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Committee on the Peaceful Uses of Outer Space Sixty-sixth session

Vienna, 31 May–9 June 2023

Draft report

Addendum

Chapter II

Recommendations and decisions

C. Report of the Legal Subcommittee on its sixty-second session

1. The Committee took note with appreciation of the report of the Legal Subcommittee on its sixty-second session ([A/AC.105/1285](#)), which contained the results of its deliberations on the items considered by the Subcommittee in accordance with General Assembly resolution 77/121.
2. The Committee expressed its appreciation to Nomfuneko Majaja (South Africa) for her able leadership as Chair during the sixty-first session of the Subcommittee.
3. The representatives of Australia, Belgium, Canada, Chile, China, Germany, Indonesia, Iran (Islamic Republic of), Italy, Japan, Luxembourg, the Russian Federation, South Africa, the United Kingdom, the United States and Venezuela (Bolivarian Republic of) made statements under the item. Statements were also made by the representative of Pakistan on behalf of the Group of 77 and China. The observer for Square Kilometre Array Observatory also made a statement. During the general exchange of views, statements relating to the agenda item were also made by other member States.
4. The Committee heard the following presentations:
 - (a) “Progress report on the initiatives of the APRSAF initiatives for enhancing space policy and law capacity in the Asia-Pacific region”, by the representative of Japan;
 - (b) “Space Law for New Space Actors project in Chile”, by the representative of Chile.



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

5. The Committee took note of the discussion of the Subcommittee under the item entitled “Information on the activities of international intergovernmental and non-governmental organizations relating to space law”, as reflected in the report of the Subcommittee ([A/AC.105/1285](#), paras. 40–54).

6. The Committee noted that it was important to continue to exchange information among the Subcommittee and intergovernmental and international non-governmental organizations on recent developments in the area of space law. It endorsed the recommendation of the Subcommittee that such organizations should again be invited to report on their activities relating to space law to the Subcommittee at its sixty-third session.

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

7. The Committee took note of the discussion of the Subcommittee under the item on the status and application of the five United Nations treaties on outer space, as reflected in the report of the Subcommittee ([A/AC.105/1285](#), paras. 55–72).

8. The Committee endorsed the decisions and recommendations of the Subcommittee and its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, which had been reconvened under the chairmanship of Franziska Knur (Germany) ([A/AC.105/1285](#), annex I, paras. 5–17).

9. The Committee noted with appreciation the recommendations on registration practice for space objects forming part of a satellite constellation agreed by the Working Group.

10. The Committee noted with appreciation that the Working Group would commence an exchange of views, at the sixty-third session of the Subcommittee, on the implementation of article XI of the Outer Space Treaty, in which States agreed to inform the Secretary-General of the United Nations, as well as the public and the international scientific community, to the greatest extent feasible and practicable, of the nature, conduct, locations and results of activities in outer space, including on the Moon and other celestial bodies.

11. The view was expressed that article XI of the Outer Space Treaty was an underutilized provision with great potential for improving transparency and understanding between all nations. The delegation expressing that view also expressed the view that all member States were encouraged to examine the notifications already provided under article XI, recorded on the website of the Office for Outer Space Affairs, in order to familiarize themselves with past use of that mechanism and inspire ideas for its future uses.

12. The view was expressed that there was no standardized way to submit information under article XI of the Outer Space Treaty and thus the development of dedicated tools and practices should be considered.

13. The Committee welcomed the ongoing work of the Office for Outer Space Affairs to develop an online registration portal to ensure the efficiency of registration submissions.

14. Some delegations expressed the view that international law was a key tool to enable space activities to grow in a safe, sustainable and predictable environment.

15. The view was expressed that the five United Nations treaties on outer space were the bedrock of any kind of activities in outer space and that the Legal Subcommittee continued to be the central multilateral forum for the further development of international space law.

3. 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

16. The Committee took note of the discussion of the Subcommittee under the agenda item on 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 ITU, as reflected in the report of the Subcommittee ([A/AC.105/1285](#), paras. 73–101).

17. The Committee endorsed the recommendations of the Subcommittee and its Working Group on the Definition and Delimitation of Outer Space, ([A/AC.105/1285](#), para. 77, and annex II, para. 8).

18. Some delegations expressed the view that that the definition and delimitation of outer space continued to be an important topic that should be kept on the agenda of the Legal Subcommittee and that more work should be done in order to establish the legal regime applicable to airspace and outer space.

