



General Assembly

Distr.: General
2 May 2007

Original: English

Committee on the Peaceful Uses of Outer Space

Fiftieth session

Vienna, 6-15 June 2007

Report of the Legal Subcommittee on its forty-sixth session, held in Vienna from 26 March to 5 April 2007

Contents

<i>Chapter</i>	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1-14	3
A. Opening of the session	1-2	3
B. Adoption of the agenda	3	3
C. Attendance	4-8	4
D. Organization of work	9-12	4
E. Adoption of the report of the Legal Subcommittee	13-14	6
II. General exchange of views	15-31	6
III. Status and application of the five United Nations treaties on outer space	32-46	8
IV. Information on the activities of international intergovernmental and non-governmental organizations relating to space law	47-62	10
V. Matters relating to the definition and delimitation of outer space and 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	63-90	12
VI. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space	91-100	16
VII. 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	101-118	17



VIII.	Practice of States and international organizations in registering space objects . . .	119-132	19
IX.	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	133-143	21

Annexes

I.	Report of the Chairman of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space		24
II.	Report of the Chairman of the Working Group on the Definition and Delimitation of Outer Space		27
III.	Report of the Chairman of the Working Group on the Practice of States and International Organizations in Registering Space Objects		30

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 5 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, 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, 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 17 meetings. The views expressed at those meetings are contained in unedited verbatim transcripts (COPUOS/Legal/T.748-764).

14. At its 764th meeting, on 5 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 view was expressed that space technology transfer would guarantee more active participation of developing countries in space activities and serve as an incentive for them to adhere to the United Nations treaties on outer space.
23. 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 and that the Sixth Space Conference of the Americas would be held in Guatemala in 2009.
24. 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.
25. The view was expressed that the Committee on the Peaceful Uses of Outer Space should refer the space debris mitigation guidelines to the General Assembly as a separate resolution to highlight their importance to the space community.
26. The view was expressed that it was important for the Subcommittee to develop appropriate guidelines on the free availability of high-resolution images.
27. The view was expressed that, as the space debris mitigation guidelines concerned the mitigation of future space debris, arrangements for the mitigation of existing space debris should take into consideration that States whose activities had created the existing space debris should bear responsibilities for its mitigation and that those arrangements should not create any obstacles for future space activities by developing countries.
28. Some delegations expressed the view that outer space should continue to be used for peaceful purposes for the benefit of all humankind.
29. 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.
30. 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.

31. 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.

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

32. The Legal Subcommittee recalled that the General Assembly, in its resolution 61/111 of 14 December 2006, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee should consider the agenda item on the status and application of the five United Nations treaties on outer space as a regular item and had noted that the Subcommittee at its forty-sixth session would reconvene its Working Group on the item and would review the need to extend the mandate of the Working Group beyond that session.

33. The Subcommittee noted with satisfaction that the Secretariat had distributed an updated document containing information, as at 1 January 2007, on States parties and additional signatories to the United Nations treaties and other international agreements relating to activities in outer space (ST/SPACE/11/Rev.1/Add.1/Rev.1).

34. The Subcommittee noted that, as at 1 January 2007, the status of the five United Nations treaties on outer space was as follows:

(a) The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies had 98 States parties and had been signed by 27 additional States;

(b) The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space (General Assembly resolution 2345 (XXII), annex) had 89 States parties and had been signed by 24 additional States;

(c) The Convention on International Liability for Damage Caused by Space Objects (Assembly resolution 2777 (XXVI), annex) had 84 States parties and had been signed by 24 additional States;

(d) The Convention on Registration of Objects Launched into Outer Space (Assembly resolution 3235 (XXIX), annex) had 49 States parties and had been signed by 4 additional States;

(e) The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (Assembly resolution 34/68, annex) had 13 States parties and had been signed by 4 additional States.

35. The Subcommittee welcomed the ratification by Algeria of the Liability Convention, the accession by Brazil to the Registration Convention, the accession by Lebanon to the Registration Convention and the Moon Agreement and the accession by Turkey to the Rescue Agreement and the Registration Convention, as well as reports from Member States regarding their progress towards becoming parties to the five United Nations treaties on outer space and towards developing national space laws to implement their obligations under those treaties. The Subcommittee noted with satisfaction that the activities of the Office for Outer Space Affairs were directly contributing to that progress.

36. The Subcommittee noted with appreciation that in 2006 a number of States had concluded bilateral and multilateral agreements promoting broad international cooperation with regard to the conduct of space activities.

37. The Subcommittee noted that a number of States were developing national mechanisms for registration of space objects.

38. Some delegations expressed the view that the United Nations treaties on outer space constituted a coherent and useful framework for increasingly widespread and complex outer space activities of both governmental and private entities. Those delegations welcomed further adherence to the treaties and hoped that States that had not yet ratified or acceded to those treaties would consider becoming parties to them.

39. Other delegations expressed the view that, although the provisions and principles of the United Nations treaties on outer space constituted the regime to be observed by States and more States should be encouraged to adhere to them, the current legal framework for outer space activities required modification and further development in order to keep pace with advances in space technology and changes in the nature of space activities. Those delegations expressed the view that the lacunae resulting from the current legal framework could be addressed by the development of a universal, comprehensive convention on space law without disrupting the fundamental principles contained in the treaties currently in force.

40. The view was expressed that a more holistic approach was required in the work conducted on the status and application of the five United Nations treaties on outer space. That delegation was of the view that a review of the status and application of those five treaties required a more substantive and qualitative approach. That delegation discouraged the more formal and quantitative approach applied to merely collecting data on the status of the treaties.

41. Some delegations expressed the view that it was important to continue efforts towards universal acceptance of the international legal regime governing activities in outer space, taking into account the need to identify those new areas which might require regulation and which could be addressed by developing complementary instruments.

42. Some delegations expressed the view that the Legal Subcommittee should assess whether international and national rules adequately addressed current and potential activities on the Moon and other celestial bodies. Those delegations proposed that the Subcommittee, through its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space: (a) address activities currently being carried out or to be carried out on the Moon and other celestial bodies in the near future; (b) identify the national and international rules governing activities on the Moon and other celestial bodies; and (c) assess whether existing international and national rules adequately addressed activities on the Moon and other celestial bodies.

43. The view was expressed that, as the usual practice of the Legal Subcommittee was to encourage States to become parties to the United Nations treaties on outer space by providing information on the benefits of adhering to the treaties, the first task of the Subcommittee should be to ask States parties to the Moon Agreement to demonstrate the benefits of becoming a party to that Agreement. That delegation

was of the view that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space should not act outside its mandate by assessing the adequacy of national laws in addressing activities on the Moon and other celestial bodies.

44. At its 748th meeting, on 26 March, the Subcommittee reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space under the chairmanship of Vassilios Cassapoglou (Greece). The Working Group held five meetings. At its 761st meeting, on 3 April, the Subcommittee endorsed the report of the Working Group, which is contained in annex I to the present report.

