

Accession to the United Nations Convention on Registration of Objects launched into Outer Space

Proposal

1. This paper seeks agreement to New Zealand's accession to the United Nations (UN) Convention on Registration of Objects launched into Outer Space (the "Registration Convention").

Executive Summary

2. New Zealand's effective participation in the international space regulatory regime is important to facilitate the development of an internationally credible New Zealand-based space industry. In this paper we are seeking agreement to New Zealand's accession to the Registration Convention.
3. Accession would make it mandatory for New Zealand as a launching State to establish and maintain a register for space objects launched into outer space. Whilst accession is not technically necessary to launch an object into space, it is consistent with New Zealand's position as a responsible launching State. The establishment and maintenance of a registry is a simple and effective way for the Government to maintain oversight of launched space objects, share registration data when needed (e.g. to ensure national security, prevent collisions and facilitate space debris clean-up initiatives), and use the data to give effect to other treaties (such as the International Telecommunication Union (ITU) treaty).
4. The Registration Convention also provides a mechanism within which to agree with other State Parties on who should register, and retain jurisdiction and control, over a space object. It provides that a launching State on whose registry a space object is registered, is the State of registry for the purposes 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 (the "Outer Space Treaty"), to which New Zealand has been a Party since 1968. The Outer Space Treaty provides that a State of registry retains jurisdiction and control over the space object. In practice, this means that the space object would be subject to New Zealand law, and that New Zealand would have a responsibility to exercise ongoing control and supervision over such objects. Under the Registration Convention, when there is more than one State involved, the States must determine between themselves who will register the space object, and can also make arrangements concerning jurisdiction and control over that space object.
5. Accession would have no bearing on liability, which is governed by the UN Convention on International Liability for Damage Caused by Space Objects (the "Liability Convention") to which New Zealand has been a Party since 1974.
6. Accession would not create any significant new obligations for New Zealand. The register for space objects we would be obliged to establish and maintain is an integral part of the new legislation to regulate space activities that Cabinet agreed to in principle in December 2015 [Cab Min (15) 0274 refers]. Enactment of the new legislation will enable New Zealand to comply with the Registration Convention.
7. We seek Cabinet approval of the text of the Registration Convention and the required National Interest Analysis (NIA), and agreement to present these to the House of Representatives for Parliamentary treaty examination (PTE) to commence. The legislation necessary to enable compliance with the Registration Convention is currently scheduled for

introduction in early July 2016, after the PTE process is completed. Following passage of the new legislation, scheduled for this year, we will be in a position to comply with the obligations in the Registration Convention and be able to formally accede, by depositing an instrument of accession with the UN Secretary-General. The Registration Convention would enter into force for New Zealand on the date of the deposit of its instrument of accession.

8. A first launch is likely to be conducted from New Zealand prior to the passing of the legislation and New Zealand's accession to the Registration Convention. As an interim measure New Zealand could also register its launches with the UN pursuant to UNGA Resolution 1721 B (XVI) of 1961, pending NZ's accession to the Convention.

Background

9. Space is of immense strategic importance around the world, and globally the space industry is big business and growing at a pace.¹ In New Zealand, the space launching industry is only just emerging, with one main operator, Rocket Lab, a US company with a subsidiary in New Zealand. Government's interest in New Zealand's space industry has been precipitated by Rocket Lab's intention to offer regular commercial space launches from New Zealand, starting this year. The Government's interests are, however, much wider.
10. To facilitate the development of a New Zealand based space industry, in December 2015 Cabinet agreed to the high-level design for a new domestic regulatory regime to enable safe, secure and responsible space launches from New Zealand; manage risks that may arise from space launches; and implement New Zealand's international obligations [Cab Min (15) 0274 refers]. Cabinet also noted the importance of New Zealand's effective participation in the international space regulatory regime, and that New Zealand's accession to the UN outer space treaties (the UN space treaties) to which it is not currently Party, would be sought separately [Cab Min (15) 0274 refers].
11. In this paper we are seeking agreement to New Zealand's accession to the Registration Convention (attached as Annex One). We are not proposing accession to the Moon Agreement at this point in time. So far only a small number of countries (16) have ratified the Moon Agreement,² and further work is required to fully understand the implications that accession to the Moon Agreement would have for New Zealand. Officials will provide further advice in October 2016, as part of wider advice on a New Zealand space policy.

