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NATIONAL SPACE LEGISLATION - THE WORK OF THE LEGAL SUBCOMMITTEE OF
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Abstract

In 2007, the Legal Subcommittee of the United Nations Committee for the Peaceful Use of Outer Space, on the initiative of the United States of America, decided to put a new item on the agenda, entitled "General Exchange of information on national legislation relevant to the peaceful exploration and use of outer space". A multi-year program of work was decided upon for 2008 to 2011. In 2008, a working group was established which should prepare a report for the Legal Subcommittee in 2011. The present paper will present and analyze the work of the working group in the years 2009, 2010 and 2011 from the perspective of the chair. The working group started its deliberations on the basis of responses received from Member States relating to national legislation on the regulation of governmental and non-governmental space activities. In addition, it examined documents prepared by the United Nations Office for Outer Space Affairs on previous agenda items relating to the concept of the launching State and to the registration practice of States. The work was then structured around a number of questions put to the Member States. First, the different reasons for enacting or non-enacting national space legislation were discussed. Secondly, the activities targeted by such legislation were identified. Thirdly, national jurisdiction over space activities was examined. Fourthly, an exchange of information on the national authorities competent for registration, authorization and supervision in the different countries took place. Fifthly, the conditions to be fulfilled for registration and authorization were discussed. Sixthly, the different regulations and practices concerning liability and insurance were taken note of. Finally, the working group examined how compliance with the provisions of national space legislation was monitored and enforced. The paper will analyze the deliberations of the working group and highlight some of the most difficult and controversial issues. It will also present how some examples of recent space legislation have dealt with the above-mentioned questions. The focus will be on the interpretation and implementation of Member States of the obligations of Article VI and Article VII of the Outer Space Treaty in their national space legislations. The paper will conclude by an analysis of the report of the working group which will consist of a summary of the work conducted, an overview over national space legislations, findings of the working group and conclusions.