45. The Subcommittee endorsed the recommendation that the mandate of the Working Group be extended for one additional year. It was agreed that the Subcommittee, at its forty-seventh session, in 2008, would review the need to extend the mandate of the Working Group beyond that period.

46. The full text of the statements made by delegations during the discussion on agenda item 4 is contained in unedited verbatim transcripts (COPUOS/Legal/T.750 and 752-756).

IV. Information on the activities of international intergovernmental and non-governmental organizations relating to space law

47. The Legal Subcommittee recalled that the General Assembly, in its resolution 61/111, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee, at its forty-sixth session, should consider, as a regular item of its agenda, an item entitled “Information on the activities of international intergovernmental and non-governmental organizations relating to space law”. The Subcommittee noted with satisfaction that various international organizations had been invited by the Secretariat to report to it on their activities relating to space law. The Subcommittee agreed that, for its forty-seventh session, the Secretariat should extend a similar invitation.

48. The Legal Subcommittee had before it a note by the Secretariat (A/AC.105/C.2/L.265 and Add.1) containing information on activities relating to space law received from the following international organizations: ECSL, IAF, IISL and ILA.

49. The Legal Subcommittee heard a special presentation entitled “WIPO: patents and space activities” by the observer for WIPO.

50. The Legal Subcommittee expressed its satisfaction with the presentation made by WIPO, which provided valuable information on a topic of high relevance to the work of the Subcommittee. The Subcommittee noted with appreciation the participation of WIPO, a specialized agency of the United Nations system, in its current session and encouraged other specialized agencies of the United Nations system, in particular the United Nations Educational, Scientific and Cultural Organization and the International Telecommunication Union (ITU), to attend its sessions on a regular basis and report on their activities relevant to its work.

51. The Subcommittee was of the view that the activities of international intergovernmental and non-governmental organizations relating to space law had contributed much to the development of the field. International intergovernmental organizations had an important role to play in the strengthening of the legal framework applicable to space activities and should consider taking steps to encourage their members to adhere to the outer space treaties. Several of the treaties contained mechanisms to permit international intergovernmental organizations conducting space activities to declare their acceptance of the rights and obligations under those treaties.

52. The Subcommittee expressed its appreciation to IISL and ECSL for organizing the symposium entitled "Capacity-building in space law". It noted the importance of education, training and capacity-building in space law, in particular in support of the establishment and development of national space law. The Subcommittee agreed that IISL and ECSL should be invited to hold a further symposium on space law at its forty-seventh session.

53. The Subcommittee took note of the report by Intersputnik on its activities relating to space law. The Governments of 25 countries were members of Intersputnik, which was currently undergoing phase-by-phase privatization through the establishment of a group of companies to take over the bulk of the core business of Intersputnik. New versions of its regulations of the directorate and staff regulations were to be reviewed and approved by the Intersputnik Operations Committee at its forthcoming session, to be held in April 2007.

54. The Subcommittee took note of the report by ESA on its activities relating to space law in 2006, which included lecturing by ESA staff on legal implications of space activities and the publication of legal studies on various aspects of space law, such as the protection of intellectual property rights in space activities and the legal aspects of space debris.

55. The Subcommittee took note of the report by the Space Law Committee of ILA on its most recent contributions relating to space law, including its comments and suggestions on registration issues, contained in a note by the Secretariat (A/AC.105/C.2/L.265). The Subcommittee noted that ILA had recently set up a Study Group on Responsibility of International Organizations that had been working closely with the International Law Commission. The Subcommittee invited the Space Law Committee to keep the Subcommittee informed of relevant matters dealt with by the International Law Commission.

56. The Subcommittee took note of the report by IISL on its most recent contributions relating to space law, contained in a note by the Secretariat (A/AC.105/C.2/L.265/Add.1).

57. The Subcommittee expressed its appreciation to the Government of Ukraine, the National Space Agency of Ukraine and the International Center for Space Law for co-sponsoring the United Nations/Ukraine Workshop on Space Law on the theme "Status, application and progressive development of international and national space law", held in Kyiv from 6 to 9 November 2006 (A/AC/105/880). The Subcommittee expressed its appreciation to the Office for Outer Space Affairs for its dedication and efficient organization of the Workshop, in coordination with the host country, as well as to the experts who had attended the Workshop, for having shared their knowledge and experiences with the participants.

58. The Subcommittee noted with appreciation that the United Nations/Ukraine Workshop on Space Law had provided an overview of the United Nations treaties and principles on outer space, had addressed the development of national space laws and policies and had considered ways and means of enhancing the availability and development of university-level studies and programmes in space law, particularly in Central and Eastern Europe and in Central Asia and the Caucasus. The Subcommittee also noted with appreciation that the Workshop had made a positive contribution to the dissemination and development of international and national space law and to the promotion of the universality of the five United Nations treaties on outer space.

59. The Subcommittee noted with appreciation that the Office for Outer Space Affairs was making plans for the next United Nations Workshop on Space Law, to be held in Thailand in late November 2007.

60. The Subcommittee agreed that capacity-building, training and education in space law were of paramount importance to international, regional and national efforts in the further development of space activities and to the knowledge of the legal framework within which space activities were carried out. In that regard, the Subcommittee requested the Office for Outer Space Affairs to further develop and update the directory of education opportunities in space law available on the website of the Office (www.unoosa.org), including information on the availability of fellowships for participants from developing countries. The Subcommittee also requested the Office for Outer Space Affairs to continue exploring the possibility of developing a curriculum for a basic course on space law that could be used, in particular for the benefit of developing countries, by initiating space law studies, as appropriate, in the activities of the regional centres on space science and technology education, affiliated to the United Nations.

61. The Subcommittee noted with appreciation that member States had been invited by IAF to participate in the next International Astronautical Congress, to be held in Hyderabad, India, in September 2007.

62. The full text of the statements made by delegations during the discussion on agenda item 5 is contained in unedited verbatim transcripts (COPUOS/Legal/T.752-755).

V. Matters relating to the definition and delimitation of outer space and 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

63. The Legal Subcommittee recalled that the General Assembly, in its resolution 61/111, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee, at its forty-sixth session, taking into account the concerns of all countries, in particular those of developing countries, should consider matters relating to the definition and delimitation of outer space and to 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 ITU.

64. The Subcommittee had before it the following documents:

(a) Note by the Secretariat entitled "Questionnaire on possible legal issues with regard to aerospace objects: replies from member States" (A/AC.105/635 and Add.1-15, Add.7/Corr.1 and Add.11/Corr.1). A compilation of replies received from member States to the questionnaire is available on the website of the Office for Outer Space Affairs (<http://www.unoosa.org/oosa/en/SpaceLaw/aero/index.html>);

(b) Note by the Secretariat entitled "Analytical summary of the replies to the questionnaire on possible legal issues with regard to aerospace objects" (A/AC.105/C.2/L.249 and Corr.1 and Add.1 and 2);

(c) Note by the Secretariat entitled "National legislation and practice relating to definition and delimitation of outer space" (A/AC.105/865 and Add.1 and 2);

(d) Note by the Secretariat entitled "Proposals of Member States concerning criteria for analysing the replies to the questionnaire on aerospace objects" (A/AC.105/C.2/L.267);

(e) Note by the Secretariat entitled "Questions on the definition and delimitation of outer space: replies from Member States" (A/AC.105/889).

