

The drafters of the 1979 Agreement Governing the Activities of States on the Moon and Other Celestial Bodies also elaborated on a number of general principles of the 1967 OST and completed them by more specific provisions. But they were not in a position to rely on the OST when dealing with the issue of future economic activities on the Moon. An attempt to reach a generally acceptable compromise in this issue was made by joining the confirmation of the freedom of scientific investigation and the exploration and use of the Moon as a right of all States, with the commitment to establish an international régime governing the exploitation of natural resources of the Moon, as such exploitation is about to become feasible. However, the interest of States in adopting this compromise and subscribing the 1979 Moon Agreement remained limited up to date.

The new development of space activities relating to the Moon in recent years led some States to addressing the low participation of States in the Moon Agreement in the COPUOS and its LSC. A group of seven States Parties to the Moon Agreement submitted a joint statement, in which they demonstrated the benefits and guarantees offered by the participation in the Agreement within the whole system of UN Space Treaties. The discussion on this issue still continues.

/c/ Sets of Principles relating to special categories of space activities

During the 1980s and 1990s, it became evident that there was no hope ^{to reach any further} agreement on any treaty regulation of space activities. Therefore, the United Nations returned to its practice of declaring space legal principles by resolutions of its General Assembly. In this way, four sets of such Principles were elaborated in the LSC and adopted by the UN General Assembly, namely: Principles Governing the Use by States of Satellites for International Television Broadcasting /1982/; Principles Relating to Remote Sensing of the Earth from Outer Space /1986/; Principles Relevant to the Use of Nuclear Power Sources in Outer Space /1992/; and Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of All States, Particularly of the Developing Countries /1996/.

In the 1986 Remote Sensing Principles, particularly important was the consensus reached between the interests of the sensing States and the needs of the sensed States, many of them being developing countries. The respect for full and permanent sovereignty of all States and peoples over their own wealth and natural resources, as well as due regard to the rights and interests of other States and entities under their jurisdiction, are equally emphasized in the text of the Principles. And the access of sensed States to the results of remote sensing have been guaranteed.

Of particular significance was also the elaboration of the 1992 NPS Principles, because it led, for the first time, to a close cooperation between both Subcommittees of the COPUOS. The resulting Principles included many new ideas and solutions of technically complex issues, which initiated further considerations in the STSC. Therefore, the review and revision, which originally was stipulated in the final provision of the Principles, has not been effected up to date. The STSC, however, after several years of joint considerations with International Atomic Energy Agency, was able to agree on a "Safety Framework for Nuclear Power Source Applications in Outer Space" /Doc. A/AC.105/934 of 19 May 2009/. Further endeavours in this field may be expected in next years, which should also require the participation of the COPUOS Legal Subcommittee in the elaboration and eventual revision of the 1992 NPS Principles.

Unlike the Space Treaties, the sets of Principles adopted by the General Assembly as its resolutions are not legally binding. Nevertheless, they reflect the legal conviction of the present international community. If followed by a constant practice of States and international organizations, they may play a significant role either in establishing customary rules of international law or as a basis in future negotiations on international treaties to regulate the same subjects in binding manner.

/d/ Discussions on specific issues relating to application of UN Space Treaties

The LSC has recently concentrated on some specific questions of the existing UN Space Treaties, particularly those relating to the Liability and Registration Conventions, as applied by States

and international organizations in the light of new and expected space activities.

The first such item was the review of the concept of the "launching State" and the conclusions of the discussions on it were inserted in a special resolution 59/115 adopted by the General Assembly on 10 December 2004.

Another item of this category was practice of States and international organizations in registering space objects. The main purpose of this exercise was the elaboration of recommendations for enhancing adherence to the 1975 Registration Convention and improving these practices. They have been also inserted in a special resolution 62/101 adopted by the General Assembly on 17 December 2007.

In 2007 the LSC agreed on the inclusion of a new item in its agenda, namely "General exchange of information on national legislation relevant to the peaceful exploration and use of outer space" to be considered under a workplan during 2008-11. The discussion on this item allows all States to understand the importance of national regulatory frameworks for the development of their participation in space activities. The growing number of national space laws, which have been worked out in recent years, are an evidence of this trend.

Moreover, the COPUOS Legal Subcommittee continues its discussions on a number of "regular items", which have been on its agenda for many years. One of those issues has been the definition and delimitation of outer space and the character and utilization of the geostationary orbit. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space and recently also Capacity-Building in Space Law belong to such items.

