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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Forty-fifth session
Vienna, 3-13 April 2006

Draft report

I. Introduction

A. Opening of the session

1. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its forty-fifth session at the United Nations Office at Vienna from 3 to [13] April 2006 under the chairmanship of Raimundo González Aninat (Chile).
2. At the 732nd meeting, on 3 April, the Chairman made a statement briefly describing the work to be undertaken by the Subcommittee at its forty-fifth session. The Chairman's statement is contained in an unedited verbatim transcript (COPUOS/Legal/T.732).

B. Election of the Chairman

3. At the 732nd meeting, Raimundo González Aninat (Chile) was elected Chairman of the Legal Subcommittee for a two-year term of office.

C. Adoption of the agenda

4. At its opening [731st] meeting, the Legal Subcommittee adopted the following agenda:
 1. Opening of the session.
 2. Election of the Chairman.
 3. Adoption of the agenda.
 4. Statement by the Chairman.



5. General exchange of views.
6. Status and application of the five United Nations treaties on outer space.
7. Information on the activities of international organizations relating to space law.
8. 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.
9. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
10. 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.
11. Practice of States and international organizations in registering space objects.
12. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-sixth session.

D. Attendance

5. Representatives of the following States members of the Legal Subcommittee attended the session: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Cuba, Czech Republic, Ecuador, Egypt, France, Germany, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Libyan Arab Jamahiriya, Malaysia, Mexico, Morocco, Netherlands, Nigeria, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, South Africa, Spain, Sudan, Sweden, Thailand, Turkey, Ukraine, Uruguay, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) and Viet Nam.
6. At the 731st meeting, on 3 April, the Chairman informed the Subcommittee that requests had been received from the permanent representatives of Belarus, Bolivia, the Dominican Republic, Switzerland, Tunisia and Zimbabwe to attend the session as observers. The Subcommittee agreed that, since the granting of observer status was the prerogative of the Committee on the Peaceful Uses of Outer Space, it could take no formal decision on the matter, but that representatives of those States might attend the formal meetings of the Subcommittee and could direct requests for the floor to the Chairman, should they wish to make statements.
7. The following organization of the United Nations system was represented at the session by an observer: International Civil Aviation Organization (ICAO).

8. The following were also represented by observers: European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT), European Space Agency (ESA), European Space Policy Institute (ESPI), International Institute for the Unification of Private Law (Unidroit), International Astronautical Federation (IAF), International Law Association (ILA) and Space Generation Advisory Council (SGAC).

9. A list of the representatives of States members of the Subcommittee and observers for States not members of the Subcommittee, entities of the United Nations system, other intergovernmental organizations and other entities attending the session and members of the secretariat of the Subcommittee is contained in document A/AC.105/C.2/INF.38.

E. Organization of work

10. In accordance with decisions taken at its 731st and 732nd meetings, the Legal Subcommittee organized its work as follows:

(a) The Subcommittee reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, open to all members of the Subcommittee, and agreed that Vassilios Cassapoglou (Greece) should serve as its Chairman;

(b) The Subcommittee reconvened its Working Group on Matters Relating to the Definition and Delimitation of Outer Space, open to all members of the Subcommittee, and agreed that José Monserrat Filho (Brazil) should serve as its Chairman;

(c) The Subcommittee reconvened its Working Group on the Practice of States and International Organizations in Registering Space Objects, open to all members of the Subcommittee, and agreed that Kai-Uwe Schrogl (Germany) should serve as its Chairman;

(d) The Subcommittee began its work each day with a plenary meeting to hear statements from delegations. It subsequently adjourned and, when appropriate, convened meetings of working groups.

11. At its 731st meeting, the Chairman proposed and the Subcommittee agreed that its work should continue to be organized flexibly with a view to making the best use of the available conference services.

12. The Subcommittee noted with satisfaction that a symposium entitled “Legal aspects of disaster management and the contribution of the law of outer space”, organized by the International Institute of Space Law (IISL) of IAF in cooperation with the European Centre for Space Law (ECSL) of ESA, had been held during the current session of the Subcommittee, on 3 April. The symposium was coordinated by Tanja Masson-Zwaan of IISL and chaired by Peter Jankowitsch (Austria). Presentations were made by Joanne Gabrynowicz on “The Disasters Charter: introduction, initial issues and experiences”, Ray Harris on “The challenges of access to Earth observation data for disaster management”, Sergio Marchisio on “Legal aspects of disaster management: European efforts including Global Monitoring for Environment and Security (GMES)” and Masami Onoda on “Legal

and policy aspects of disaster management support from space in Asia". The Subcommittee agreed that IISL and ECSL should be invited to hold a further symposium on space law at its forty-sixth session. The papers and presentations delivered during the symposium were placed on the website of the Office for Outer Space Affairs of the Secretariat (<http://www.unoosa.org/oosa/COPUOS/Legal/2006/symposium.html>).