Comment

The Registration Convention is an integral part of the international space regulatory framework

12. International space law comprises the UN space treaties and a body of principles developed by the UN Committee on the Peaceful Uses of Outer Space (COPUOS), UN General Assembly (UNGA) resolutions, and other international agreements between States, as well as rules and regulations of international organisations.³
13. Within this body of international space law, the UN space treaties provide the underpinning international regulatory framework for State Parties' space related activities, and also form the basis for domestic regulatory systems. The UN principles and other UNGA resolutions set guidelines, but are not binding in nature.
14. There are five UN space treaties (an overview is provided in Annex Two). New Zealand is already Party to three, namely:
 - Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, entered into force on 10 October 1967 (the "Outer Space Treaty"), ratified by New Zealand on 31 May 1968;

¹ OECD, The Space Economy at a Glance, 2014

² For example, the US, UK and Canada have not acceded to the Moon Treaty.

³ For example, the Resolution of the Council of the European Space Agency on the Agency's Legal Liability (ESA/C/XXII/Res.3, 13 December 1977)

- Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, entered into force on 3 December 1968 (the "Rescue Agreement") ratified by New Zealand on 8 July 1969; and,
- Convention on International Liability for Damage Caused by Space Objects, entered into force on 1 September 1972 (the "Liability Convention") ratified by New Zealand on 30 October 1974.

15. New Zealand has yet to accede to the:

- Registration Convention, entered into force on 15 September 1976; and,
- Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, entered into force on 11 July 1984 (the "Moon Agreement").

Accession to the Registration Convention is consistent with New Zealand's position as a responsible launching State

16. UN space treaties do not preclude a non-Party from launching a space object. New Zealand's accession to the Registration Convention is therefore technically not necessary to launch an object into space.
17. Accession to the Registration Convention would, however, facilitate the development and maintenance of an internationally credible New Zealand-based space industry. It is an indication that New Zealand is a responsible launching State, and consistent with New Zealand's stated position of promoting a rules-based approach to the responsible use of space.
18. Currently there are 62 Parties to the Registration Convention (including for example, Canada, Australia, the US and the United Kingdom); and, the annual UNGA resolution on International Cooperation in the Peaceful Use of Outer Space (most recently resolution 69/85 of 5 December 2014) "urges States that have not yet become parties to the international treaties governing the uses of outer space to give consideration to ratifying or acceding to those treaties in accordance with their national law, as well as incorporating them into their national legislation".

Accession would make it mandatory for New Zealand as a launching State to establish maintain a register for space objects launched into outer space

19. The key new obligation that would arise from accession is the requirement for New Zealand as a launching State to (Article II(1)):
- establish and maintain a central register of space objects launched into orbit or into outer space;
 - register each space object; and,
 - inform the UN Secretary-General of the establishment of such a registry.
20. It is then the responsibility of the UN Secretary-General to maintain a public UN Register of Objects Launched into Outer Space (Article III), based on the information provided by States. Under Article IV(1) of the Registration Convention, each State of registry is required to provide to the UN Secretary-General, as soon as practicable, specified information concerning each space object carried on its registry (the name of launching State or States, an appropriate designator of the space object or its registration number, the date and territory or location of launch; basic orbital parameters).
21. Under the Registration Convention, a 'space object' includes the component parts of a space object and its launch vehicle (Article I(b)) (i.e. anything that is launched into Earth orbit or beyond).
22. A 'launching' State includes (Article I (a)):
- a State which launches or procures the launching of a space object; and/or

- a State from whose territory or facility a space object is launched (Article I (a)).

This definition allows for more than one launching State. This is consistent with the concept of launching State established in Article VII of the Outer Space Treaty, and the definition of launching State in Article I of the Liability Convention.

Registration of a space object makes New Zealand a State of registry

23. The Registration Convention provides that a launching State on whose registry a space object is registered is the State of registry for the purposes of the Outer Space Treaty (Article I (c)). Article VIII of the Outer Space Treaty provides that a State of registry retains jurisdiction and control over the space object. In practice, this means that space objects would be subject to New Zealand law, and that New Zealand would have a responsibility to exercise ongoing control and supervision over such objects.

The Registration Convention provides a mechanism within which to agree with other State Parties on who should register, and retain jurisdiction and control, over a space object

24. The Registration Convention provides that when there is more than one launching State, the launching States must determine between themselves who will register the space object, and can also enter into separate arrangements concerning jurisdiction and control over the space objects (Article II(2)). If New Zealand acceded, it would enable us to register objects under the Registration Convention, where it was determined with other launching states that New Zealand should be the State of registry.
25. The Registration Convention does not prescribe how launching States are to decide who will register, and retain jurisdiction and control, over a space object. Launching States can decide whether only one, or more States register and retain jurisdiction and control over the space object (including component parts). The decision could be made on a case by case basis or via ongoing arrangements.