19. Some delegations expressed the view that the lack of a definition and delimitation of outer space would lead to legal uncertainty and that a boundary between airspace and outer space needed to be clarified in order to reduce the risk of related disputes between States.

20. Some delegations expressed the view that the geostationary orbit was not to be subject to national appropriation, by means of use, repeated use or occupation, or by any other means, and that its utilization was to be governed by applicable international law.

21. Some delegations expressed the view that the geostationary orbit needed to be used rationally, efficiently and economically, in conformity with the provision of the international space laws and relevant regulations, so that countries or groups of countries could have equitable access to those orbits and frequencies, taking into account the special needs of the developing countries and the geographical situation of particular countries.

22. The view was expressed that it was necessary to develop a juridical regime that promoted equitable access to orbital slots that gave special attention to those projects pursuing social benefits, while taking into consideration and respecting the role of ITU.

23. The view was expressed that inequalities, inefficiencies and bureaucratic congestion in the utilization of the geostationary orbit remained serious challenges that must be addressed by the Committee due to the limited nature of that resource.

4. National legislation relevant to the peaceful exploration and use of outer space

24. The Committee took note of the discussion of the Legal Subcommittee under the item on national legislation relevant to the peaceful exploration and use of outer space, as reflected in the report of the Subcommittee ([A/AC.105/1285](#), paras. 102–111).

25. The Committee had before it the following:

(a) Report on the status of the national space legislation of countries of the Asia-Pacific Regional Space Agency Forum National Space Legislation Initiative, second phase ([A/AC.105/L.336](#));

(b) Conference room paper entitled “Membership of the report on the status of the national space legislation of countries of the Asia-Pacific Regional Space Agency Forum National Space Legislation Initiative” ([A/AC.105/2023/CRP.17](#)).

26. The Committee endorsed the recommendation of the Subcommittee on this agenda item (A/AC.105/1285, para. 111).
27. The Committee noted various activities of member States to review, strengthen, develop or draft national space laws and policies, as well as to reform or establish their governance of national space activities.
28. The Committee noted with satisfaction the update prepared by the secretariat to the schematic overview of national regulatory frameworks for space activities (A/AC.105/C.2/2023/CRP.28), which enabled States to gain an understanding of existing national regulatory frameworks, share experiences on national practices and exchange information on national legal frameworks.
29. The Committee took note of the regional efforts by the National Space Legislation Initiative study group of the Asia-Pacific Regional Space Agency Forum. The report covered topics on national implementation of the Guidelines for the Long-term Sustainability of Outer Space Activities of the Committee on the Peaceful Uses of Outer Space (A/74/20, annex II), and the involvement of private entities in national legislation and policy making process.
30. The Committee agreed that national space legislation should be developed in accordance with international law.
31. Some delegations expressed the view that national legislation was important to ensure the safety, sustainability and predictability of outer space activities, in particular, the authorization and supervision of non-governmental entities, owing to the increasing engagement of such entities in space activities.
32. The view was expressed that national space legislation should not include regulations associated with the commercialization of outer space.

5. Capacity-building in space law

33. The Committee took note of the discussion of the Subcommittee under the item on capacity-building in space law, as reflected in the report of the Subcommittee (A/AC.105/1285, paras. 112–122).
34. The Committee endorsed the recommendation of the Subcommittee on this agenda item (A/AC.105/1285, para. 122).
35. The Committee agreed that, in order to build the national capacity necessary to ensure that the increasing number of participants in space activities complied with international space law, international cooperation in research, training and education in space law was essential.
36. The Committee noted with appreciation that a number of national, regional and international efforts to build capacity in space law were being undertaken by governmental and non-governmental entities.
37. Some delegations expressed the view that capacity-building in space law was a fundamental tool that should be enhanced through international cooperation and that greater support was needed from the Office for Outer Space Affairs and member States to foster both North-South and South-South cooperation with a view to facilitating the sharing of knowledge and expertise in the field of space law.
38. The Committee noted with satisfaction that the Space Law for New Space Actors project, including the launch of Accessing Space Treaty Resources Online (ASTRO) database, was aimed at providing support to enhance capacity in developing national space law and policy.
39. The Committee noted with satisfaction the holding of the expert event on the registration of space objects as part of the project entitled “Supporting implementation of treaty obligation relating to the registration of objects launched into outer space”, held Vienna on 29 and 30 May 2023.

