



# General Assembly

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## Committee on the Peaceful Uses of Outer Space

Legal Subcommittee

Forty-ninth session

Vienna, 22 March-1 April 2010

### Provisional agenda\*

1. Adoption of the agenda.
2. Election of the Chairman.
3. Statement by the Chairman.
4. General exchange of views.
5. Status and application of the five United Nations treaties on outer space.
6. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
7. 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.
8. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
9. 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.

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\* In paragraph 4 of its resolution 64/86, the General Assembly agreed that the Legal Subcommittee, at its forty-ninth session, should consider the items recommended by the Committee on the Peaceful Uses of Outer Space at its fifty-second session, taking into account the concerns of all countries, in particular those of developing countries.



10. Capacity-building in space law.
11. General exchange of information on national mechanisms relating to space debris mitigation measures.
12. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space.
13. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fiftieth session.

## **Annotations**

### **2. Election of the Chairman**

In paragraph 43 of its resolution 64/86, the General Assembly endorsed the composition of the bureaux of the Committee and its subsidiary bodies for the period 2010-2011 and agreed that the Committee and its subcommittees should elect their officers at their respective sessions in 2010 in accordance with that composition.<sup>1</sup>

The Committee, at its fifty-second session, agreed that Ahmad Talebzadeh (Islamic Republic of Iran) should be elected to the office of Chairman of the Legal Subcommittee.<sup>1</sup>

### **5. Status and application of the five United Nations treaties on outer space**

In paragraph 5 of its resolution 64/86, the General Assembly agreed that the Legal Subcommittee, at its forty-ninth session, should reconvene its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space.

At its fortieth session, in 2001, the Subcommittee agreed that the topics addressed in the discussions of the Working Group would include the status of the treaties, the review of their implementation and obstacles to their universal acceptance, as well as the promotion of space law, especially through the United Nations Programme on Space Applications (A/AC.105/763 and Corr.1, para. 118).

At its forty-first session, in 2002, the Subcommittee agreed that the Working Group could consider any new, similar issues that might be raised in discussions in the Working Group, provided that those issues fell within its existing mandate (A/AC.105/787, para. 140).

At the forty-eighth session of the Subcommittee, in 2009, the Working Group agreed that member States would, in addressing the low participation of States in the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (General Assembly resolution 34/68, annex) continue to discuss the following issues at the forty-ninth session of the Subcommittee in 2010 (A/AC.105/935, annex I, paras. 4 (b) and 17):

- (a) Address activities currently being carried out or to be carried out on the Moon and other celestial bodies in the near future;

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<sup>1</sup> See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 20* (A/64/20), para. 309.

- (b) Identify the benefits of adherence to the Moon Agreement;
- (c) Identify the international and national rules governing the activities on the Moon and other celestial bodies;
- (d) Assess whether existing international rules adequately addressed activities on the Moon and other celestial bodies.

At its forty-eighth session, in 2009, the Subcommittee agreed that, at its forty-ninth session, in 2010, it would review the need to extend the mandate of the Working Group beyond 2010 (A/AC.105/935, para. 39).

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

In the discussion of item 6, member States may bring to the attention of the Legal Subcommittee any information on the activities of international organizations relating to space law.

**7. 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**

In paragraph 5 of its resolution 64/86, the General Assembly agreed that the Subcommittee should reconvene its Working Group on the Definition and Delimitation of Outer Space.

At its thirty-ninth session, in 2000, the Subcommittee agreed that item 6 (b) should remain as a regular item on its agenda but that the Working Group on the item would consider only matters relating to the definition and delimitation of outer space (A/AC.105/738, para. 108).

**8. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space**

The Subcommittee, at its forty-eighth session, in 2009, noted with satisfaction the successful cooperation in the development of the Safety Framework for Nuclear Power Source Applications in Outer Space between the Scientific and Technical Subcommittee and the International Atomic Energy Agency through the work of the Joint Expert Group of the Scientific and Technical Subcommittee and the International Atomic Energy Agency (A/AC.105/935, para. 88).

The Legal Subcommittee noted with satisfaction the adoption by the Scientific and Technical Subcommittee at its forty-sixth session, in 2009, of the Safety Framework for Nuclear Power Source Applications in Outer Space (A/AC.105/934).

