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**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Forty-sixth session
Vienna, 26 March-5 April 2007

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-sixth session at the United Nations Office at Vienna from 26 March to [...] April 2007 under the chairmanship of Raimundo González Aninat (Chile).
2. At the 748th meeting, on 26 March, the Chairman made a statement briefly describing the work to be undertaken by the Subcommittee at its forty-sixth session. The Chairman's statement is contained in an unedited verbatim transcript (COPUOS/Legal/T.748).

B. Adoption of the agenda

3. At its 748th meeting, the Legal Subcommittee adopted the following agenda:
 1. Opening of the session and adoption of the agenda.
 2. Statement by the Chairman.
 3. General exchange of views.
 4. Status and application of the five United Nations treaties on outer space.
 5. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
 6. 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.
7. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
8. 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.
9. Practice of States and international organizations in registering space objects.
10. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-seventh session.

C. Attendance

4. Representatives of the following 52 States members of the Legal Subcommittee attended the session: Algeria, Argentina, 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, Kazakhstan, Libyan Arab Jamahiriya, Malaysia, Mexico, Morocco, Netherlands, Nigeria, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, South Africa, Spain, Sweden, Syrian Arab Republic, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) and Viet Nam.

5. At the 748th meeting, on 26 March, the Chairman informed the Subcommittee that requests had been received from Azerbaijan, Bolivia, the Dominican Republic, Switzerland and Tunisia to attend the session as observers. The Subcommittee agreed that, as 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.

6. The following organization of the United Nations system was represented at the session by an observer: World Intellectual Property Organization (WIPO).

7. The following organizations were also represented by observers: European Space Agency (ESA), European Space Policy Institute (ESPI), International Institute for the Unification of Private Law (Unidroit), International Organization of Space Communications (Intersputnik), International Astronautical Federation (IAF), International Law Association (ILA), International Space University (ISU) and Space Generation Advisory Council (SGAC). The Subcommittee took note of the request for observer status with the Committee from the African Organization of Cartography and Remote Sensing (A/AC.105/C.2/2007/CRP.3).

8. A list of the representatives of States members of the Subcommittee and observers for States not members of the Subcommittee, organizations 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.39.

D. Organization of work

9. In accordance with decisions taken at its 748th meeting, 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.

10. At its 748th 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. The Chairman in his opening statement highlighted that as the exploration and use of outer space should be carried out in the interests of all countries, irrespective of their degree of economic or scientific development and is the province of all mankind, it was important to strengthen the important contributions that space law could make, inter alia, to promote the use of space in connection with the climate change, the protection of the environment and food security.

11. The Subcommittee noted with satisfaction that a symposium entitled “Capacity-building in space law”, 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 26 and 27 March. The symposium was coordinated by Tanja Masson-Zwaan of IISL. Session 1 of the symposium was chaired by Peter Jankowitsch (Austria). Presentations were made in session 1 by Armel Kerrest, on behalf of Gabriel Lafferranderie, on “General introduction to and overview of space law teaching and education”, Armel Kerrest on “The state of the art of space law teaching and the need for a multidisciplinary approach”, Sergio Marchisio on “Networking and federative initiatives (ECSL, IISL, Moot Court etc.)”, José Monserrat Filho on “The needs of teaching institutions in the Latin American

and Caribbean region: specific features and initiatives”, Nataliya Malysheva on “The needs of teaching institutions in Eastern Europe: specific features and initiatives”, and Francesco Giobbe on “The need for space law teaching: the view of industry”. Session 2 of the symposium was chaired by Vladimir Kopal (Czech Republic). Presentations in session 2 were made by Joanne Gabrynowicz on “General introduction and overview of the workshops organized by OOSA”, Stephan Hobe on “Networking and federative initiatives (e.g. ECSL, practitioners forum, IISL regional conferences, ILA etc.)”, B. Vasudevan on “United Nations regional centres for space education, the example of India (CSSTEAP) and capacity-building efforts in space law in India”, Riffi Temsamani Saïd on “Initiatives in the North African region” and Ciro Arevalo Yepes on “Initiatives in the Latin American region”. A concluding panel discussion was chaired by Raimundo González Aninat (Chile). The papers and presentations delivered during the symposium were made available on the website of the Office for Outer Space Affairs of the Secretariat (<http://www.unoosa.org/oosa/COPUOS/Legal/2007/symposium.html>).