6. Future role and method of work of the Committee

40. The Committee took note of the discussion of the Subcommittee under the item on the future role and method of work of the Committee, as reflected in the report of the Subcommittee (A/AC.105/1285, paras. 123–156).

7. General exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources

41. The Committee took note of the discussion of the Subcommittee under the item entitled “General exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources”, as reflected in the report of the Subcommittee (A/AC.105/1285, paras. 157–202).

42. The Committee had before it the following:

(a) Conference Room Paper entitled: “Input to the Working Group on Legal Aspects of Space Resource Activities on Scope and Topics to be addressed at the International Conference to be held in 2024” containing contributions from: Algeria, Australia, Brazil, Cuba, Ecuador, Russian Federation, Slovakia and Türkiye (A/AC.105/2023/CRP.7);

(b) Conference room paper submitted by Belgium and Luxembourg entitled “Working Group on Legal Aspects of Space Resource Activities: joint proposal for an international conference to take place in 2024 in accordance with the five-year workplan and methods of work for the Working Group” (A/AC.105/2023/CRP.11);

(c) Conference room paper submitted by Luxembourg entitled “Input to the Working Group on Legal Aspects of Space Resource Activities on the scope and topics to be addressed at the international conference to be held in 2024” (A/AC.105/2023/CRP.18);

(d) Conference room paper submitted by Belgium entitled “Input to the Working Group on Legal Aspects of Space Resource Activities on the scope and topics to be addressed at the international conference to be held in 2024” (A/AC.105/2023/CRP.19);

(e) Non-paper submitted to the Working Group on Legal Aspects of Space Resource Activities entitled “Joint views of Austria, Belgium, Czechia, Germany, Greece, Luxembourg, Netherlands (Kingdom of the), Norway, Portugal, Slovakia, Sweden, Switzerland and United Kingdom on the scope and topics of the international space resource conference to be held under the auspices of the United Nations in 2024”.

43. The Committee noted that the Working Group on Legal Aspects of Space Resource Activities had met both formally, with the benefit of interpretation services, and informally during the present session.

44. The Committee noted that the Subcommittee, at its sixty-second session, had reconvened the Working Group on Legal Aspects of Space Resource Activities established under the agenda item, with Andrzej Misztal (Poland) as Chair and Steven Freeland (Australia) as Vice-Chair, and had held formal meetings and informal consultations during that session but could not reach consensus on adopting its report.

45. Some delegations expressed the view that while the Working Group had not reached consensus on adopting its report at the sixty-second session of the Subcommittee, it was important to recall that the valuable written submissions of numerous States members and observers to the Committee had contributed to the substantively rich and fruitful discussions that had taken place during that session on, among other issues, the scope and type of space resource activities to be considered by the Working Group as well as the applicable international framework relevant to those activities, and that those discussions could potentially support the development

of an initial set of principles that would improve the governance of activities within the mandate of the Working Group.

46. Some delegations welcomed the proposal of Belgium and Luxembourg that the international conference on space resources to be held in 2024 under the mandate of the Working Group be organized with one part taking place in Luxembourg in a hybrid format in order to take advantage of the fact that a wide array of stakeholders and experts, including civil society, industry, the private sector, and academia, would be present in Luxembourg during Space Resources Week, and expressed the view that without the substantive input of such external actors the Working Group would not be able to achieve the outcomes of its workplan. The delegations expressing that view also welcomed additional financial and in-kind support that would enable the greater participation and attendance of the widest array of experts and practitioners, in particular those from developing countries.

47. Some delegations expressed the view that the international conference to be held in 2024 should take place in Vienna in conjunction with the sixty-third session of the Legal Subcommittee in 2024 so as to benefit from interpretation services and to facilitate the discussions on a possible regulatory framework relating to the exploration, exploitation and utilization of space resources.

48. Some delegations expressed the view that discussions in the Working Group for the utilization of space resources should retain an equitable, inclusive, constructive, collaborative, consensus-based and multilateral approach, in line with the principles enshrined in the Outer Space Treaty and other relevant United Nations treaties, especially the principle of non-appropriation of outer space, including the Moon and other celestial bodies.