Liability

26. Accession to the Registration Convention would have no bearing on liability for any damage resulting from space objects launched from New Zealand. Liability, which is governed by the Liability Convention, accrues to the launching State(s), independently of whether the launching State(s) is a State of registry. New Zealand is already a Party to the Liability Convention.

To comply with the Registration Convention New Zealand would need to establish and maintain a register for space objects

27. The Registration Convention states that contents and conditions of the registry are determined by the State of Registry (Article II (3)). It only specifies some information which is required for the purposes of reporting to the UN Secretary General (Article IV(1)).
28. Notwithstanding that an obligation to establish and maintain a register would arise as a result of accession, systematic registration of space objects is consistent with the Government's objective to create a responsible and internationally credible New Zealand space regulatory framework that enables the Government and businesses to effectively engage with other jurisdictions and overseas businesses (e.g. US, UK and Australia).
29. The establishment and maintenance of a registry is a simple and effective way for the Government to maintain oversight of space objects launched, collect information about these objects consistently, and share the registration data when needed (e.g. to ensure national security to prevent collisions and facilitate space debris clean-up initiatives). It also enables us to gather and use the data to give effect to other treaties, such as the International Telecommunication Union (ITU) treaty.⁴
30. For these reasons, in December 2015, Cabinet already agreed that an integral part of the

⁴ The ITU treaty regulates the use of satellite orbital slots and frequencies (requiring Member States to register and coordinate their satellites).

new legislation to regulate space activities will be to create and maintain a register of space objects as described by the Registration Convention [Cab Min (15) 0274 refers]. It is therefore proposed that the new legislation will give effect to New Zealand's obligations under the Registration Convention.

Completion of the domestic treaty process is required before New Zealand can accede to the Registration Convention

31. As accession to the Registration Convention is a binding treaty action, the Registration Convention, and a copy of the National Interest Analysis (NIA) for the Registration Convention, must be tabled in the House of Representatives to be referred to the Foreign Affairs, Defence and Trade Committee (or other relevant select committee) for Parliamentary treaty examination (PTE).
32. It is proposed that the Registration Convention and NIA be tabled in the House on 30 May 2016. The Government may not take binding treaty action, which is interpreted to include the introduction of implementing legislation to the House of Representatives, until the select committee has reported to the House of Representatives or until 15 sitting days have elapsed from presentation, whichever is sooner.⁵ In light of this practice, it is proposed that the new legislation to regulate space activities which would enable compliance with the Registration Convention, be introduced to the House of Representatives in early July 2016, after PTE is completed. The new legislation has a category 2 priority on this year's legislative programme (must be passed in 2016).
33. Following passage of the legislation, New Zealand will be in a position to comply with the obligations in the Registration Convention and will therefore be able to accede. As the Registration Convention is already in force, New Zealand may accede to it at any time by depositing an instrument of accession with the UN Secretary-General. The Registration Convention would enter into force for New Zealand on the date of the deposit of its instrument of accession (Article VIII).
34. A first launch is likely to be conducted from New Zealand prior to the passing of the legislation and New Zealand's accession to the Registration Convention. New Zealand could also register its launches with the UN pursuant to UNGA Resolution 1721 B (XVI) of 1961, as recommended by UNGA Resolution 62/101 (2007), OP1(a). This provides a satisfactory interim measure pending NZ's accession to the Convention. Italy registered its launches under this resolution prior to its accession to the Registration Convention in 2005.

Application of the Convention to Tokelau

35. Tokelau has been informed of New Zealand's intended accession to the Registration Convention. It is not proposed that the Registration Convention be extended to Tokelau as officials do not consider the obligations under the Registration Convention are of relevance to Tokelau at this time.

Financial Implications

36. There are likely to be costs associated with the establishment and maintenance of a register. When agreeing the high-level design for a new legislation and regulatory regime, Cabinet already agreed that the new legislation will provide for broad regulation-making powers to prescribe fees [Cab Min (15) 0274 refers]. It is proposed that, if necessary, whole or parts of any costs associated with the establishment and maintaining of a register could be recovered via fees applicable under the new legislation.

Regulatory impact analysis

37. An extended NIA, attached as Annex Three, has been prepared by the Ministry of Business, Innovation and Employment (MBIE), in consultation with other relevant government agencies. A Regulatory Impact Statement (RIS) is not required for this proposal as Cabinet already agreed in December 2015 that an integral part of the new legislation to regulate

⁵ CAB Manual, paragraphs 7.119 and 7.122

space activities will be to create and maintain a register of space objects as described by the Registration Convention [Cab Min (15) 0274 refers].