13. The Legal Subcommittee recommended that its forty-sixth session should be held from 26 March to 5 April 2007.

F. Adoption of the report of the Legal Subcommittee

14. The Legal Subcommittee held a total of [...] meetings. The views expressed at those meetings are contained in unedited verbatim transcripts (COPUOS/Legal/T.731-[...]).

15. At its [...] meeting, on [13] April 2006, the Subcommittee adopted the present report and concluded the work of its forty-fifth session.

II. General exchange of views

16. The Legal Subcommittee welcomed the election of Raimundo González Aninat (Chile) as its new Chairman and expressed its gratitude to the outgoing Chairman, Sergio Marchisio (Italy), for his leadership and contributions in furthering the achievements of the Subcommittee during his two-year term.

17. The Subcommittee expressed its condolences to the Government of the Islamic Republic of Iran for the loss of human life resulting from the recent earthquake in that country.

18. The Subcommittee congratulated Brazil on the space flight of its first astronaut on 30 March 2006.

19. The Subcommittee expressed its appreciation to the Secretariat for the excellent documentation prepared for the Subcommittee at its current session.

20. Statements were made by representatives of the following States members of the Legal Subcommittee during the general exchange of views: Algeria, Argentina, Brazil, Burkina Faso, Canada, Chile, China, Colombia, Czech Republic, Ecuador, France, Greece, India, Indonesia, Italy, Japan, Libyan Arab Jamahiriya, Morocco, Nigeria, Republic of Korea, Romania, Russian Federation, South Africa, Spain, Thailand and United States. The observers for EUMETSAT and IAF also made statements. The views expressed by those speakers are contained in unedited verbatim transcripts (COPUOS/Legal/T.731-734).

21. At the 731st meeting, on 3 April, the Director of the Office for Outer Space Affairs made a statement reviewing the role and work of the Office relating to space law. The Subcommittee noted with appreciation the activities of the Office aimed at promoting understanding of, and adherence to, the international legal regime.

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22. Some delegations expressed the view that the existing international legal regime governing outer space provided a sound basis for undertaking space activities and that States should be encouraged to adhere to the existing legal regime in order to strengthen its effect.
23. Other delegations expressed the view that the existing legal regime governing outer space was not fully adequate in addressing current realities in outer space activities and welcomed the consideration of possible options for the future development and codification of international space law.
24. The view was expressed that there was a particular deficiency in the current legal regime governing outer space relating to the militarization of outer space, which required both the conclusion of new treaties aimed at bridging that gap and the strengthening of the current regime to maintain the use of outer space for peaceful purposes. In particular, that delegation was of the view that the partial space-weapons ban enshrined in the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (General Assembly resolution 2222 (XXI), annex), should be extended to all weapons.
25. The view was expressed that the militarization of outer space risked undermining strategic stability and international security and could lead to an arms race. That delegation was of the view that the Subcommittee should discuss ways to ensure that space technology was used for peaceful purposes, including by establishing a comprehensive and effective legal mechanism to prevent the militarization and weaponization of, and an arms race in, outer space. That delegation also noted that other international forums had started to consider space-related issues, such as the delimitation of outer space, that could not be advanced within the Subcommittee.
26. The view was expressed that all States and relevant organizations should abide by the international treaties and principles relating to outer space, particularly the Outer Space Treaty, as a basic and important condition for guaranteeing the avoidance of an arms race in outer space and for maintaining outer space solely for peaceful purposes.
27. The view was expressed that the success of the Subcommittee in its work could be attributed to its avoidance of debating extraneous political issues and its ability to focus on practical problems and to seek to address any such problems by means of a consensus-based and result-oriented process.
28. The view was expressed that the early adoption of space debris mitigation guidelines by the Scientific and Technical Subcommittee would enable the guidelines to complement the existing outer space treaties with a view to promoting confidence in the security of the space environment and bringing the benefits of the peaceful uses of outer space to all nations.
29. The Subcommittee noted with satisfaction that the Government of Ecuador had succeeded the Government of Colombia as pro tempore secretariat of the Space Conference of the Americas and that, in accordance with General Assembly resolution 59/116 of 10 December 2004, it would be holding the Fifth Space Conference of the Americas, in Quito in July 2006. The Subcommittee also noted with satisfaction that the Government of Chile had organized an excellent

preparatory meeting for the Conference during the International Air and Space Fair in Santiago in March 2006.