65. The view was expressed that the use of the geostationary orbit, which was a limited natural resource, should, in addition to being rational, be made available to all countries, irrespective of their current technical capacities, thereby providing them with the possibility of having access to the orbit under equitable conditions, bearing in mind, in particular, the needs and interests of developing countries, as well as the geographical position of certain countries and taking into account the process of ITU.

66. Some delegations expressed the view that the geostationary orbit was a limited natural resource with sui generis characteristics that risked saturation and that equitable access to it should therefore be guaranteed for all States, taking into account in particular the needs of developing countries and the geographical position of certain countries.

67. The view was expressed that access to the geostationary orbit should be provided to States on equitable conditions, taking into account, in particular, the needs and interests of developing countries, irrespective of their geographical location.

68. The view was expressed that the increasing commercialization of space activities could undermine the principle of the equitable access of States to the geostationary orbit.

69. Some delegations were of the view that the geostationary orbit was an integral part of outer space and that, therefore, its use should be governed by the provisions of the United Nations treaties on outer space and the ITU regulations.

70. The view was expressed that the provisions of articles I and II of the Outer Space Treaty made it clear that a party to the Treaty could not appropriate outer space or any part thereof, such as an orbital location in the geostationary orbit,

either by claim of sovereignty or by means of use, even repeated use, or by any other means.

71. The Subcommittee noted the information provided by the United States on its actions to further the use of the geostationary orbit and other uniquely situated orbits, such as the free provision of the signal from the Global Positioning System (GPS), information from the polar meteorological satellites of the National Oceanic and Atmospheric Administration (NOAA) of the United States and data from the Geostationary Operational Environmental Satellites (GOES).

72. The view was expressed that spectrum/orbit assignments established by ITU could be detrimental to developing countries and established precedents when operators capable of launching their satellites were granted priority to occupy orbital slots over those applicants which did not have their own launch facilities. In that connection, that delegation was of the view that, in granting satellite operators orbital slots, ITU should consider the conclusion by an applicant of an irrevocable procurement, insurance and launch contract for its satellite, rather than actual launching of the satellite.

73. Some delegations expressed their satisfaction with the agreement reached by the Subcommittee at its thirty-ninth session (see A/AC.105/738, annex III) that coordination among countries aimed at the utilization of the geostationary orbit should be carried out in a rational and equitable manner and in conformity with the ITU Radio Regulations.

74. The Subcommittee recalled that, in 2000, it had transmitted to ITU the information regarding the agreement reached at its thirty-ninth session on the question of the character and utilization of the geostationary orbit and that ITU had noted that information in its resolution 80 (Rev. WRC-2000). In that regard, the Subcommittee expressed its concern about the absence of a reply from ITU and about the gap in information regarding action taken by ITU in response to its resolution 80 (Rev. WRC-2000).

75. The Subcommittee noted that the 2007 World Radiocommunication Conference of ITU was to be held in Geneva from 22 October to 16 November 2007.

76. The Subcommittee agreed that the working relationship between ITU and the Committee on the Peaceful Uses of Outer Space should become closer and more effective and that the chairmen of the Committee and its subcommittees and the Office for Outer Space should participate in relevant meetings of ITU.

77. The Subcommittee agreed that ITU should participate regularly in its sessions and to submit, on an annual basis, reports on its activities relating to the use of the geostationary orbit and on matters of interest to the work of the Committee and its subcommittees.

78. The Subcommittee requested the Secretariat to include in future editions of the publication *United Nations Treaties and Principles on Outer Space and Other Related General Assembly Resolutions*¹ the text of paragraph 4 of General Assembly resolution 55/122 of 8 December 2000, in which the Assembly had endorsed the agreement reached by the Subcommittee at its thirty-ninth session, in 2000, on the

¹ United Nations publication, Sales No. E.05.I.90.

question of the character and utilization of the geostationary orbit, and the paper entitled "Some aspects concerning the use of the geostationary orbit", annexed to the report of the Subcommittee on its thirty-ninth session (A/AC.105/738, annex III). The Subcommittee also requested the Secretariat to include Assembly resolution 1721 A (XVI) of 20 December 1961 in that publication.

79. The view was expressed that the question of the definition and delimitation of outer space was linked to the issue of geostationary orbit.

80. Some delegations were of the view that scientific and technological progress, the commercialization of outer space, emerging legal questions and the increasing use of outer space in general had made it necessary for the Legal Subcommittee to consider the question of the definition and delimitation of outer space.

81. Some delegations expressed the view that the lack of a definition or delimitation of outer space created legal uncertainty concerning the applicability of space law and air law and that matters concerning State sovereignty and the boundary between air space and outer space needed to be clarified in order to reduce the possibility of disputes among States.

82. The view was expressed that the delimitation of outer space was important for determining the scope of application of air law and space law. That delegation was of the view that certainty in the application of space law would encourage Member States to accede to the United Nations treaties on outer space.

83. The view was expressed that States should continue to operate under the current framework, which was functioning well, until such time as there was a demonstrated need and a practical basis for developing a definition or delimitation of outer space. That delegation was of the view that, at the time, an attempt to define or delimit outer space would be a theoretical exercise that could lead to a complication of existing activities and that might not be able to anticipate continuing technological developments.

84. The view was expressed that the tendency of using the lowest satellite orbit as a criterion for the delimitation of air space and outer space was obsolete in view of the fact that both the X-15 rocket plane and SpaceShipOne were regarded as spacecraft and qualified as suborbital, which, according to the criterion, meant that the beginning of outer space could be far below the lowest satellite orbit.

85. The view was expressed that a single regime for navigation of space objects was necessary.

86. The view was expressed that progress in the definition and delimitation of outer space could be achieved through cooperation with the International Civil Aviation Organization.

87. At its 748th meeting, the Legal Subcommittee reconvened its Working Group on the Definition and Delimitation of Outer Space and elected José Monserrat Filho (Brazil) as Chairman of the Working Group. In accordance with the agreement reached by the Subcommittee at its thirty-ninth session and endorsed by the Committee on the Peaceful Uses of Outer Space at its forty-third session, the Working Group was convened to consider only matters relating to the definition and delimitation of outer space.

88. The Subcommittee noted with satisfaction the work of the Working Group and expressed its appreciation to its Chairman.

89. The Working Group on the Definition and Delimitation of Outer Space held three meetings. At its 763rd meeting, on 4 April, the Subcommittee endorsed the report of the Working Group, contained in annex II to the present report.

90. The full text of the statements made by delegations during the discussion on agenda item 6 is contained in unedited verbatim transcripts (COPUOS/Legal/T.754-757).

VI. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space

91. The Legal Subcommittee recalled that the General Assembly, in its resolution 61/111, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Legal Subcommittee, at its forty-sixth session, taking into account the concerns of all countries, in particular those of developing countries, should consider the review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (Assembly resolution 47/68) as a single issue/item for discussion.