12. The Legal Subcommittee recommended that its forty-seventh session should be held from 31 March to 11 April 2008.

E. Adoption of the report of the Legal Subcommittee

13. The Legal Subcommittee held a total of [...] meetings. The views expressed at those meetings are contained in unedited verbatim transcripts (COPUOS/Legal/T.748- [...]).

14. At its [...] meeting, on [...] April 2007, the Subcommittee adopted the present report and concluded the work of its forty-sixth session.

II. General exchange of views

15. Statements were made by representatives of the following States members of the Legal Subcommittee during the general exchange of views: Algeria, Austria, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Cuba, Czech Republic, Ecuador, Egypt, France, Germany, Greece, India, Indonesia, Italy, Japan, Morocco, Netherlands, Nigeria, Poland, Republic of Korea, Russian Federation, South Africa, Syrian Arab Republic, Thailand, Turkey, Ukraine, United States and Viet Nam. Statements were also made by the observers for Switzerland, ESA, IISL and Intersputnik. The views expressed by those speakers are contained in unedited verbatim transcripts (COPUOS/Legal/T.748-752).

16. At the 748th meeting, on 26 March, the Director of the Office for Outer Space Affairs made a comprehensive 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.

17. The Subcommittee noted that 2007 would be a memorable year for the Committee and the space community, celebrating the fiftieth anniversary of the launching of the first artificial satellite, the fiftieth session of the Committee on the

Peaceful Uses of Outer Space and the fortieth anniversary of the adoption 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 (General Assembly resolution 2222 (XXI), annex). It was noted that, in the 40 years since the adoption of the Outer Space Treaty, space activities had become indispensable for sustainable development, contributing to economic growth and improvements in the quality of life around the world.

18. The Subcommittee agreed 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.

19. Some 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 called for the consideration of possible options for the future development and codification of international space law.

20. Some delegations reported on activities related to the establishment and development of national space law, including the establishment of national registries of space objects, in order to effectively implement the provisions of the United Nations treaties and principles on outer space at the national level.

21. The view was expressed that States that had ratified United Nations treaties on outer space should be encouraged to look at the sufficiency of their national laws to implement them.

22. The Subcommittee noted that the Fifth Space Conference of the Americas had been held in Quito from 24 to 28 July 2006. The Conference addressed, among other subjects, issues related to international space law. In the Declaration of San Francisco de Quito, adopted at the conclusion of the Conference, States in Latin America and the Caribbean were invited to set up national space entities to lay the foundation for a regional entity for cooperation. The Subcommittee also noted that the Government of Ecuador had established the pro tempore secretariat of the Fifth Space Conference of the Americas to carry out the plan of action of the Conference.

23. The Subcommittee welcomed the adoption of space debris mitigation guidelines by the Scientific and Technical Subcommittee. Some delegations expressed the view that the guidelines would complement the existing outer space treaties with a view to promoting confidence in the safety of the space environment and bringing the benefits of the peaceful uses of outer space to all nations.

24. The view was expressed that the Committee on the Peaceful Uses of Outer Space should refer the guidelines to the General Assembly as a separate resolution to highlight their importance to the space community.

25. The view was expressed that it was important for the Subcommittee to develop appropriate guidelines on the free availability of high-resolution images.

26. Some delegations expressed the view that outer space should continue to be used for peaceful purposes for the benefit of all humankind.

27. The view was expressed that the introduction of weapons into outer space would undermine the concept of peaceful uses of outer space, as well as

non-proliferation efforts, and that regional and interregional cooperation was crucial to preserving the use of space for peaceful purposes by all States.

28. 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 eliminating that deficiency and the strengthening of the current regime to maintain the use of outer space for peaceful purposes.

29. The view was expressed that the success of the Subcommittee in its work could be attributed to its ability to focus on practical problems and to seek to address any such problems via a consensus-based and result-oriented process.
