Bodies about the benefits of adherence to that Agreement (A/AC.105/C.2/L.271/Add.2);

(d) Set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space (A/AC.105/C.2/2012/CRP.10);

(e) Responses received from Belgium, Germany and the Netherlands to the set of questions provided by the Chair of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space (A/AC.105/C.2/2012/CRP.11).

5. The Working Group welcomed the questionnaire contained in A/AC.105/C.2/2012/CRP.10 and noted that it provided a continued good basis for discussion, within the mandate of the Working Group, on relevant matters relating to the status and the application of the five United Nations treaties on outer space, as it focused on essential questions of practical relevance and served to organize and rationalize the work of the Working Group.

6. During the discussion of the set of questions in the questionnaire and the responses received, the Working Group noted that its continued discussion would benefit from more written contributions from member States and from international intergovernmental organizations and non-governmental organizations with permanent observer status with the Committee, in order for the Working Group to develop a collection of views for future considerations.

7. The Working Group noted that the questionnaire was clustered into three parts and observed the following:

(a) Question 1 targeted issues related to the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies and provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and were broad enough to capture additional matters related to the overall regime covering exploration and use of the Moon and other celestial bodies;

(b) Question 2 covered issues specifically related to responsibility and liability under the United Nations treaties on outer space, and served as a good basis for further discussion on the applicability of the other instruments such as the United Nations principles on outer space and the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space;

(c) Question 3 dealt with the registration of objects launched into outer space, in particular the issue of transfer of ownership or control of space objects in orbit; the broader issue of transfer of activities as such could be further discussed. In that sense, the final report of the Working Group on National Space Legislation of the Committee¹ could be taken into account.

8. The Working Group noted that questions 1 and 2 of the questionnaire gave room for discussion on the applicability of appropriate agreements envisioned under article V.2 of the Convention on International Liability for Damage Caused by

¹ To be issued as A/AC.105/C.2/101.

Space Objects and article II.2 of the Convention on Registration of Objects Launched into Outer Space.

9. The Working Group agreed that the discussions on the set of questions in the questionnaire could benefit from the work conducted under other items of the agenda of the Subcommittee.

10. The Working Group agreed that States members of the Committee should again be invited to provide comments and responses to the questions in the questionnaire prepared by the Chair. The Working Group also agreed that international intergovernmental and non-governmental organizations with permanent observer status with the Committee should also be invited to provide comments. The questionnaire would again be made available on the website of the Office for Outer Space Affairs of the Secretariat, and any replies received would be made available in a conference room paper. The Working Group also agreed that the questions presented in the questionnaire were not exhaustive and that they should not limit the discussion of the Working Group during the fifty-second session of the Subcommittee.

11. The Working Group recommended that the Subcommittee, at its fifty-second session, in 2013, reconvene the Working Group and review the need to extend the mandate of the Working Group beyond that session.