92. The Legal Subcommittee noted with satisfaction the progress made by the Scientific and Technical Subcommittee at its forty-fourth session in developing the objectives, scope and attributes of an international, technically based framework of goals and recommendations for the safety of nuclear power source applications in outer space. The Legal Subcommittee also noted with satisfaction that the Scientific and Technical Subcommittee had endorsed a new three-year workplan for the Working Group on the Use of Nuclear Power Sources in Outer Space for the period 2007-2010.

93. The Legal Subcommittee further noted with satisfaction the agreement that a partnership be established between the Scientific and Technical Subcommittee and the International Atomic Energy Agency (IAEA) by means of a joint experts group in order to prepare and publish the safety framework for nuclear power source applications in outer space by 2010.

94. The Legal Subcommittee took note of the positive benefits of the cooperation between the Scientific and Technical Subcommittee and IAEA, which could set a good example of inter-institutional cooperation to be encouraged in the future.

95. Some delegations expressed the view that, at the present stage, revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space was not warranted.

96. The view was expressed that the Legal Subcommittee should consider the relevance of a possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space and gather as much information as possible on that matter. A legal framework on the use of nuclear power sources in outer space should be in accord with the principles of the peaceful uses of outer space, preserving the interests of all States.

97. The view was expressed that the Legal Subcommittee could consider the question of a possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space after the adoption by the Committee on the Peaceful Uses of Outer Space of an international, technically based framework of goals and recommendations for the safety of nuclear power source applications in outer space.

98. The view was expressed that the use of nuclear power sources as a source of energy to supplement the use of solar energy might be inevitable on board missions aimed at establishing facilities on celestial bodies.

99. The Legal Subcommittee agreed that it was necessary to continue examining the issue and that the item should remain on its agenda.

100. The full text of the statements made during the discussions on agenda item 7 is contained in unedited verbatim transcripts (COPUOS/Legal/T.756-758).

VII. 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

101. The Legal Subcommittee recalled that the General Assembly, in its resolution 61/111, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee should consider an agenda item entitled "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", as a single issue/item for discussion.

102. At the 758th meeting of the Subcommittee, on 2 April 2007, the observer for Unidroit reported to the Subcommittee on developments concerning the draft space assets protocol.

103. The Subcommittee noted that the Protocol on Matters specific to Railway Rolling Stock to the Convention on International Interests in Mobile Equipment had been adopted and opened for signature in Luxembourg on 23 February 2007 and that the seat of the future International Registry for railway rolling stock would be in Luxembourg.

104. The Subcommittee also noted that seven more States had become parties to both the Convention and the Protocol on Matters specific to Aircraft Equipment since the forty-fifth session of the Subcommittee, in 2006, and that the total number of States parties to both the Convention and that Protocol was currently 16.

105. The Subcommittee was informed that in the first 10 months of operation of the International Registry for aircraft objects, 33,500 interests were registered in 15,000 aircraft, helicopters and aircraft engines and that the International Registry had already accounted for over 50 per cent of the world's commercial aircraft transactions.

106. The Subcommittee noted that Unidroit continued to be fully committed to the timely completion of work on the draft space assets protocol, having given it priority status in its work programme for the period 2006-2008, and that every effort was being made to reconvene the Unidroit Committee of Governmental Experts for

its third session by the end of 2007. The Subcommittee also noted that a number of documents had been prepared and that consultations would continue prior to the third session of the Committee of Governmental Experts, to be held in New York on 19 and 20 June 2007, to advance progress on outstanding issues.

107. The Subcommittee further noted that a number of entities had expressed interest in maintaining the international registry to be established under the future space assets protocol.

108. The Subcommittee thanked the observer for Unidroit for his comprehensive report.

109. Some delegations expressed their support for the progress being made on the protocols to the Convention on International Interests in Mobile Equipment and looked forward with great interest to the continuation and successful completion of the work on the draft space assets protocol.

110. The view was expressed that before finalization of the draft space assets protocol, several important issues would need to be resolved to guarantee compatibility between the future international registry on space assets and the Register of Objects Launched into Outer Space, maintained by the Secretary-General pursuant to the Registration Convention. Those issues included the definition of space assets, ensuring the non-interference of the registry and reservations concerning "public service" obligations.

111. The view was expressed that in finalizing the draft space assets protocol, consideration should be given to harmonizing the financial aspects of the protocol with the sovereign rights of States and their access to natural resources.

112. Some delegations expressed the view that the draft space assets protocol offered an opportunity to facilitate the expansion of the commercial space sector by setting up a framework through which States could support a system of asset-based financing. Those delegations were of the view that the draft protocol would allow a broader range of States, in all regions and at all levels of economic development, to benefit from that expansion by providing a better opportunity to acquire interests in space equipment and to acquire services generated from space equipment.

113. Some delegations expressed the view that the future space assets protocol was intended to address only the distinct and important issue of financing for commercial space activities and was not intended to affect the rights and obligations of parties to the outer space treaties or the rights and obligations of States members of ITU under its Constitution, Convention and Radio Regulations and that that principle would be explicit in the text of any space assets protocol. Those delegations also expressed the view that the draft space assets protocol would ultimately be negotiated by the States members of Unidroit through the Unidroit process.

114. The view was expressed that the United Nations could assume the role of Supervisory Authority under the future space assets protocol.

115. The view was expressed that it was not appropriate for the United Nations to assume the role of Supervisory Authority. That delegation expressed the view that implementation of the future protocol must not affect the orbital slots and frequency spectrum bands allocated to States in accordance with the established rules of ITU,

because it was possible that, in the case of default, the financier taking control of the space asset might seek to make use of those orbital slots and the frequency spectrum band.

116. The Subcommittee agreed that the participation of the Office for Outer Space Affairs as an observer in the Unidroit negotiating sessions was useful and that the continued participation of the Office would be helpful.

117. The Subcommittee agreed that the item should remain on the agenda of its forty-seventh session, in 2008.

118. The full text of statements made by delegations during the discussion on agenda item 8 is contained in unedited verbatim transcripts (COPUOS/Legal/T.758-760).

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

119. The Legal Subcommittee recalled that the General Assembly, in its resolution 61/111, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee should consider the practice of States and international organizations in registering space objects, in accordance with the workplan adopted by the Committee.²

120. The Subcommittee had before it a working paper submitted by the Chairman of the Working Group on the Practice of States and International Organizations in Registering Space Objects (A/AC.105/C.2/L.266).

121. The Subcommittee took note of the comments on registration practice provided by ILA in its report to the Subcommittee (A/AC.105/C.2/L.265, annex).

122. The Subcommittee noted with satisfaction that its work under agenda item 9 would encourage States to adhere to the Registration Convention, improve the application and enhance the effectiveness of the Convention and assist in developing and strengthening national legislative norms relating to the registration of objects launched into outer space. In that sense, the Subcommittee agreed that it was important to continue efforts urging greater adherence to the Registration Convention, which would lead to more States registering space objects, and to encourage international organizations conducting space activities to declare their acceptance of the rights and obligations under the Convention.