Publicity

38. The presentation to the House of Representatives of the text of the Registration Convention and the NIA, and PTE, would mean that the public would have access to these documents. The select committee may also seek public submissions, and the House may also want to debate the proposed treaty action. A communications plan has been developed.

Consultation

39. The following government agencies have been consulted: the Ministry of Foreign Affairs and Trade, the Ministry of Transport, the New Zealand Defence Force, the Ministry of Defence, the Department of Prime Minister and Cabinet, the New Zealand Intelligence Service, and the Government Communications Security Bureau.

Recommendations

40. The Minister for Economic Development and the Minister of Foreign Affairs recommend that the Committee:
- 40.1. **Note** that growing a New Zealand-based and internationally credible space industry offers great economic, social, environmental, and security development opportunities
 - 40.2. **Note** that in December 2015, Cabinet [Cab Min (15) 0274 refers]:
 - (1) agreed to the high-level design for a new domestic regulatory regime to enable safe, secure and responsible space launches from New Zealand; and,
 - (2) noted that New Zealand's accession and signature to the Registration Convention and the Moon Agreement would be sought separately
 - 40.3. **Agree** to defer consideration of accession to the Moon Agreement to October 2016, as further analysis is required to fully understand the implications that accession to the Moon Agreement would have for New Zealand
 - 40.4. **Note** that the Registration Convention is an integral part of the international space regulatory framework, and that accession is consistent with New Zealand's position as a responsible launching State
 - 40.5. **Note** that the Registration Convention is a binding treaty, and that accession would make it mandatory for New Zealand as a launching State to establish and maintain a register for space objects launched into outer space
 - 40.6. **Approve** the text of the Registration Convention, which is attached to this paper
 - 40.7. **Note** that, as accession to the Registration Convention is a binding treaty action, the Registration Convention and an accompanying National Interest Analysis (NIA) must be tabled in the House of Representatives and referred to the relevant select committee for Parliamentary treaty examination (PTE)
 - 40.8. **Approve** the content of the NIA, which is attached to this paper
 - 40.9. **Agree** to present the Registration Convention and the NIA to the House of Representatives for the purposes of PTE, under Standing Order 397
 - 40.10. **Note** that New Zealand must introduce legislation in order to comply with New Zealand's obligations under the Registration Convention, and it is proposed that this be introduced in the House of Representatives in early in July 2016
 - 40.11. **Note** that Cabinet has already agreed that an integral part of the new legislation will be to create and maintain a register of space objects as described by the Registration Convention [Cab Min (15) 0274 refers]

- 40.12. **Note** that the legislation has a category 2 priority on this year's legislative programme (must be passed in 2016)
- 40.13. **Agree** to New Zealand's accession to the Registration Convention, subject to the successful completion of PTE and the passage of the new legislation
- 40.14. **Note** that the Registration Convention would enter into force for New Zealand on the date of the deposit of its instrument of accession.

Proactive Release Under the Official Information Act

Annex One: Registration Convention

The States Parties to this Convention,

Recognizing the common interest of all mankind in furthering the exploration and use of outer space for peaceful purposes,

Recalling that the Treaty on principles governing the activities of States in the exploration and use of outer space, including the moon and other celestial bodies of 27 January 1967 affirms that States shall bear international responsibility for their national activities in outer space and refers to the State on whose registry an object launched into outer space is carried,

Recalling also that the Agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space of 22 April 1968 provides that a launching authority shall, upon request, furnish identifying data prior to the return of an object it has launched into outer space found beyond the territorial limits of the launching authority,

Recalling further that the Convention on international liability for damage caused by space objects of 29 March 1972 establishes international rules and procedures concerning the liability of launching States for damage caused by their space objects,

Desiring, in the light 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, to make provision for the national registration by launching States of space objects launched into outer space,

Desiring further that a central register of objects launched into outer space be established and maintained, on a mandatory basis, by the Secretary-General of the United Nations,

Desiring also to provide for States Parties additional means and procedures to assist in the identification of space objects,

Believing that a mandatory system of registering objects launched into outer space would, in particular, assist in their identification and would contribute to the application and development of international law governing the exploration and use of outer space,

Have agreed on the following:

Article I

For the purposes of this Convention:

- (a) The term "launching State" means:
- (i) A State which launches or procures the launching of a space object;
 - (ii) A State from whose territory or facility a space object is launched;
- (b) The term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof;
- (c) The term "State of registry" means a launching State on whose registry a space object is carried in accordance with article II.

