Brief overview of the work of the Legal Subcommittee and the United Nations Register of Objects Launched into Outer Space

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Introduction

The work of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space (hereinafter referred as the Subcommittee and the Committee, respectively) is always interesting for both established professionals and those who are just entering the world of space law. Since our workshops attract both categories of participants, it is important not only to update them with news from the Subcommittee, but also to make some of them aquatint with the structure and procedure of work of the Subcommittee. Therefore, some explanatory remarks will be provided alongside with the Subcommittee's news.

A brief information about the Legal Subcommittee

The Subcommittee is the main international forum established for consideration and resolution of legal problems arising from activities of States in the field of exploration and uses of outer space. The Subcommittee was established in 1962 by the Committee, under the Rules of Procedure of the General Assembly (A/520/Rev.15), the Committee had a right to set up subcommittees (Rule 102).

Here it is important to draw your attention to the fact that the Committee is the subsidiary organ of the United Nations General Assembly, established by the resolution of the General Assembly. The Rules of Procedure of the General Assembly apply to the organization and functioning of the Committee. The only unique procedural custom of the Committee is the rule of consensus, which was introduced at the very beginning of the Committee's history.

The Committee was established in accordance with the General Assembly resolution 1472 A (XIV) of 12 December 1959. The General Assembly tasked the Committee with the following: To review, as appropriate, the area of international co-operation, and to study practical and feasible means for giving effect to programmes in the peaceful uses of outer space which could appropriately be undertaken under United Nations auspices.

It is important to note that in the same resolution the General Assembly requested the Committee to study the nature of legal problems which may arise from the exploration of outer space.

At the time of its establishment the Committee consisted of 24 member States.[1] Currently there are 67 member States[2] take part in the work of the Committee and its Subcommittees. And this number will certainly increase in the coming years. Each year the Committee receives requests from Member States of the United Nations whishing to be represented at its meetings. For example, this year the session of the Legal Subcommittee was attended by the representatives of Belarus, Bolivia, the Dominican Republic, Switzerland, Tunisia and Zimbabwe. These States were represented at the Subcommittee's session as observers. The Subcommittee agreed that, since the granting of observer status was the prerogative of the Committee, 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.

Recent and future sessions of the Subcommittee

The Legal subcommittee held it recent forty-fifth session took place in Vienna, Austria from 3 to 13 April.

This year the Subcommittee elected its new Chairman – Mr. Raimundo

González Aninat (Chile) for a two-year term of office. This is the second time since the election of officers of the Committee and its subcommittees is made in accordance with the new procedure established by the Committee at its forty-sixth session, in 2003. In accordance with this procedure, the term of each of the five offices of the Committee and its subcommittees[3] is for a period of two years, with a pattern of equitable geographical rotation being established in the following order: (a) Group of African States; (b) Group of Asian States; (c) Group of Eastern European States; (d) Group of Latin American and Caribbean States; and (e) Group of Western European and Other States (A/58/20, Annex II, para. 5).

a) Agenda 2006

The current structure of the Subcommittee's agenda was decided by the Committee at its forty-second session, in 1999 (Annex I, B., *paras* 2-3) and includes the following elements:

(i) Regular items, including "General exchange of views", "Status of the outer space treaties" (to provide an opportunity for reports on any additional signature or ratification as well as application of the treaties), "Information on space law-related activities of international organizations" and the item related to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit;

(ii) *Single issues/items for discussion*, which are decided upon the preceding year and which are discussed only for one year in the plenary unless renewed;

(iii) *Agenda items considered under a multi-year work plan and discussed in working groups*. The items under such work plans should have been discussed as single issues before;

(iv) *Future issues to be dealt with in the Legal Subcommittee*. Under this item

issues can be proposed for consideration either as single issues/items for discussion or as items considered under a work plan: the main Committee will then decide on the inclusion of such new items in the agenda of the Legal Subcommittee.

The texts of provisional agenda of the recent sessions could be found in the documents A/AC.105/C.2/L.260 (forty-fifth session), A/AC.105/C.2/L.253 (forty-fourth session), and A/AC.105/C.2/L.247 (forty-third session).

It is important to note that a provisional agenda proposed by the Subcommittee for its forthcoming session is subject to consideration and endorsement by the Committee and the General Assembly. When a resolution of the General Assembly containing the final list of items to be included into provisional agenda is published, the Secretariat prepares a document containing a provisional agenda, as well as annotations and indicative schedule of meetings. The Secretariat makes the document available to member States in all official languages of the United Nations not later than 10 weeks before start of a new session of the Subcommittee.