123. The Subcommittee noted with satisfaction that the work conducted under its four-year workplan had demonstrated the great interest among member States in the work under the agenda item. The work carried out under the agenda item had provided an example of productive and result-oriented work by the Subcommittee on an issue of considerable importance to all space-faring countries and non-space-faring countries involved in space activities. The Subcommittee also noted that the discussions under its four-year workplan had shed light on legal issues of great practical importance to national space activities.

² *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 20 (A/58/20)*, para. 199.

124. The Subcommittee noted that Brazil had established a national registry of space objects in 2006, to be maintained by the Brazilian Space Agency (AEB). The Subcommittee also noted that Indonesia had established a national registry of space objects in 2006, to be maintained by the National Institute of Aeronautics and Space (LAPAN). The Subcommittee further noted that Kazakhstan had established a national registry of space objects in 2006 and registered the first national geostationary communication satellite, KazSat, under the Register of Objects Launched into Outer Space.

125. Some delegations expressed the view that the work carried out under the agenda item could be regarded as an example of how to deal with other issues considered by the Subcommittee.

126. The view was expressed that achieving the universal acceptance of the outer space treaty system and the universal establishment of national implementation systems were important for addressing the growing complexity of the registration of space objects arising from technological development and the increase in space activities by private entities and intergovernmental organizations conducting space activities.

127. The view was expressed that a number of legal issues and practical problems with regard to the registration of space objects were unclear and needed to be clarified.

128. At its 748th meeting, on 26 March 2007, the Subcommittee reconvened its Working Group on the Practice of States and International Organizations in Registering Space Objects and elected Kai-Uwe Schrogl (Germany) Chairman of the Working Group. The Working Group held five meetings. At its 763rd meeting, on 4 April 2007, the Subcommittee endorsed the report of the Working Group, which is contained in annex III to the present report.

129. The Subcommittee expressed its appreciation for the work carried out by the Working Group during the period 2005-2007. In particular, the Subcommittee expressed its satisfaction with the results achieved by the Working Group, in the form of elements of conclusions of the Working Group, contained in the appendix to annex III.

130. The Subcommittee was of the view that those elements of conclusions provided an important incentive for enhancing adherence to the Registration Convention and for establishing common practices for States and international organizations to follow in registering space objects.

131. The Subcommittee agreed that the appendix to the report of the Working Group, contained in annex III, together with the first six preambular paragraphs contained in paragraph 18 of document A/A.105/C.2/L.266, constituted the basis for a draft resolution for submission to the General Assembly, to be agreed upon at the fiftieth session of the Committee.

132. The full text of the statements made during the discussions on agenda item 9 is contained in unedited verbatim transcripts (COPUOS/Legal/T.741-744 and 747).

IX. 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

133. The Legal Subcommittee recalled that the General Assembly, in its resolution 61/111, had noted that the Subcommittee, at its forty-sixth session, would submit its proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Subcommittee at its forty-seventh session, in 2008.

134. The Chairman recalled the proposals for new items to be included in the agenda of the Legal Subcommittee that had been considered by the Subcommittee at its forty-fifth session and retained by their sponsors with a view to discussing them at subsequent sessions of the Subcommittee (see A/AC.105/871, para. 154).

135. On the basis of informal consultations conducted by Vladimír Kopal (Czech Republic), the Subcommittee agreed to include “Capacity-building in space law”, proposed by South Africa, as a new single issue/item on the agenda of the Subcommittee at its forty-seventh session, in 2008. The Subcommittee noted that the deliberations under that item would be aimed at promoting cooperation with and assistance to developing countries and agreed to review the possibility of extending that item beyond the forty-seventh session.

136. The Subcommittee also agreed to include “General exchange of information on national legislation relevant to the peaceful exploration and use of outer space”, proposed by the United States, as an item under the following four-year workplan:

- | | |
|------|--|
| 2008 | Request to Member States for national legislation relating to governmental and non-governmental space activities. Presentations by Member States of reports on their national legislation |
| 2009 | Examination, in a working group, of the responses received in order to develop an understanding of the manner in which Member States have regulated governmental and non-governmental space activities |
| 2010 | Working group continues to examine responses received and begins drafting its report, including conclusions |
| 2011 | Working group finalizes report to the Legal Subcommittee |

The Subcommittee agreed that a working group should be established to consider that item in 2009, 2010 and 2011.

137. The Subcommittee agreed to invite IISL and ECSL to organize a symposium with the theme “Legal implications of space applications for global climate change”, to be organized during the afternoon meetings on the first and second day of its forty-seventh session, in 2008. That agreement by the Subcommittee was made with the aim of possibly including it as a single issue/item of the agenda of its forty-eighth session, in 2009.

138. The Legal Subcommittee agreed on the following items to be proposed to the Committee on the Peaceful Uses of Outer Space for inclusion in the agenda of the Subcommittee at its forty-seventh session:

Regular items

1. Opening of the session, election of the Chairman 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.
9. Capacity-building in space law.

Items considered under workplans

10. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space.

2008: Request to Member States for national legislation relating to governmental and non-governmental space activities. Presentations by Member States of reports on their national legislation.

New items

11. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-eighth session.
139. The Legal Subcommittee agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space and the Working Group on Matters Relating to the Definition and Delimitation of Outer Space should be reconvened at its forty-seventh session.
140. The Subcommittee agreed to review, at its forty-seventh session, the need to extend the mandate of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space beyond that session of the Subcommittee.

141. The Subcommittee noted that the sponsors of the following proposals for new items to be included on 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 (General Assembly resolution 37/92, annex), with a view to 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) Matters relating to the Principles Relating to Remote Sensing of the Earth from Outer Space (Assembly resolution 41/65, annex), proposed by Chile and Colombia;

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

(e) Review of the Principles Relating to Remote Sensing of the Earth from Outer Space, with a view to transforming them into a treaty in the future, proposed by Greece;

(f) The appropriateness and desirability of drafting a universal comprehensive convention on international space law, proposed by China, Greece, the Russian Federation and Ukraine.

142. The Subcommittee expressed its deep appreciation to Vladimir Kopal (Czech Republic) for having conducted the informal consultations on proposals for new agenda items in an efficient manner.

143. The full text of the statements made during the discussions on agenda item 10 is contained in unedited verbatim transcripts (COPUOS/Legal/T.760-762).

Annex I

Report of the Chairman of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space

1. In accordance with paragraph 6 of General Assembly resolution 61/111 of 14 December 2006, the Legal Subcommittee, at its 748th meeting, on 26 March 2007, reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, under the chairmanship of Vassilios Cassapoglou (Greece).