In paragraph 11 of its resolution 64/86, the General Assembly welcomed with satisfaction the Safety Framework, which had been endorsed by the Committee at its fifty-second session.

**9. 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**

The Legal Subcommittee, at its forty-eighth, session in 2009, expressed its satisfaction with the participation of the Office for Outer Space Affairs as an observer in the negotiating sessions of Unidroit and agreed that the Office should continue participating in those sessions (A/AC.105/935, para. 111).

The Subcommittee, at its forty-eighth session, agreed that this item should remain on the agenda for its forty-ninth session, in 2010 (A/AC.105/935, para. 112).

**10. Capacity-building in space law**

The Subcommittee, at its forty-eighth session, in 2009, agreed that capacity-building, training and education in space law were of paramount importance to national, regional and international efforts to further develop the practical aspects of space science and technology and to increase knowledge of the legal framework within which space activities were carried out, and emphasized the important role of the Subcommittee in that regard (A/AC.105/935, para. 116).

The Subcommittee, at its forty-eighth session, recommended that member States and permanent observers of the Committee on the Peaceful Uses of Outer Space inform the Subcommittee, at its forty-ninth session, of any actions taken or planned at the national, regional or international level to build capacity in space law (A/AC.105/935, para. 145).

**11. General exchange of information on national mechanisms relating to space debris mitigation measures**

The Subcommittee, at its forty-eighth session, in 2009, noted that some States had strengthened their national mechanisms governing space debris mitigation through the nomination of governmental supervisory authorities, the involvement of academia and industry and the development of new legislative norms, instructions, standards and frameworks (A/AC.105/935, para. 153).

**12. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space**

In paragraph 5 of its resolution 64/86, the General Assembly agreed that the Legal Subcommittee, at its forty-ninth session, should reconvene its Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

The Working Group will continue to examine responses received from Member States on their national legislation relating to space activities and will begin drafting its report, including conclusions, in accordance with the workplan for the period 2008-2011 contained in the report of the Subcommittee on its forty-sixth session (A/AC.105/891, para. 136).

The Working Group, during the forty-eighth session of the Subcommittee, in 2009, agreed that at the forty-ninth session of the Subcommittee, in 2010, the Working Group should pursue its examination of the issues addressed during the forty-eighth session. The Working Group also agreed that a number of issues needed further consideration, such as the regulation by States of transfers of ownership of space

objects and of transfers of authorized space activities to third parties, the participation of private individuals in space flights and the treatment in service-provider contracts of issues of liability and responsibility for collisions of satellites in outer space (A/AC.105/935, annex III, para. 17).

## Annex

### Organization of work

1. The work of the Legal Subcommittee has been scheduled so as to afford the working groups that will be reconvened under items 5, 7 (a) and 12 the maximum amount of time available.
2. The Subcommittee, at its forty-eighth session, in 2009, agreed that the International Institute of Space Law and the European Centre for Space Law should be invited to hold a symposium during the first week of its forty-ninth session (A/AC.105/935, para. 189).
3. An indicative schedule of work is provided below.

### Indicative schedule of work<sup>a</sup>

<i>Date</i>	<i>Morning</i>	<i>Afternoon</i>
<b>Week of 22-26 March 2010</b>		
Monday, 22 March	Item 1. Adoption of the agenda Item 2. Election of the Chairman Item 3. Statement by the Chairman Item 4. General exchange of views	Symposium on the theme “National space legislation: crafting legal engines for the growth of space activities”
Tuesday, 23 March	Item 4. General exchange of views Item 5. Status and application of the five United Nations treaties on outer space <sup>b</sup> Item 6. Information on the activities of international intergovernmental and non-governmental organizations relating to space law	Item 4. General exchange of views Item 5. Status and application of the five United Nations treaties on outer space <sup>b</sup> Item 6. Information on the activities of international intergovernmental and non-governmental organizations relating to space law
Wednesday, 24 March	Item 4. General exchange of views Item 5. Status and application of the five United Nations treaties on outer space <sup>b</sup> Item 6. Information on the activities of international intergovernmental and non-governmental organizations relating to space law	Item 5. Status and application of the five United Nations treaties on outer space <sup>b</sup> Item 6. Information on the activities of international intergovernmental and non-governmental organizations relating to space law Item 11. General exchange of information on national mechanisms relating to space debris mitigation measures