Article II

1. When a space object is launched into earth orbit or beyond, the launching State shall register the space object by means of an entry in an appropriate registry which it shall maintain. Each launching State shall inform the Secretary-General of the United Nations of the establishment of such a registry.

2. Where there are two or more launching States in respect of any such space object, they shall jointly determine which one of them shall register the object in accordance with paragraph 1 of this article, bearing in mind the provisions of article VIII 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 without prejudice to appropriate agreements concluded or to be concluded among the launching States on jurisdiction and control over the space object and over any personnel thereof.

3. The contents of each registry and the conditions under which it is maintained shall be determined by the State of registry concerned.

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.

Article IV

1. Each State of registry shall furnish to the Secretary-General of the United Nations, 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:
 - (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 Secretary-General of the United Nations with additional information concerning a space object carried on its registry.
3. Each State of registry shall notify the Secretary-General of the United Nations, to the greatest extent feasible and as soon as practicable, of space objects concerning which it has previously transmitted information, and which have been but no longer are in earth orbit.

Article V

Whenever a space object launched into earth orbit or beyond is marked with the designator or registration number referred to in article IV, paragraph 1 (b), or both, the State of registry shall notify the Secretary-General of this fact when submitting the information regarding the space object in accordance with article IV. In such case, the Secretary-General of the United Nations shall record this notification in the Register.

Article VI

Where the application of the provisions of this Convention 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, shall respond to the greatest extent feasible to a request by that State Party, or transmitted through the Secretary-General 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.

Article VII

1. In this Convention, with the exception of articles VIII to XII inclusive, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are States Parties to this Convention and to the Treaty on principles governing the activities of States in the exploration and use of outer space, including the moon and other celestial bodies.
2. States members of any such organization which are States Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with paragraph 1 of this article.

Article VIII

1. This Convention shall be open for signature by all States at United Nations Headquarters in New York. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force among the States which have deposited instruments of ratification on the deposit of the fifth such instrument with the Secretary-General of the United Nations.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Secretary-General shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.

Article IX

Any State Party to this Convention may propose amendments to the Convention. Amendments shall enter into force for each State Party to the Convention accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party to the Convention on the date of acceptance by it.

Article X

Ten years after the entry into force of this Convention, the question of the review of the Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider in the light of past application of the Convention, whether it requires revision. However, at any time after the Convention has been in force for five years, at the request of one third of the States Parties to the Convention and with the concurrence of the majority of the States Parties, a conference of the States Parties shall be convened to review this Convention. Such review shall take into account in particular any relevant technological developments, including those relating to the identification of space objects.

Article XI

Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XII

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all signatory and acceding States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at New York on the fourteenth day of January one thousand nine hundred and seventy-five.

Annex Two: Summary of Key Obligations under the Outer Space Treaties

	Key obligations arising	
Outer Space Treaty (OST)	<p>This Treaty establishes a range of high-level rules governing the exploration and use of outer space. It provides that each party bears international responsibility for its national activities in outer space, whether those activities are conducted by public or private entities.</p> <p>Parties must ensure that the activities of private entities in outer space require authorisation by the State and are subject to ongoing supervision by the appropriate State party.</p> <p>A party that launches an object (including the launch vehicle itself) into space, and a party from whose territory a space object is launched, are internationally liable for any damage caused by that object on the Earth, in air, or in outer space.</p> <p>The party on whose register a space object is recorded retains jurisdiction and control of that object while it is in outer space.</p> <p>These obligations are further established in the liability convention and the registration convention (see below)</p>	<p>The new legislation is intended provide the domestic regulatory framework that will assist New Zealand in complying with the obligations in the OST, and other UN space treaties.</p> <p>It will apply to persons who (a) launch or procure the launch of a space object and (b) operate a space object launched from New Zealand. All persons who launch and/or operate space objects will be required to have a licence issued by the responsible Minister.</p> <p>Space launch licences will contain minimum standard conditions which may include but are not limited to (i) prevent the contamination of outer space or adverse changes in the environment, (ii) avoid interference with the space activities of others, (iii) avoid breach of New Zealand's international obligations, (iv) preserve the national security of New Zealand, (v) provide for the safety and security of launch sites and other premises associated with a launch.</p>
Liability Convention	<p>This Convention builds on the OST and establishes a system of rules for apportioning liability to launching State(s) for damage caused by space objects in different situations, and for seeking compensation for such damage. It also sets out rules for the establishment of a Claims Commission when agreement on compensation cannot be reached through negotiation.</p>	<p>The new legislation will include provision to manage the Crown's liability that arises from meeting international obligations associated with rocket launches and space objects. Specific requirements around insurance may be specified in regulations from time to time.</p>
Registration Convention	<p>This Convention builds on the OST provides for the registration of objects launched into orbit or into outer space. It applies to a State that launches or arranges the launch of a space object, as well as a State from whose territory or facility an object is launched. The scope of the Convention includes launch vehicles, payloads, parts and components.</p>	<p>The new legislation will provide for New Zealand to create and maintain a register of space objects (as described in the OST and Registration Convention) and as a condition of the licence, the licensee must provide this information to the government.</p>
Rescue Agreement	<p>This Agreement relates to the rescue and return of astronauts in distress. It provides that Parties have the right to be notified of, and to recover, space objects of theirs that are discovered in the territory of another party, or on the high seas, or in any place not subject to any State's jurisdiction. The launching authority bears the cost of recovery of such objects.</p>	N/A
Moon Agreement	<p>This Agreement sets out rights and obligations relating to the exploration and use of the moon and other astronomical bodies (e.g. planets, moons, stars, asteroids). Its scope includes activities on astronomical bodies, as well as activities in their orbit and other trajectories to or around them. It provides that each party bears international responsibility for its national activities on astronomical bodies, whether those activities are conducted by public or private entities. Parties must ensure that the activities of private entities are conducted under the authority and continuing supervision of the appropriate State party.</p>	N/A