Another interesting subject, which was included in the agenda of the LSC upon the initiative of the International Institute for the Unification of Private International Law /Unidroit/, has been the development of a Space Assets Protocol to the Convention on International Interests in Mobile Equipment, which was concluded in Cape Town /South Africa/ in November 2001. Such Protocol

should establish a special registry for inscribing the loans to be provided by financiers for acquiring a high value equipment and in return, giving the financiers a charge over the equipment. In the LSC, two outstanding issues have been particularly discussed, namely the possibility of the United Nations serving as supervisory authority over the special registry and the relationship between the terms of the draft Space Protocol and the rights and obligations of States under the legal régime applicable to outer space.

Additional issues proposed by LSC members for discussion

A number of other issues, which should be taken into account in a near or more distant future for consideration, have been proposed by some individual Member States of the COPUOS or groups thereof. The problems relating to the impact of space activities on the Earth environment and the protection of space activities belong to these proposals. The generation of space débris and the application of effective technical measures against this kind of pollution of outer space have already been under consideration in the COPUOS Scientific and Technical Subcommittee. They led to the elaboration of guidelines for practice and policies, which should be implemented on a voluntary basis through relevant national mechanisms. This document, called "Space Débris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space", was endorsed by the UN general Assembly in its resolution 62/217, of 22 December 2007. Several States, however, are convinced that legal aspects of space débris should still be discussed sooner or later in the Legal Subcommittee, which is the competent body for this task. So far the States Members of the COPUOS only agreed to consider in the LSC "the general exchange of information on national mechanisms relating to space débris mitigation measures". This consideration, however, could lead to a further goal on the way to an effective prevention and suppression of the generation of space débris - the transformation of the "Space Débris Mitigation Guidelines of the COPUOS" into a set of legal principles on space débris to be drafted by the Legal Subcommittee and adopted by the UN General Assembly.

"The appropriateness and feasibility of drafting a universal

comprehensive convention on international space law" was also raised during the discussion on possible new items for the LSC in recent years. According to this idea, such a convention would restate in a single document fundamental principles contained in the present Space Treaties and also fill the gaps in the current legal régime. Some States, however, oppose such proposal by arguing that the current legal framework adequately meets the needs of the international community in matters relating to outer space and an attempt at reopening the existing space treaties would weaken their validity.

Character of the present system of space law

During the second half of the 20th century, a body of principles and rules establishing a special international status of outer space, the Moon and other celestial bodies and governing space activities was progressively developed. The principles of the 1967 OST created a core of the whole international legal system and are recalled and elaborated in other UN Space Treaties. States and other relevant legal persons recognize the principles of the OST and have not acted in the conduct of their activities in contravention of those principles so as to visibly and constantly break them. The sets of Principles adopted by consensus in the General Assembly of the United Nations, though not legally binding, have been also honoured in practice. All international law persons have accepted the integral nature of the space system as a whole, even if some of them are not yet explicitly bound by particular elements of it. The general principles included in the 1963 Declaration and restated in the 1967 OST, particularly in the first three Articles of the Treaty, represent pillars of the present system of international space law and as such, they should be considered as generally recognized legal norms. These principles have been accepted by the international community of States as a whole and, in my assessment, they have thus gained the quality of imperative norms of general international law in the meaning of Articles 53 and 64 of the Vienna Convention on the Law of Treaties.

On the other hand, the present international law governing space activities cannot yet claim to be a complete legal system. Its further development depends on the willingness of governments, particularly of the space powers, to cooperate towards this purpose.

In addition to the UN space instruments, many bilateral and some multilateral treaties regulating space activities have been concluded by two or more international persons outside the framework of the United Nations or the relevant specialized agencies of its system of organizations. They are also parts of the present international space law. Moreover, a number of States adopted, or they are about to adopt, national space laws governing their own space activities, including the activities of private entities under their jurisdiction. The national space legislation, however, shall remain in full harmony with international space law, especially with the principles established by the UN Space Treaties.

In this way, a wider concept of space law has been emerging. It comprises: the UN Space Treaties and the sets of UN Principles, which provide a basis of the whole space law system; other international space agreements, including the relevant parts of the statutes of intergovernmental organizations, particularly of international space organizations; and national laws implementing and completing the international norms by appropriate regulations of space activities performed under the jurisdiction of individual States.

Conclusion

When concluding the brief overview of international space law and its progressive development, it should be emphasized that the rule of law in outer space must be preserved and further strengthened by joint efforts of all nations, in order to assist the sustainable development of space activities for peaceful purposes in the common interests of all mankind.