This year the Subcommittee had rather busy agenda. The practice of States and international organizations in registering space objects was a key item on the agenda. Other topics of discussion included the status and application of the five United Nations treaties on outer space, the definition and delimitation of outer space, the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment, review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space and matters relating to the character and use of the geostationary orbit. As in previous sessions of the Subcommittee, international organizations were invited to report on their activities relating to space law.

Practice of States and international organizations in registering space objects

A key item on the agenda was the practice of States and international

organizations in registering space objects. The Convention on Registration of Objects Launched into Outer Space (the Registration Convention) requires States parties launching objects such as satellites, to provide information on the launched object to the United Nations. Based on this information, the United Nations Office for Outer Space Affairs (OOSA) maintains, on behalf of the United Nations Secretary-General, the United Nations Register of Objects Launched into Outer Space, for which it also provides an online searchable index.

The Subcommittee agreed that it was important to further promote greater adherence to the Registration Convention, which would lead to more States registering space objects, and also to encourage international organizations to declare their acceptance of the rights and obligations under the Convention.

The Working Group under this agenda item agreed on the elements that could constitute the basis for consensus on specific recommendations and conclusions to be included in the report of the Legal Subcommittee at its next session in 2007. These elements relate to: (a) the benefits of becoming a party to the Registration Convention; (b) adherence to and implementation of the Registration Convention; and (c) registration practice.

The agenda item on practice of registration of space objects could perfectly illustrate the way how new agenda items are introduced in the Subcommittee. At the forty-second session of the Subcommittee, in 2003, a group of member States[4] submitted a working paper entitled “New agenda item on practice in registering space objects of States and international organizations”. The text of the proposal could be found in the document A/AC.105/C.2/L.241 and Add.1. The Subcommittee considered and discussed that working paper and decided to include this topic in its agenda for the next year. This decision was endorsed by the Committee and, subsequently by the General Assembly. The work of the Subcommittee under this agenda item has already yielded a number of very positive and promising results.

Status and application of the five United Nations treaties on outer space

The Subcommittee endorsed the recommendation of the Working Group under this agenda item that member States of COPUOS provide information on any action that might have been taken at the national level as a result of receiving the letter from the UN Secretary-General encouraging participation in the outer space treaties.

The Subcommittee also endorsed the recommendation that the Office for Outer Space Affairs (OOSA) send a letter transmitting information on advantages of adherence to the Convention on International Liability for Damage Caused by Space Objects (the Liability Convention), to all States that had not yet become parties to that Convention.

Definition and delimitation of outer space

The Working Group under this item agreed to continue to invite Member States to reply to the questionnaire on aerospace objects until a consensus on criteria for analyzing the replies could be reached by the Subcommittee. The Working Group also agreed to invite member States of COPUOS to submit information on national legislation or any national practices that might exist or were being developed, relating directly or indirectly to the definition and/or delimitation of outer space, taking into account the current and foreseeable level of the development of space and aviation technologies.

Registering property interests in space assets

Another item on the agenda of the Subcommittee were the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment. The Convention was developed by the International Institute for the Unification of Private Law (Unidroit), an

intergovernmental organization not affiliated to the United Nations. The Convention establishes a general legal framework for registering interests in mobile high-value equipment that move across national boundaries, such as aeroplanes and trains, and would result in lower costs of securing funding for the equipment. The protocol on matters specific to space assets is aimed at establishing an international system for registering property interests in space assets, such as satellites.

Symposium

The symposium examined the legal aspects of disaster management and the contribution of the law of outer space.

The symposium was jointly organized by the International Institute of Space Law (IISL) of the International Astronautical Federation and the European Centre for Space Law (ECSL) and was held in the afternoon of the first day of the Subcommittee session. The programme included presentations by leading experts on topics such as the challenges of access to Earth observation data for disaster management, the initial legal issues and experiences related to the International Charter "Space and Major Disasters" and the legal and policy aspects of disaster management support from space in Asia.