Annex Three: National Interest Analysis

1. Executive Summary

The Government wants to facilitate the development of a safe, secure, responsible and internationally credible New Zealand based space industry. This requires New Zealand to consider its participation in the international space regulatory framework.

The United Nations Convention on Registration of Objects launched into Outer Space (the Registration Convention) is one of five United Nations (UN) space treaties that provide the underpinning international regulatory framework for State Parties' space related activities. It also forms the basis for domestic regulatory systems.

New Zealand's accession to the Registration Convention is not necessary for space objects to be launched from New Zealand. However, accession is consistent with New Zealand's position as a responsible launching State. Currently there are 62 Parties to the Registration Convention.

The main new obligation arising from accession is the requirement for New Zealand as a launching State to establish and maintain a register for space objects (including launch vehicles and payloads) launched into outer space. The establishment and maintenance of a registry is a simple and effective way for the Government to maintain oversight of space objects launched, share registration data when needed (e.g. to ensure national security, prevent collisions and space debris clean-up initiatives), and use the data to give effect to other treaties (such as the International Telecommunication Union (ITU) treaty).⁶

The Registration Convention also provides a mechanism within which to agree with other State Parties on who should register, and retain jurisdiction and control, over a space object. It provides that a launching State on whose registry a space object is registered, is the State of registry for the purposes 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 (the "Outer Space Treaty"), to which New Zealand has been a Party since 1968. The Outer Space Treaty provides that a State of registry retains jurisdiction and control over the space object. In practice, this means that the space object would be subject to New Zealand law, and that New Zealand would have a responsibility to exercise ongoing control and supervision over such objects. Under the Registration Convention, when there is more than one State involved, the States must determine between themselves who will register the space object, and can also make arrangements concerning jurisdiction and control over that space object.

Accession would have no bearing on liability, which is governed by the UN Convention on International Liability for Damage Caused by Space Objects (the "Liability Convention") to which New Zealand has been a Party since 1974.

2. Nature and timing of the proposed treaty action

The Registration Convention, adopted by the General Assembly in its resolution 3235 (XXIX), opened for signature on 14 January 1975, entered into force on 15 September 1976. It establishes a mandatory system of registering objects launched into outer space. There are 62 Parties to the Registration Convention.

Accession is proposed following the completion of New Zealand's domestic treaty process. This includes the passage of legislation necessary to comply with the obligations in the Registration Convention, currently scheduled to be passed by the end of 2016.

As the Registration Convention is already in force, New Zealand may accede to it at any time by depositing an instrument of accession with the Secretary-General of the United Nations (Article VIII (2)). The Registration Convention would enter into force for New Zealand on the date of the deposit of its instrument of accession (Article VIII (4)).

⁶ The ITU treaty regulates the use of satellite orbital slots and frequencies (requiring Member States to register and coordinate their satellites).

Tokelau has been informed of New Zealand's intended accession to the Registration Convention. It is not proposed that the Registration Convention be extended to Tokelau as officials do not consider the obligations under the Registration Convention are of relevance to Tokelau at this time.

3. Reasons for New Zealand becoming party to the Treaty

The Government wants to facilitate the development of a safe, secure, responsible and internationally credible New Zealand based space industry. This requires New Zealand to consider its participation in the international space regulatory framework.