49. The view was expressed that the exploitation of space resources and other activities for the exploration of extraterrestrial objects should be consistent with the fundamental principles of international space law set out in the Outer Space Treaty, in particular by ensuring the implementation of the principle that the exploration of outer space was for the benefit and in the interest of all countries.

50. The view was expressed that the work of the Working Group should take into account the interests of developing countries, that the utilization of space resources was in the common interest of all mankind and that the space resource activities should be undertaken in accordance with the principles of long-term sustainable use and environmental protection of outer space.

51. The view was expressed that a binding international legal framework governing space resource activities should be developed in order to ensure that activities were undertaken in a safe and orderly manner and to facilitate the rational management of those resources.

52. The view was expressed that, taking into account that the Outer Space Treaty provided that the exploration and use of outer space was the province of all mankind and that the Moon Agreement established that the Moon and its natural resources were the common heritage of humankind, it was crucial that an international regime for governing the exploration, exploitation and utilization of space resources was developed in the Committee that was consistent with these core principles of international space law, and was a primary output of the Working Group.

53. The view was expressed that sharing information on activities for the exploration, exploitation and utilization of space resources was a key element in ensuring the sustainability of space activities and that dedicated tools and practices for enhanced information-sharing were needed in that regard.

54. The view was expressed that binding rules and regulations must be put in place regarding the exploration, exploitation and utilization of space resource activities in order to preserve outer space, the Moon and other celestial bodies from the harmful methods of exploitation promoted by mankind throughout history, as well as the

preservation of the terrestrial biosphere from the entry of space material that could negatively affect Earth's delicate ecosystem.

55. The Committee noted that the Working Group had agreed that an event would be held in Luxembourg during the Space Resources Week entitled "Expert meeting collecting preliminary inputs for consideration at the international conference in Vienna in 2024", which would be co-hosted by Belgium and Luxembourg and organized in cooperation with the United Nations.

56. The Committee noted that the Working Group had agreed that the international conference would be conducted in an inclusive and transparent manner, within the scope and on the basis of the following topics:

- (a) Implications of the legal framework for space resource activities;
- (b) The role of information-sharing in supporting space resource activities;
- (c) The scope of future space resource activities;
- (d) Environmental and socioeconomic aspects of space resource activities;
- (e) International cooperation in scientific research and technological development for space resource activities.

8. General exchange of information and views on legal mechanisms relating to space debris mitigation and remediation measures, taking into account the work of the Scientific and Technical Subcommittee

57. The Committee took note of the discussion of the Legal Subcommittee under the item on the general exchange of information and views on legal mechanisms relating to space debris mitigation and remediation measures, taking into account the work of the Scientific and Technical Subcommittee, as reflected in the report of the Legal Subcommittee ([A/AC.105/L.285](#), paras. 203–229).

58. The Committee endorsed the decisions of the Subcommittee as reflected in its report ([A/AC.105/L.285](#), para. 211).

59. The Committee noted with satisfaction that the endorsement by the General Assembly, in its resolution 62/217, of the Space Debris Mitigation Guidelines of the Committee had been a crucial step in providing guidance on ways to mitigate the problem of space debris, and urged all States Members of the United Nations to consider voluntary implementation of the Guidelines.

60. The Committee noted with satisfaction that some States had taken measures to implement internationally recognized guidelines and standards relating to space debris, including the Space Debris Mitigation Guidelines of the Committee and the Guidelines for the Long-term Sustainability of Outer Space Activities of the Committee, through relevant provisions in their national legislation.

61. The Committee noted that the compendium of space debris mitigation standards adopted by States and international organizations was being continuously updated.

62. Some delegations encouraged launching States to provide advanced, proper, prompt and adequate notification to other States, in particular developing countries, located in the drop zones of falling space debris, as applicable, to ensure that they were sufficiently prepared to mitigate and respond to such incidents.

63. Some delegations expressed the view that it was important to strengthen the capacities of developing countries in detecting and responding to falling space debris.

64. The view was expressed that the growing number of space activities made it necessary to have a robust system of international governance and that all delegations were urged to consider moving towards a global legal commitment to avoiding space debris and towards comprehensive, multilateral space traffic management.

65. The view was expressed that the advancement of science and technology made necessary the revision, update and modification of the United Nations treaties relative to outer space and, moreover, the creation of new binding instruments that regulated space debris reduction measures.

66. The view was expressed that the exchange of information and opinions on legal mechanisms relevant to space debris and the adoption of measures aiming at its reduction were increasingly relevant.

