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English only

**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
Fifty-eighth session
Vienna, 1–12 April 2019
Item 5 of the provisional agenda*
Status and application of the five United Nations
treaties on outer space**

**Responses 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**

Note by the Secretariat

At its fifty-seventh session, in 2018, the Working Group of the Legal Subcommittee on the Status and Application of the Five United Nations Treaties of Outer Space recommended ([A/AC.105/1177](#), Annex I, para.7) that States members and permanent observers of the Committee provide the Subcommittee, at its fifty-eighth session, comments and responses 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, taking into account the UNISPACE+50 process” ([A/AC.105/1177](#), Annex I, Appendix I).

The present conference room paper contains reply received to the set of questions from Armenia.

* [A/AC.105/C.2/L.308](#).



Reply received from a State member of the Committee

Armenia

[Original: English]

[Received on 4 December 2018]

1. The legal regime of outer space and global space governance

1.1. What is the main impact on the application and implementation of the five United Nations treaties on outer space of additional principles, resolutions and guidelines governing outer space activities?

Joining the Treaties will provide the Republic of Armenia with the opportunity to realize satellite communication services, such as fixed satellite services, space exploration services – both terrestrial and aero services, radio-navigation satellite services, as well as Earth research satellite services.

These procedures will contribute to the scientific and strategic development in our country, expansion of the provided telecommunication services and improving their quality.

1.2. Are such non-legally binding instruments sufficiently complementing the legally binding treaties for the application and implementation of rights and obligations under the legal regime of outer space? Is there a need for additional actions to be taken?

Yes, they are sufficient; no additional actions are required.

1.3. What are the perspectives for the further development of the five United Nations treaties on outer space?

Joining the treaties will provide the Republic of Armenia with the opportunity to expand the cooperation frameworks, join other states in participating in scientific researches and gradually approach the production of its own satellite.

2. United Nations treaties on outer space and provisions related to the Moon and other celestial bodies

2.1. Do the 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 (Outer Space Treaty), constitute a sufficient legal framework for the use and exploration of the Moon and other celestial bodies or are there legal gaps in the treaties (the Outer Space Treaty and the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (Moon Agreement))?

Yes, the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies constitutes a sufficient framework.

2.2. What are the benefits of being a party to the Moon Agreement?

The Agreement provides the Republic of Armenia with the opportunity to freely implement scientific-research work on the Moon, as well as to engage in activities of exploration and use of the Moon on the surface of the Moon or any other venue on the Moon's crust. More specifically, it would allow to land space objects on the Moon and to launch them from the Moon, deploy crews, space apparatus, equipment, stations and objects.

2.3. Which principles or provisions of the Moon Agreement should be clarified or amended in order to allow for wider adherence to it by States?

No Amendments are required as of the moment.

3. International responsibility and liability

- 3.1. Could the notion of “fault”, as featured in articles III and IV of the Convention on International Liability for Damage Caused by Space Objects (Liability Convention), be used for sanctioning non-compliance by a State with the resolutions related to space activities adopted by the General Assembly or its subsidiary bodies, such as Assembly resolution 47/68, on the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, and the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space? In other words, could non-compliance with resolutions adopted by the General Assembly or with instruments adopted by its subsidiary bodies related to space activities be considered to constitute “fault” within the meaning of articles III and IV of the Liability Convention?**

Yes, the notion of “fault” may also be used for the mentioned cases.

- 3.2. Could the notion of “damage”, as featured in article I of the Liability Convention, be used to cover loss resulting from a manoeuvre performed by an operational space object in order to avoid collision with a space object or space debris not complying with the Space Debris Mitigation Guidelines of the Committee?**

Yes, the notion of “damage” may also be used for the mentioned cases.

- 3.3. Are there specific aspects related to the implementation of international responsibility, as provided for in article VI of the Outer Space Treaty, in connection with General Assembly resolution 41/65, on the Principles Relating to Remote Sensing of the Earth from Outer Space?**

Yes, there are specific aspects related to the implementation of international responsibility.

- 3.4. Is there a need for traffic rules in outer space as a prerequisite of a fault-based liability regime?**

Yes, adopting the traffic rules may be a prerequisite to set a fault-based liability regime.

4. Registration of space objects

- 4.1 Is there a legal basis to be found in the existing international legal framework applicable to space activities and space objects, in particular the provisions of the Outer Space Treaty and the Convention on Registration of Objects Launched into Outer Space (Registration Convention), which would allow the transfer of the registration of a space object from one State to another during its operation in orbit?**

Yes, there is.

- 4.2 How could a transfer of activities or ownership involving a space object during its operation in orbit from a company of the State of registry to a company of a foreign State be handled in compliance with the existing international legal framework applicable to space activities and space objects?**

In accordance with the Agreement Governing the Moon and other Celestial Bodies.

4.3 What jurisdiction and control are exercised, as provided for in article VIII of the Outer Space Treaty, over a space object registered by an international intergovernmental organization in accordance with the provisions of the Registration Convention?

In accordance with the Convention on Registration of Objects Launched into Outer Space, every state launching into space shall notify the UN Secretary General of the creation of the registry.

4.4 Does the concept of megaconstellations raise legal and/or practical questions, and is there a need to react with an adapted form of registration?

No, the concept of mega-constellations doesn't raise any legal and/or practical questions.

4.5 Is there a possibility, in compliance with the existing international legal framework, based on the existing registration practices, of introducing a registration "on behalf" of a State of a launch service customer, based on its prior consent? Would this be an alternative tool to react to megaconstellations and other challenges in registration?

There are no relevant existing practices in the sector.

5. International customary law in outer space

5. Are there any provisions of the five United Nations treaties on outer space that could be considered as forming part of international customary law and, if yes, which ones? Could you explain the legal and/or factual elements on which your answer is based?

Considering that the five United Nations treaties are the main treaties on the peaceful uses of outer space, it is more expedient to consider those as a whole directed at the peaceful use of outer space.