International space law comprises the UN space treaties and a body of principles developed by the UN Committee on the Peaceful Uses of Outer Space (COPUOS), UN General Assembly (UNGA) resolutions, and other international agreements between states, as well as rules and regulations of international organisations.

Within this body of international space law, the UN space treaties provide the underpinning international regulatory framework for State Parties' space related activities, and also form the basis for domestic regulatory systems. The UN principles and other UNGA resolutions set guidelines, but are not binding in nature.

There are five UN space treaties. New Zealand is already party to three, namely:

- Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, entered into force on 10 October 1967 (the "Outer Space Treaty"), ratified by New Zealand on 31 May 1968;
- Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, entered into force on 3 December 1968 (the "Rescue Agreement") ratified by New Zealand on 8 July 1969; and,
- Convention on International Liability for Damage Caused by Space Objects, entered into force on 1 September 1972 (the "Liability Convention") ratified by New Zealand on 30 October 1974.

New Zealand has yet to accede to the:

- Registration Convention, entered into force on 15 September 1976; and,
- Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, entered into force on 11 July 1984 (the "Moon Agreement").

Currently there are 62 Parties to the Registration Convention (including for example, Canada, Australia, the US and the United Kingdom). Accession to the Registration Convention would be an indication that New Zealand is a responsible launching State. This will, in turn, facilitate the development and maintenance of an internationally credible New Zealand-based space industry.

4. Advantages and disadvantages to New Zealand of the treaty entering into force and not entering into force for New Zealand

UN space treaties do not preclude a non-Party State from launching a space object. New Zealand's accession to the Registration Convention is therefore technically not necessary to launch an object into space.

Notwithstanding this, like-minded countries with advanced space industries (e.g. UK and US) are Party to the Registration Convention; and the annual UN General Assembly resolution on International Cooperation in the Peaceful Use of Outer Space (most recently resolution 69/85 of 5 December 2014) "urges States that have not yet become parties to the international treaties governing the uses of outer space to give consideration to ratifying or acceding to those treaties in accordance with their national law, as well as incorporating them into their national legislation".

New Zealand's accession would facilitate the development and maintenance of our international relationships as a responsible launching State, consistent with New Zealand's stated position of promoting a rules-based approach to the responsible use of space.

As outlined in more detail below, the main new obligation that would result from accession would

be to (Article II(1)):

- establish and maintain a central register of space objects launched into orbit or into outer space;
- register each space object; and,
- inform the UN Secretary-General of the establishment of such a registry.

Should the Government not accede to the Registration Convention, we would not be obliged to establish and maintain a register of space objects.

A registration mechanism for space objects would be needed, in any case, for the development of a New Zealand based space industry, and growth of a wider space economy. Systematic registration of space objects is consistent with the Government's objectives to create a responsible and internationally credible New Zealand space regulatory framework that enables the Government and businesses to effectively engage with other jurisdictions and overseas businesses (e.g. US, UK and Australia).

The establishment and maintenance of a registry is a simple and effective way for the Government to maintain oversight of space objects launched from New Zealand, collect information about these objects consistently, share registration data as and when desired and/or needed (e.g. to ensure national security, prevent collisions and facilitate space debris clean-up initiatives), and use registration data to give effect to other treaties (such as the International Telecommunication Union (ITU) treaty).

Should the Government not accede to the Registration Convention, the Government would also not need to inform the UN Secretary-General of the launch of a space objects. However, for the reasons outlined above, the Government considers that would be in the interest of New Zealand as a responsible and credible launching State to register space objects. In the case that launches were to occur for which New Zealand is a launching State, New Zealand could register the space object from with the UN pursuant to UNGA Resolution 1721 B (XVI) of 1961, as recommended by UNGA Resolution 62/101 (2007), OP1(a). This would provide a satisfactory interim measure pending NZ's accession to the Convention. Italy registered its launches under this resolution prior to its accession to the Registration Convention in 2005.

In the long-term, however, accession to the Registration Convention would be more consistent with international practice and the Government's objectives to create a responsible and internationally credible New Zealand space regulatory framework.

5. Legal obligations which would be imposed on New Zealand by treaty action, the position in respect of reservations to the treaty, and an outline of any dispute settlement mechanisms

The key new obligation that would arise from accession is the requirement on New Zealand as a launching state to establish and maintain a central register of space objects launched into orbit or into outer space, to register each space object, and to inform the UN Secretary-General of the establishment of such a registry (Article II(1)). A space object includes the component parts of a space object and its launch vehicle (Article I(b)). In practice, a space object is anything that is launched into Earth orbit or beyond.

