

SPACE LAW AND POLICY  
WITH SIMULATED NEGOTIATIONS  
[7]

## THE REGISTRATION CONVENTION OF 1975

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YURI TAKAYA (PH.D)  
LECTURER, KOBE UNIVERSITY

### SPACE NEWS:

BBC News [17 May 2016]

#### **First UK astronaut calls for more Brits in space**

Britain's first astronaut has said the UK risks becoming a "backward nation" if the government does not pay to send more people into space.

Helen Sharman believes the country would lose many of the benefits of Tim Peake's mission if a commitment to more flights is not made very soon.

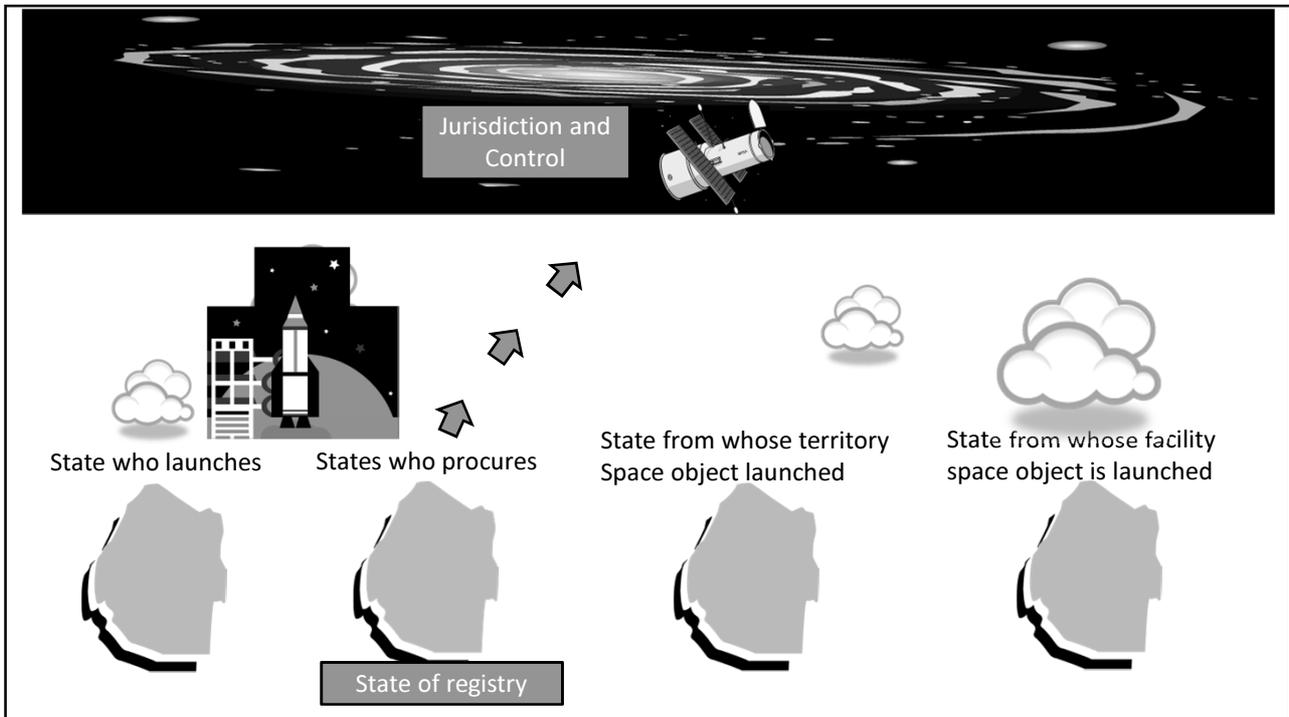
Ms Sharman said that this was the UK's "last chance" to be involved "in the future of the human race".

<http://www.bbc.com/news/science-environment-36311799>

# REGISTRATION CONVENTION OF 1975

CONVENTION ON REGISTRATION OF OBJECTS LAUNCHED INTO OUTER SPACE

3



## 1. OVERVIEW

### ◆ Why important?

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to identify which space objects caused damage  
 to identify who has jurisdiction and control over it (state of registry)  
 to reduce suspicion against the deployment of WMD in orbit around the Earth

### ◆ Preamble

Recalling:

The Outer Space Treaty of 1967:	international responsibility + <u>the state of registry</u>
The Rescue Agreement of 1968:	a launching state furnish identifying data prior to the return of an object it has launched into outer space
The Liability Convention of 1972:	international rules and procedures about the liability of launching states for damage

5

## 1. OVERVIEW

### ◆ The Registration Convention of 1975 implements Article VIII of the Outer Space Treaty of 1967

“A State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body.”

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Ownership of objects launched into outer space,  
 including objects landed or constructed on a celestial body,  
 and of their component parts, is not affected by their presence in outer space  
 or on a celestial body or by their return to the Earth. Such objects or component parts  
 found beyond the limits of the State Party to the Treaty on whose registry they are  
 carried shall be returned to that State Party, which shall, upon request, furnish identifying  
 data prior to their return.”

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## 2. DEFINITION

### ◆ Definition of Terms (Article I)

Launching States ← the same as Article VII of the Outer Space Treaty of 1967

check No hierarchical order among 4 criteria of “launching state”

A lease contract over the launching sites let both states be launching states.