2. The Working Group held five meetings, on 27, 28 and 29 March and 3 April 2007. At the 1st meeting of the Working Group, on 27 March, the Chairman recalled that, at its fortieth session, in 2001, the Legal Subcommittee had agreed that the discussions of the Working Group would include the status of the United Nations treaties on outer space, review of their implementation and obstacles to their universal acceptance, as well as the promotion of space law, especially through the United Nations Programme on Space Applications (A/AC.105/763 and Corr.1, para. 118). The Chairman also recalled that, at its forty-first session, in 2002, the Subcommittee had agreed that the Working Group could consider any new, similar issues that might be raised in discussions in the Working Group, provided that those issues fell within the existing mandate of the Working Group (A/AC.105/787, paras. 138 and 140).

3. The Working Group had before it a document entitled "Questionnaire on the possible options for future development of international space law" (A/AC.105/C.2/L.259).

4. The Chairman recalled that at the forty-fifth session of the Legal Subcommittee, in 2006, the Working Group had agreed on the text of a document on the advantages of adherence to the Convention on International Liability for Damage Caused by Space Objects (General Assembly resolution 2777 (XXVI), annex), which the Office for Outer Space Affairs of the Secretariat had been asked to send to all States that had not yet become parties to that Convention. The Working Group noted that the Office, through its Director, had sent that document on 8 December 2006.

5. The Chairman further recalled that the Legal Subcommittee, at its forty-fifth session, in 2006, had made the following decisions:

(a) That Member States be invited to provide information on any action that might have been taken at the national level as a result of receiving the letter from the Secretary-General requesting States to consider adhering to the outer space treaties (A/AC.105/871, para. 52);

(b) To continue at its forty-sixth session the discussion on the questionnaire on the possible options for future development of international space law (A/AC.105/871, para. 51 and annex I, para. 7 (c));

(c) To postpone the discussion of the following matters to the forty-sixth session of the Legal Subcommittee:

-
- (i) The role of the United Nations treaties on outer space as the basis for national space legislation, especially in regulating the involvement of the private sector in outer space activities;
 - (ii) The legal value of the declaration of acceptance by an international intergovernmental operational organization following its privatization;
 - (iii) Mechanisms for the worldwide promotion of space law, not only through education, but also through the provision of technical assistance to Governments for the development of national space legislation;
 - (iv) The issue of strict compliance by States with the provisions of the international legal instruments governing outer space to which they are currently parties should be examined further with a view to identifying measures to encourage full compliance, taking into account the interrelated nature of the principles and rules governing outer space;
- (d) To review the need to extend the mandate of the Working Group beyond the forty-sixth session of the Legal Subcommittee (A/AC.105/871, para. 53).
6. The Working Group noted with satisfaction the statements made by a number of delegations about the positive impact of the letter from the Secretary-General encouraging participation in the outer space treaties and of the letter from the Office for Outer Space Affairs encouraging participation in the Liability Convention, which had stimulated a thorough consideration of participation in the United Nations treaties on outer space and achieved concrete results.
 7. Some delegations expressed the view that responses to the questionnaire would provide useful information for the future development of international space law and a consolidation of the divergent positions of States on that issue.
 8. Other delegations questioned the utility of the questionnaire, particularly as it was a collection of multiple choice questions, and were of the view that such an endeavour would make less clear the message of increasing adherence to the existing outer space treaties and improving their implementation.
 9. The Working Group agreed to continue to debate the issues raised in the questionnaire in an open and flexible manner within the Working Group at the forty-seventh session of the Legal Subcommittee.
 10. Some delegations expressed the view that consideration should be given to the reasons for the low participation of States in the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (General Assembly resolution 34/68, annex) and that efforts should be made to resolve any identified obstacles to participation.
 11. The Working Group agreed that during the forty-seventh session of the Legal Subcommittee, in 2008, member States, in addressing the low participation of States in the Moon Agreement, in the framework of the Working Group, could:
 - (a) Address activities currently being carried out or to be carried out on the Moon and other celestial bodies in the near future;
 - (b) Identify the benefits of adherence to the Moon Agreement;

(c) Identify the international and national rules governing activities on the Moon and other celestial bodies;

(d) Assess whether existing international rules adequately addressed activities on the Moon and other celestial bodies.

12. The Working Group agreed that the Secretariat should prepare a background paper on activities being carried out or to be carried out on the Moon and other celestial bodies, international and national rules governing those activities and information from States parties to the Moon Agreement about the benefits of adherence to that agreement. The Working Group also agreed that the background paper should be based primarily on information provided by member States on those matters.

13. The Working Group expressed its appreciation to Gabriel Lafferranderie of the European Space Agency and the European Centre for Space Law for his outstanding contribution to the teaching of outer space law and to capacity-building in that field.

14. At the 5th meeting, on 3 April 2007, it was recommended that the Subcommittee at its forty-seventh session, in 2008, reconvene the Working Group and review the need to extend the mandate of the Working Group beyond that session.

Annex II

Report of the Chairman of the Working Group on the Definition and Delimitation of Outer Space

1. At its 748th meeting, on 26 March 2007, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space reconvened its Working Group on the Definition and Delimitation of Outer Space and elected José Monserrat Filho (Brazil) as Chairman of the Working Group.
2. The Chairman drew the attention of the Working Group to the fact that, in accordance with General Assembly resolution 61/111 of 14 December 2006, the Working Group had been convened to consider only matters relating to the definition and delimitation of outer space.
3. The Working Group had before it the following documents:
 - (a) Note by the Secretariat entitled "Questionnaire on possible legal issues with regard to aerospace objects: replies from member States" (A/AC.105/635 and Add.1-15, Add.7/Corr.1 and Add.11/Corr.1);
 - (b) Note by the Secretariat entitled "Analytical summary of the replies to the questionnaire on possible legal issues with regard to aerospace objects" (A/AC.105/C.2/L.249 and Corr.1 and Add.1 and 2);
 - (c) Note by the Secretariat entitled "National legislation and practice relating to definition and delimitation of outer space" (A/AC.105/865 and Add.1 and 2);
 - (d) Note by the Secretariat entitled "Proposals of Member States concerning criteria for analysing the replies to the questionnaire on aerospace objects" (A/AC.105/C.2/L.267);
 - (e) Note by the Secretariat entitled "Questions on the definition and delimitation of outer space: replies from Member States" (A/AC.105/889).
4. Some delegations were of the view that the delimitation of outer space would help States to avoid possible problems connected with the rapid development of space technologies and the increasing activities of States and private entities in the exploration and use of outer space.
5. Some delegations were of the view that States should continue to operate under the current framework, which had functioned well, until such time as there was a demonstrated need and a practical basis for developing a definition or delimitation of outer space.
6. The view was expressed that the definition and delimitation of outer space was important for economic considerations of States.
7. The view was expressed that, at the present time, an attempt to define or to delimit outer space would be a theoretical exercise, could lead to complicating existing activities and might not be able to anticipate continuing technological developments.
8. The view was expressed that, at the current stage of development of space

activities, the absence of the definition and delimitation of outer space did not create any problem and that the establishment of the regulation of space traffic was more topical.

9. The view was expressed that the known practice of suborbital flights could be covered by air traffic law.

10. The view was expressed that the definition of outer space would raise the issue of finding a balance between the safety of States with regard to the use of space objects and the principle of freedom of exploration and use of outer space.