The Subcommittee agreed to invite IISL and ECSL to organize a one-day symposium during the forty-sixth session of the Subcommittee, in 2007, that would include presentations by national and international space law institutions with emphasis on their capacity-building activities.

b) Agenda 2007

Having a report of the Subcommittee, containing a list of conclusions, recommendations and decisions, the Secretariat prepares a note verbale, addressed to the member States. Such note verbale contains a list of decisions and

recommendations of the Subcommittee which require actions from member States. For example, the above-mentioned decisions of the Working Group on definition and delimitation were submitted to member States. The reaction received from member States serves, together with a provisional agenda, as a basis for the Subcommittee's work at its next session.

At its next session, to be held in Vienna, Austria from 26 March to 5 April 2007, the Subcommittee will consider documents containing reaction of member States to the number of requests and questions addressed at the 2006 session of the Subcommittee. The Subcommittee will work in accordance with the follwing provisional agenda;

Regular items

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.

Single issues/items for discussion

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.

Items considered under workplans

9. Practice of States and international organizations in registering space objects.

   2007: Report to the Committee on the Peaceful Uses of Outer Space.

New items

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.

Also at its next session, in 2007, the Subcommittee will continue its consideration of possible inclusion in its agenda of new items. At its 2006 session the Subcommittee noted that the sponsors of the following proposals for new items to be included in its agenda intended to retain their proposals for possible discussion at its subsequent sessions:

(a) Review of the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting, with a view to possibly transforming the text into a treaty in the future, proposed by Greece;

(b) Review of existing norms of international law applicable to space debris, proposed by the Czech Republic and Greece;

(c) Discussion on matters relating to the Principles on Remote Sensing, proposed by Chile and Colombia;

(d) Space debris, proposed by France and supported by member and cooperating States of ESA; and

(e) Review of the Principles on Remote Sensing, with a view to transforming them into a treaty in the future, proposed by Greece.

The United Nations Register of Objects Launched into Outer Space

This section of the presentation contains a set of basic facts and description of actions taken by the Secretariat in order to fulfill the obligation of the Secretary General and to maintain the United Nations register of objects launched into outer space.

At present, the United Nations maintains two separate, yet complementary, registers on objects launched into outer space. One register is maintained with information provided by Member States in accordance with General Assembly resolution 1721 B (XVI) of 20 December 1961 and the other with information provided by parties to the Convention on Registration of Objects Launched into Outer Space (General Assembly resolution 3235 (XXIX), annex).

In its resolution 1721 B (XVI), the General Assembly called upon States launching objects into orbit or beyond to furnish information promptly to the Committee on the Peaceful Uses of Outer Space, through the Secretary-General, for the registration of launchings; and requested the Secretary-General to maintain a public registry of the information furnished in accordance with that provision.

Member States began to notify the Secretary-General of their launchings in 1962, in accordance with resolution 1721 B (XVI). The first notifications included all launchings since the first object was launched into outer space in 1957. The Secretary-General designated the Outer Space Affairs Division (now the Office for Outer Space Affairs) to maintain the public register (referred to as the "Resolution Register") specified by the resolution and the information furnished by States has been disseminated in a series of documents with the symbol A/AC.105/INF.–.

In its resolution 3235 (XXIX) of 12 November 1974, the General Assembly adopted the Convention on Registration of Objects Launched into Outer Space, which entered into force on 15 September 1976.

Following the entry into force of the Registration Convention, the Secretary-General, pursuant to its article III, established a register (referred to as the "Convention Register") for information furnished under the Convention and again designated the Office for Outer Space Affairs to maintain the Register. To provide full and open access to the information in the Register as required by the Convention, a new series of documents with the symbol ST/SG/SER.E/– was established to publish information furnished by States parties to the Convention.

Pursuant to article X, which requires the consideration by the General Assembly of the need for revision of the Convention 10 years after its entry into force, the Secretary-General prepared a report on the application of the Convention by parties up to that date (A/AC.105/382), which was submitted to the Legal Subcommittee at its twenty-sixth session, in 1987.

As at 1 January 2006, there had been 46 ratifications and 4 signatures of the Registration Convention. In addition, in accordance with article VII, two international organizations have declared their acceptance of rights and obligations under the Registration Convention: the European Space Agency (ESA) and the European Organization for the Exploitation of Meteorological Satellites (EUMETSAT).

Pursuant to article II, 16 States parties have notified the Secretary-General of the establishment of national registries. Some States are actively considering the establishment of their national registers. The Resolution Register is still used to provide information provided by Member States that are not parties to the Registration Convention. As at 1 January 2005, it contained nearly 6,000 space objects issued in 411 documents. As at 1 January 2005, the United Nations had issued 462 documents containing registration data on over 7,050 space objects in accordance with the Registration Convention.