<i>Date</i>	<i>Morning</i>	<i>Afternoon</i>
Thursday, 25 March	<p>Item 7 (a). The definition and delimitation of outer space<sup>c</sup></p> <p>Item 7 (b). The character and utilization of the geostationary orbit</p> <p>Item 10. Capacity-building in space law</p> <p>Item 11. General exchange of information on national mechanisms relating to space debris mitigation measures</p>	<p>Item 7 (a). The definition and delimitation of outer space<sup>c</sup></p> <p>Item 7 (b). The character and utilization of the geostationary orbit</p> <p>Item 10. Capacity-building in space law</p> <p>Item 11. General exchange of information on national mechanisms relating to space debris mitigation measures</p>
Friday, 26 March	<p>Item 7 (a). The definition and delimitation of outer space<sup>c</sup></p> <p>Item 7 (b). The character and utilization of the geostationary orbit</p> <p>Item 10. Capacity-building in space law</p> <p>Item 11. General exchange of information on national mechanisms relating to space debris mitigation measures</p>	<p>Item 7 (a). The definition and delimitation of outer space<sup>c</sup></p> <p>Item 7 (b). The character and utilization of the geostationary orbit</p> <p>Item 10. Capacity-building in space law</p> <p>Item 12. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space<sup>d</sup></p>
<b>Week of 29 March-1 April 2010</b>		
Monday, 29 March	<p>Item 8. Nuclear power sources</p> <p>Item 9. 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</p> <p>Item 12. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space<sup>d</sup></p>	<p>Item 8. Nuclear power sources</p> <p>Item 9. 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</p> <p>Item 12. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space<sup>d</sup></p>
Tuesday, 30 March	<p>Item 9. 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</p> <p>Item 12. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space<sup>d</sup></p> <p>Item 13. Proposals to the Committee for new agenda items</p>	<p>Item 8. Nuclear power sources</p> <p>Item 9. 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</p> <p>Item 13. Proposals to the Committee for new agenda items</p>

<i>Date</i>	<i>Morning</i>	<i>Afternoon</i>
Wednesday, 31 March	Item 8. Nuclear power sources Item 13. Proposals to the Committee for new agenda items Adoption of the report of the Working Group on agenda item 5	Item 13. Proposals to the Committee for new agenda items Adoption of the report of the Working Group on agenda item 7 (a)
Thursday, 1 April	Adoption of the report of the Working Group on agenda item 12 Adoption of the report of the Legal Subcommittee	Adoption of the report of the Legal Subcommittee

- <sup>a</sup> At its thirty-eighth session, in 1995, the Committee on the Peaceful Uses of Outer Space agreed that the practice of allocating specific agenda items to particular meetings at a session should be ended and that, to assist in their planning, Member States would continue to be provided with an indicative schedule of work, which would be without prejudice to the actual timing of consideration of specific agenda items (*Official Records of the General Assembly, Fiftieth Session, Supplement No. 20 (A/50/20)*, para. 169 (b)).
- <sup>b</sup> The Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, to be reconvened in accordance with paragraph 5 of General Assembly resolution 64/86, will meet during the time allocated for the consideration of item 5. The Legal Subcommittee will resume its consideration of item 5 on Wednesday, 31 March, in order to adopt the report of the Working Group.
- <sup>c</sup> The Working Group on the Definition and Delimitation of Outer Space, to be reconvened in accordance with paragraph 5 of General Assembly resolution 64/86, will meet during the time allocated for the consideration of item 7 (a). The Legal Subcommittee will resume its consideration of item 7 (a) on Wednesday, 31 March, in order to adopt the report of the Working Group.
- <sup>d</sup> The Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, to be reconvened in accordance with paragraph 5 of General Assembly resolution 64/86, will meet during the time allocated for the consideration of item 12. The Legal Subcommittee will resume its consideration of item 12 on Thursday, 1 April, in order to adopt the report of the Working Group.