11. Some delegations were of the view that the absence of consensus among member States on the matter of delimitation of outer space was due to the absence of sufficient practice of States in the exploration and use of outer space, which would justify that exercise.

12. The view was expressed that the continuing practice of States in the exploration and use of outer space could lead to the creation in the future of a customary rule that could assist States in delimiting outer space.

13. The view was expressed that, in the absence of delimitation of outer space, that process could be initiated in national laws of States, as well as through bilateral agreements between States.

14. The view was expressed that the possible definition and delimitation of outer space by States through national legislation or bilateral agreements could lead to the establishment of delimitation of outer space by States according to their own judgement and in an uncoordinated manner.

15. The Working Group agreed that, during the forty-seventh session of the Subcommittee, in 2008, the Working Group would consider the issue of customary norms, if any, related to the delimitation of outer space, as well as aspects relating to the advantages and disadvantages of the definition and delimitation of outer space.

16. On the basis of its discussions, the Working Group agreed:

(a) To continue its work on the development of criteria for analysing the replies to the questionnaire on aerospace objects and, for that purpose, to continue to invite the Chairman and the volunteer experts nominated by member States of the Committee to continue to work on an intersessional basis and to present to the Legal Subcommittee at its forty-seventh session, in 2008, proposals concerning possible ways forward;

(b) To continue to invite member States of the Committee to submit their preferences with regard to the replies of Member States to the questionnaire on aerospace objects, summarized in document A/AC.105/C.2/L.249 and Corr.1 and Add.1 and 2;

(c) To continue to invite member States of the Committee to submit proposals concerning criteria for analysing the replies to the questionnaire on aerospace objects;

(d) To continue to invite Member States to reply to the questionnaire on the aerospace objects until a consensus on criteria for analysing the replies to the questionnaire on aerospace objects was reached by the Subcommittee;

(e) To continue to invite member States of the Committee to submit information on national legislation or any national practices that might exist or were being developed that related directly or indirectly to the definition and/or delimitation of outer space and air space, taking into account the current and foreseeable level of the development of space and aviation technologies;

(f) To continue to address to the Governments of Member States of the United Nations, through the Secretariat, the following questions:

(i) Does your Government consider it necessary to define outer space and/or to delimit air space and outer space, given the current level of space and aviation activities and technological development in space and aviation technologies? Please provide a justification for the answer; or

(ii) Does your Government consider another approach to solving this issue? Please provide a justification for the answer.

17. Some delegations expressed the view that the definition and delimitation of outer space remained a topical and important issue that should continue to be considered by the Working Group.

Annex III

Report of the Chairman of the Working Group on the Practice of States and International Organizations in Registering Space Objects

1. In accordance with paragraph 8 of General Assembly resolution 61/111 of 14 December 2006, the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space, at its 748th meeting, on 26 March 2007, reconvened its Working Group on the Practice of States and International Organizations in Registering Space Objects. The Working Group was chaired by Kai-Uwe Schrogl (Germany).

2. The Working Group held five meetings, from 30 March to 4 April 2007. At its 1st meeting, the Chairman introduced the working paper submitted by the Chairman of the Working Group on the Practice of States and International Organizations in Registering Space Objects (A/AC.105/C.2/L.266) and recalled that, in accordance with the workplan adopted by the Committee on the Peaceful Uses of Outer Space at its forty-sixth session, in 2003, the Working Group would, at its current session, draft conclusions and recommendations for enhancing adherence to the Convention on Registration of Objects Launched into Outer Space (General Assembly resolution 3235 (XXIX), annex). The Chairman recalled the activities of the Working Group during its meetings in 2005 and 2006, the intersessional informal consultations open to all member States of the Committee, held in Berlin on 24 and 25 January 2007, the documentation that the Working Group had considered throughout its work and the results achieved by the Working Group so far. The Chairman also introduced his proposal for a draft General Assembly resolution on recommendations on the practice of States and international organizations in registering space objects, as contained in paragraph 18 of his working paper.

3. The Working Group recalled that the Legal Subcommittee at its forty-second session, in 2003, had agreed, on the basis of a working paper submitted by Australia, Austria, Canada, the Czech Republic, France, Germany, Greece, India, Japan, the Netherlands, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/AC.105/C.2/L.241 and Add.1), to consider a new agenda item entitled "Practice of States and international organizations in registering space objects" under the following four-year workplan:

- 2004: Presentation by Member States and international organizations of reports on their practice in registering space objects and submitting the required information to the Office for Outer Space Affairs for inclusion in the United Nations Register of Objects Launched into Outer Space
- 2005: Examination by a working group of the reports submitted by Member States and international organizations in 2004
- 2006: Identification by the working group of common practices and drafting of recommendations for enhancing adherence to the Convention on Registration of Objects Launched into Outer Space
- 2007: Report to the Committee on the Peaceful Uses of Outer Space

4. The Working Group expressed its satisfaction with the documentation that it had had before it during its meetings in 2005 and 2006. The Working Group noted that the documentation (A/AC.105/C.2/L.266, para. 3) provided an excellent example of the productive work of the Working Group. The Working Group also expressed its appreciation of the overview and analysis of the past work of the Working Group as presented by the Chairman in his working paper.

5. The Working Group recalled that in 2005 and 2006, it had been informed of the practices followed by States in registering space objects and implementing the Registration Convention. In particular, the Working Group had been informed about the establishment and maintenance of national registries of objects launched into outer space, the activities of authorities responsible for maintaining national registries and the legal regulations applicable to registering space objects, criteria for including objects in national registries, the procedures applied in cases where more than one party had been involved in the launch or where private entities or international organizations had been involved, practices relating to the registration of functional and non-functional objects, and the provision of additional information to the Register of Objects Launched into Outer Space, as well as about the practices of States concerning the inclusion of provisions related to the terms of the Registration Convention in bilateral agreements between States and between States and international organizations. In that regard, the Working Group noted with satisfaction the great interest shown by member States in its work.

6. The Working Group noted with concern the decreasing number of registrations of objects launched into outer space in the past few years.

7. The Working Group noted the relevance to its current work of the conclusions of the Working Group on the Review of the Concept of the "Launching State" (A/AC.105/787, annex IV, appendix), as well as General Assembly resolution 59/115 of 10 December 2004, on the application of the concept of the "launching State".

8. The Working Group also noted the positive impact on its work of the indicative list of benefits to, and rights and obligations of, parties to the United Nations treaties on outer space (A/AC.105/826, annex I, appendix I). The indicative list had been transmitted, together with a letter from the Secretary-General, to the ministers for foreign affairs of States that had not yet become parties to the United Nations treaties on outer space, with a view to encouraging States to become parties to those treaties.

9. The Working Group recalled the following issues agreed upon in 2005, on the basis of the background paper prepared by the Secretariat (A/AC.105/C.2/L.255 and Corr.1 and 2) and discussions of the Working Group (A/AC.105/850, annex III, para. 11), to be used as the basis for its conclusions:

- (a) Harmonization of practices (administrative and practical);
- (b) Non-registration of space objects;
- (c) Practice with regard to transfer of ownership of space objects in orbit;
- (d) Practice with regard to registration/non-registration of "foreign" space objects.