New Zealand would be required (under Article IV) to provide to the UN Secretary-General, as soon as practicable, specified information concerning each space object carried on its registry (the name of launching State or States, an appropriate designator of the space object or its registration number, the date and territory or location of launch; basic orbital parameters, including: nodal period; (ii) Inclination; (iii) apogee; (iv) perigee; (e) general function of the space object). It is then the responsibility of the UN Secretary-General to maintain a public UN Register of Objects Launched into Outer Space (Article III).

A launching state includes a State which launches or procures the launching of a space object, and/or a State from whose territory or facility a space object is launched (Article I (a)). This definition allows for there to be more than one launching State. This is consistent with the concept

of launching state established in Article VII of the Outer Space Treaty, and the definition of launching state in Article I of the Liability Convention.

When there is more than one launching State, the launching States must determine between themselves who will register the space object (Article III (2)). The Registration Convention does not prescribe how launching states are to decide who will register the space object. In practice, launching States can decide whether one or more States register the space object (including component parts). The decision could be made on a case by case basis, or via ongoing arrangements.

The Registration Convention provides that a State on whose registry a space object is registered is the State of registry for the purposes of the Outer Space Treaty (Article I (c)). Article VIII of the Outer Space Treaty provides that a State of registry retains jurisdiction and control over the space object. In practice, this means that space objects would be subject to New Zealand law, and that New Zealand would have a responsibility to exercise ongoing control and supervision over such objects. The Registration Convention provides that when there is more than one launching State, the launching States can make separate agreement concerning jurisdiction and control over the space objects (Article II(2)).

Accession to the Registration Convention would have no bearing on liability for any damage resulting from space objects registered in New Zealand. Liability, which is governed by the Liability Convention, accrues to the launching State(s), independently of whether the launching State(s) is a State of Registry.

The Registration Convention contains no provisions on reservations and does not include a dispute resolution mechanism.

6. Measures which the Government could or should adopt to implement the treaty action, including specific reference to implementing legislation

The Registration Convention states explicitly that "...the launching state *shall* register the space object", so if New Zealand acceded there will need to be some form of compulsory registration.

To comply with the Registration Convention should New Zealand be required to be the State of registry, New Zealand would need to establish a register for space objects which would at least need to include the mandatory information under Article VI(1).

It is therefore proposed that legislation will be introduced to give effect to New Zealand's obligations under the Registration Convention.

7. Economic, social, cultural and environmental costs and effects of treaty action

New Zealand Accession would not have any significant social, cultural and environmental costs for New Zealand.

8. The costs to New Zealand of compliance with the treaty

There are likely to be costs associated with the establishment and maintenance of a register. It is proposed that legislation could provide for broad regulation-making powers to prescribe fees and that, if necessary, whole or parts of any costs associated with the establishment and maintaining of a register could be recovered via fees applicable under the new legislation.

9. Completed or proposed consultation with the community and parties interested in the treaty action

The following agencies were consulted in the drafting of this national interest analysis and support its conclusions: the Ministry of Foreign Affairs and Trade, the Ministry of Transport, the New Zealand Defence Force, and the Ministry of Defence. The New Zealand security agencies have been consulted through a process led by the Department of Prime Minister and Cabinet.

The public has not been separately consulted on the proposed accession to the Registration Convention. The creation and establishment of a register of space object is an integral part of the proposed new legislation. The public will have an opportunity to make submission at select committee once the legislation is introduced in the House of Representatives.

10. Subsequent protocols and/or amendments to the Treaty and their likely effects

Any Party may propose amendments to the Registration Convention, which will enter into force for Parties which accept them following acceptance by the majority of Parties. For Parties which accept the amendment after it has entered into force, it would enter into force on the day of acceptance (Article IX).

11. Withdrawal or denunciation provision in the treaty

A State Party may also withdraw from the Registration Convention by giving notice to the UN Secretary-General, effective one year from the date of the notification (Article XI).

12. Agency disclosure statement

This extended NIA has been prepared by the Ministry of Business, Innovation and Employment, in consultation with other relevant government agencies. The extended NIA identifies all the substantive legal obligations arising from New Zealand's accession to the NIA, some of which will require legislative implementation, and analyses the advantages and disadvantages to New Zealand in becoming a Party to the Registration Convention.

Implementation of the obligations arising under the Registration Convention would not be expected to impose additional costs on businesses; impair private property rights, market competition, or the incentives on businesses to innovate and invest; or override fundamental common law principles.

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