↓

The Lease Agreement for the Baikonur Complex between the Government of the Russian Federation and the Government of the Republic of Kazakhstan of 1994

“8.4. The leaseholder commits itself:

[...]

g) In the case of inflicting damage, related to an activity of the Baikonur cosmodrome under the implementation of Russian space programs, that Russia is liable as a launching States [...]. Thereby, the Republic of Kazakhstan is not regarded as a participant in a joint launching, nor as a launching State.”

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→ however, no influence on the qualification of launching states in the context of public int’l law.

## 2. DEFINITION

### ◆ Definition of Terms (Article I)

#### Space Objects

originally proposed by Canada as:

“a physical object, manned or unmanned, launched into space for purpose of exploration and use of outer space, including the Moon and other celestial bodies. [...] includes the launch or transport vehicle, whether recoverable or not, as well as the payload or artificial satellite to be placed in an outer space trajectory”

↓

“The term “space object” includes component parts of a space object as well as its launch vehicle and parts thereof”

Q. Why so different wording?

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A. To avoid the possibility of restricted interpretation or of any gaps in the complete inclusion and registration of any related objects.

A. To keep flexibility to guarantee an overall responsibility for the objects of a certain launch event.

8

## 2. DEFINITION

### ◆ Definition of Terms (Article I)

#### State of Registry

Q. Different from launching states?

A. The same, "a launching State on whose registry a space object is carried in accordance with Article II."

check

### ◆ Article II: National Registry

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1. When a space object is launched into Earth orbit or beyond ← no suborbital flight  
→ register in an appropriate registry (national registry)
2. Where several launching states  
→ jointly determine 1 state of registry
3. The content of each registry and the condition under which it is maintained  
→ determined by the State of registry

※ UN Office for Outer Space Affairs maintain the Index of Notifications by Member States and Organizations on the Establishment of National Registries of Objects Launched into Outer Space

## 3. REGISTRATION

### Article III

1. The Secretary-General of the United Nations shall maintain a Register in which the information furnished in accordance with article IV shall be recorded.
2. There shall be full and open access to the information in this Register.

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Q. How are states parties motivated to provide information on their space objects which are dual-use?

### 3. REGISTRATION

#### Article IV

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1. Each State of registry shall furnish to the UN S-G, as soon as practicable, the following information concerning each space object carried on its registry:

(a) Name of launching State or States;

(b) An appropriate designator of the space object or its registration number;

(c) Date and territory or location of launch;

(d) Basic orbital parameters, including:

check

(i) Nodal period; (ii) Inclination; (iii) Apogee; (iv) Perigee;

(e) General function of the space object.

2. Each State of registry may, from time to time, provide the UN S-G with additional information concerning space object carried on its registry.

3. Each State of registry shall notify the UN S-G, to the greatest extent feasible and as soon as practicable, of space objects concerning which it has previously transmitted information,<sup>11</sup> and which have been but no longer are in Earth orbit.

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### 4. INFORMATION SHARING THROUGH UN S-G

#### Article V

[...]

The State of registry shall notify the UN S-G of this fact when submitting the information regarding the space object in accordance with article IV.

In such case, the UN S-G shall record this notification in the Register.

## 5. REQUEST FOR IDENTIFICATION

### Article VI

Where the application of the provisions [...] has not enabled a State Party to identify a space object which has caused damage to it or to any of its natural or juridical persons, or which may be of a hazardous or deleterious nature, other States Parties, including in particular States possessing space monitoring and tracking facilities, check shall respond to the greatest extent feasible to a request by that State Party, or transmitted through the S-G on its behalf, for assistance under equitable and reasonable conditions in the identification of the object.

A State Party making such a request shall, to the greatest extent feasible, submit information as to the time, nature and circumstances of the events giving rise to the request.

Arrangements under which such assistance shall be rendered shall be the subject of agreement between the parties concerned. ✖ help the Liability Convention of 1972

## 6. CHALLENGES

- ✓ Information sharing vs. national security  
“general function” of space objects is not clarified in the UN Registry
- ✓ When to register?  
Before or after the launching?  
Considering the risk of launch failures, just after the launching is appropriate.
- ✓ Openness of the registered information (Article III (2))
- ✓ No provision concerning the jurisdiction and control of space objects which are not registered
- ✓ No other treaties that stipulate on the state of registry
- ✓ No verification regime over the UN Registry

NATIONAL SPACE LAW AND POLICY OF CANADA

PRESENTED BY MR. HARUKI TOMISIHIGE

SIMULATED NEGOTIATION

Time Table:

16:00 ~ 16:15 Group Discussion

16:15 ~ 16:35 Presentation

## THEME

“WHAT ARE ADVANTAGE AND DISADVANTAGE FOR STATES TO USE GOOGLE EARTH?”

As Google Earth enables you to access to satellite-based images on the Earth, the Moon and the Mars for free. Please make a list of advantage and disadvantage for the US, other developed states and developing states on the availability of such a service for free charge.

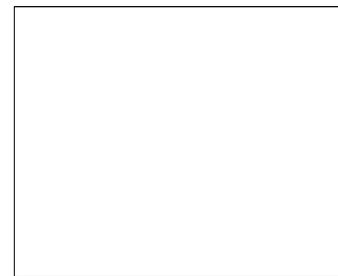
TEAM A: US



TEAM B: Developed States



TEAM C: Developing States



END