10. The Working Group also recalled the agreement reached by it in 2006 on elements that could constitute the basis for consensus on specific recommendations and conclusions to be included in the report to be prepared by the Subcommittee at its forty-sixth session, in 2007 (A/AC.105/871, annex III, para. 8).

11. The Working Group expressed its appreciation to its Chairman for the very productive work that he had conducted, which had led to the results achieved by the Working Group.

12. Some delegations expressed the view that, at the current stage, it was premature to consider the conclusions of the Working Group in the form of a draft resolution for adoption by the General Assembly. Those delegates were of the view that the Working Group had already made considerable achievements that should be reflected in the report to the Subcommittee, but that the preparation of such a draft resolution required further consultations.

13. Some delegations expressed the view that the proposed format of a draft resolution for adoption by the General Assembly was important and preferable in order to give the conclusions of the Working Group the greatest precision and visibility, since the issue of registration practice had practical consequences for the registration of space objects by all Member States.

14. The Working Group, at its 4th meeting, on 3 April 2007, agreed on the elements of conclusions of the Working Group, as contained in the appendix to its report.

Appendix

Elements of conclusions of the Working Group on the Practice of States and International Organizations in Registering Space Objects

1. Bearing in mind the benefits for States of becoming parties to the Convention on Registration of Objects Launched into Outer Space^a and that, by acceding to, implementing and observing the provisions of the Registration Convention, States:

(a) Enhance the utility of the Register of Objects Launched into Outer Space established under article III of the Registration Convention, in which information furnished by States and international intergovernmental organizations conducting space activities that have declared their acceptance of the rights and obligations under the Registration Convention is recorded,

(b) Benefit from additional means and procedures that assist in the identification of space objects, including, in particular, in accordance with article VI of the Registration Convention,

2. Noting that States parties to the Registration Convention and international intergovernmental organizations conducting space activities, having declared their acceptance of the rights and obligations under the Convention, shall furnish information to the Secretary-General in accordance with the Convention and shall

^a General Assembly resolution 3235 (XXIX), annex.

establish an appropriate registry and inform the Secretary-General of the establishment of such a registry in accordance with the Convention,

3. Considering that universal accession to and acceptance, implementation and observance of the provisions of the Registration Convention:

(a) Lead to increased establishment of appropriate registries,

(b) Contribute to the development of procedures and mechanisms for the maintenance of appropriate registries and the provision of information to the Register of Objects Launched into Outer Space,

(c) Contribute to common procedures, at the national and international levels, for registering space objects with the Register,

(d) Contribute to uniformity with regard to the information to be furnished and recorded in the Register concerning space objects listed in the appropriate registries,

(e) Contribute to the receipt of and recording in the Register of additional information concerning space objects on the appropriate registries and information on objects that are no longer in Earth orbit,

4. Noting that changes in space activities since the Registration Convention entered into force include the continuous development of new technologies, an increase in the number of States carrying out space activities, an increase in international cooperation in the peaceful uses of outer space and an increase in activities carried out by non-governmental entities, as well as partnerships formed by non-governmental entities from more than one country,

5. Desirous of achieving the most complete registration of space objects,

6. Also desirous of enhancing adherence to the Registration Convention,

7. Recommends, with regard to adherence to the Convention on Registration of Objects Launched into Outer Space,^b that:

(a) States that have not yet ratified or acceded to the Registration Convention should become parties to that Convention and, until they become parties to the Convention, furnish information in accordance with General Assembly resolution 1721 B (XVI) of 20 December 1961;

(b) International intergovernmental organizations conducting space activities that have not yet declared their acceptance of the rights and obligations under the Registration Convention should do so in accordance with article VII of the Convention;

8. Recommends, with regard to the harmonization of practices, that:

(a) Consideration should be given to achieving uniformity in the type of information to be provided to the Secretary-General on the registration of space objects; such information could include, inter alia:

(i) The Committee on Space Research international designator, where appropriate;

^b General Assembly resolution 3235 (XXIX), annex.

- (ii) Universal Time Coordinated as the time reference for the date of launch;
- (iii) Kilometres, minutes and degrees as the standard units for basic orbital parameters;
- (iv) Any useful information relating to the function of the space object in addition to the general function requested by the Registration Convention;
- (b) Consideration should be given to the furnishing of additional appropriate information to the Secretary-General on the following areas:
 - (i) The geostationary orbit location, where appropriate;
 - (ii) Any change of status in operations (inter alia, when a space object is no longer functional);
 - (iii) The approximate date of decay or re-entry, if States are capable of verifying that information;
 - (iv) The date and physical conditions of moving a space object to a disposal orbit;
 - (v) Web links to official information on space objects;
- (c) States conducting space activities and international intergovernmental organizations that have declared the acceptance of the rights and obligations under the Registration Convention should, when they have designated focal points for their appropriate registries, provide the Office for Outer Space Affairs of the Secretariat with the contact details of those focal points;

9. Recommends, in order to achieve the most complete registration of space objects, that:

(a) Due to the complexity of the responsibility structure in international intergovernmental organizations conducting space activities, a solution should be sought in cases where an international intergovernmental organization conducting space activities has not yet declared its acceptance of the rights and obligations under the Registration Convention, and a general backup solution for registration by international intergovernmental organizations conducting space activities is needed in cases where there is no consensus on registration among the States members of such organizations;

(b) The State from whose territory or facility a space object has been launched should, in the absence of prior agreement, contact States or international intergovernmental organizations that could qualify as “launching States” to jointly determine which State or entity should register the space object;

(c) In cases of joint launches of space objects, each space object should be registered separately and, without prejudice to the rights and obligations of States, space objects should be included, in accordance with international law, including the relevant United Nations treaties on outer space, in the appropriate registry of the State responsible for the operation of the space object under article VI 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;^c

^c General Assembly resolution 2222 (XXI), annex.

(d) States should encourage launch service providers under their jurisdiction to advise the owner and/or operator of the space object to address the appropriate States on the registration of that space object;

10. Recommends that, following the change in supervision of a space object in orbit:

(a) The State of registry, in cooperation with the appropriate State according to article VI of the Outer Space Treaty, could furnish to the Secretary-General additional information, such as:

- (i) The date of change in supervision;
- (ii) The identification of the new owner or operator;
- (iii) Any change of orbital position;
- (iv) Any change of function of the space object;

(b) If there is no State of registry, the appropriate State according to article VI of the Outer Space Treaty could furnish the above information to the Secretary-General;

11. Requests the Office for Outer Space Affairs:

(a) To make available to all States and international intergovernmental organizations a model registration form, reflecting the information to be provided to the Office for Outer Space Affairs, to assist them in their submission of registration information;

(b) To make public, through its website, the contact details of the focal points;

(c) To establish web links on its website to the appropriate registries that are available on the Internet;

12. Recommends that States and international intergovernmental organizations report to the Office for Outer Space Affairs on new developments relating to their practice in registering space objects.