Following the entry into force of the Registration Convention in 1976, parties to that Convention began to provide information on space objects launched from that time on. In the majority of cases, parties also provide additional information (such as

the date a space object is no longer in Earth orbit) on space objects that have been registered in the original Register. It is therefore possible for a space object to be registered in accordance with resolution 1721 B (XVI), but for its change of status (i.e. re-entry into the Earth's atmosphere) to be provided in accordance with the Registration Convention.

In a few cases, parties to the Convention have resubmitted registration information on all or some of their space objects. Most recently, France resubmitted information on 532 space objects, encompassing all launches of its space objects since 1965 (ST/SG/SER.E/445).

Where information on a space object originally submitted in accordance with resolution 1721 B (XVI) has been resubmitted to the United Nations in accordance with the Registration Convention, the space object is removed from the Resolution Register and placed in the Convention Register. A notation that the space object was registered in the original Register is attached to the record of the space object.

While the Registration Convention specifies what information should be provided with regard to a space object, resolution 1721 B (XVI) does not. However, the categories of information provided by States under the resolution since 1976 are, in most cases, identical to the information required under the Convention.

The Secretariat maintains the Online Index of Objects Launched into Outer Space – a web-based web database containing information received from Member States and also complementary information collected from external sources on all functional objects launched into outer space since 1957. The database does not include information about space debris and non-functional objects. Search could be performed using different parameters (name, international designator, launching State, date of launch, orbital status, etc.). The database provides links between space objects and their relevant documents of registration. This way, every user can download and print any registration document. The database also provides links to additional information transmitted to the UN (ie. Information provided under NPS

Principles). The database can be access through the UNOOSA website: http://www.unoosa.org/oosa/osoindex.html

Web site of the Secretariat

Additional information on the topics described in this presentation, as well as texts of the documents mentioned here, could be obtained from the regularly updated web site of the United Nations Office for Outer Space Affairs, which serves as the Secretariat to the Committee and its subcommittees:

http://www.unoosa.org

[1] Albania, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Czechoslovakia, France, Hungary, India, Iran, Italy, Japan, Lebanon, Mexico, Poland, Romania, Sweden, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

[2] Albania, Algeria, Argentina, Australia, Austria, Belgium, Benin, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Chad, Chile, China, Colombia, Cuba, Czech Republic, Ecuador, Egypt, France, Germany, Greece, Hungary, India, Indonesia, Iran, Iraq, Italy, Japan, Kazakhstan, Kenya, Lebanon, Libya, Malaysia, Mexico, Mongolia, Morocco, Netherlands, Nicaragua, Niger, Nigeria, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, Slovakia, South Africa, Spain, Sudan, Sweden, Syria, Thailand, Turkey, Ukraine, United Kingdom, United States, Uruguay, Venezuela and Viet Nam.

The following inter-governmental and non-governmental organizations have permanent observer status with the Committee and its subcommittees: Association of Space Explorers, Committee on Earth Observation Satellites, Committee on Space Research, Regional Centre for Remote Sensing of the North African States, Eurisy, European Space Agency, European Space Policy Institute, International Academy of Astronautics, International Astronautical Federation, International Astronomical Union, International Institute for Applied Systems Analysis, International Law Association, International Mobile Satellite Organization, Intersputnik International Organization of Space Communications, International Society for Photogrammetry and Remote Sensing, International Space University, National Space Society, Space Generation Advisory Council, Spaceweek International Association and The Planetary Society.

[3] The five offices of the Committee and its subcommittees are for the period 2006-2008 are:

- Committee on the Peaceful Uses of Outer Space:
  Chairman: Gérard Brachet (France),
  First Vice-Chairman: Elod Böth (Hungary),
  Second Vice-Chairman/Rapporteur: Paul R. Tiendrébéogo (Burkina Faso)

- Scientific and Technical Subcommittee:
  Chairman of 43rd session (2006): B. N. Suresh (India)
  Chairman of 44th session (2007): Mazlan Othman (Malaysia)

- Legal Subcommittee:
  Chairman: Raimundo González Aninat (Chile)

[4] Austria, Australia, Canada, France, Germany, Greece, India, the Netherlands, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America.