9. General exchange of information on non-legally binding United Nations instruments on outer space

67. The Committee took note of the discussion of the Legal Subcommittee under the item on the general exchange of information on non-legally binding United Nations instruments on outer space, as reflected in the report of the Subcommittee ([A/AC.105/1285](#), paras. 230–246).

68. The Committee took note of the compendium on mechanisms adopted by States and international organizations in relation to non-legally binding United Nations instruments on outer space, which the Office for Outer Space Affairs had made available on a dedicated web page, and invited States members of the Committee and international intergovernmental organizations having permanent observer status with the Committee to continue to submit responses to the secretariat for their inclusion in the compendium.

69. Some delegations expressed the view that the importance of the development of non-legally binding United Nations instruments that complemented and supported the existing United Nations treaties on outer space were responsive to new developments in space activities and contributed to further enhancing the safety, security and sustainability of outer space activities.

70. The view was expressed that while it was important to further develop non-legally binding United Nations instruments, it was equally important to develop legally binding international treaties and agreements in a number of areas of space activities in order to keep pace with their rapid development and the safety, security and sustainability of outer space, and that that immense responsibility lay with the Legal Subcommittee.

10. General exchange of views on the legal aspects of space traffic management

71. The Committee took note of the discussion of the Subcommittee under the item entitled “General exchange of views on the legal aspects of space traffic management”, as reflected in the report of the Subcommittee ([A/AC.105/1285](#), paras. 247–267).

72. The Committee endorsed the recommendation by the Subcommittee to continue to consider the item.

73. The Committee was informed of a number of measures undertaken or envisaged at the national, regional and international levels to improve the safety and sustainability of space flight.

74. Some delegations expressed the view that the growing number of space activities, including satellite launches, suborbital launches and human spaceflights, made it increasingly necessary to have a robust international space traffic management system.

75. Some delegations expressed the view that space traffic management remained among the key issues recognized by the Council of the European Union and that the European Union approach for operational space traffic management foresaw the possibility of cooperation with international partners, including those outside of Europe.

76. The view was expressed that the international community must strive towards a legally binding instrument for space traffic management, negotiated within the framework of the United Nations, to address the need for governance that enabled safe and sustainable space travel while providing a level global playing field.

77. The view was expressed that the continued growth of the commercial space industry was recognized and appreciated, as was the importance of seeking and understanding the views of that industry in the development and improvement of related regulatory frameworks.

78. The view was expressed that more thorough discussions on the development of a space traffic management system should take place within the Committee and its subcommittees.

11. General exchange of views on the application of international law to small-satellite activities

79. The Committee took note of the discussion of the Subcommittee under the item entitled “General exchange of views on the application of international law to small-satellite activities”, as reflected in the report of the Subcommittee ([A/AC.105/1285](#), paras. 268–281).

80. The Committee noted that the item continued to be on the agenda of the Subcommittee and agreed that its retention contributed to addressing and raising awareness of issues relating to the use of small satellites.

81. The Committee noted that activities involving small satellites should be carried out in compliance with existing international frameworks, including the United Nations treaties and principles on outer space, the ITU Constitution and Convention and the ITU Radio Regulations, and non-binding instruments such as the Space Debris Mitigation Guidelines of the Committee and the Guidelines for the Long-term Sustainability of Outer Space Affairs of the Committee ([A/74/20](#), annex II), which should be implemented in national legislation.

82. Some delegations expressed the view that, considering the essential role of satellites, regardless of their size, in the socioeconomic development of Member States, the Committee and its Subcommittees should not create an ad hoc legal regime or any other mechanisms that might impose limitations on the design, construction, launch and use of satellites. Those delegations were of the view that all international rights and obligations of States with respect to satellites, regardless of their size, were equally relevant for the conduct of space activities using small satellites.

83. Some delegations expressed the view that, despite the advantages of using small satellites, there were growing concerns about the impact that small-satellite activities had on astronomical observations conducted by ground-based observatories and on access to space.

12. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its sixty-third session

84. The Committee took note of the discussion of the Legal Subcommittee under the item on proposals to the Committee for new items to be considered by the Subcommittee at its sixty-third session, as reflected in the report of the Subcommittee ([A/AC.105/1285](#), paras. 282–290).

85. On the basis of the deliberations of the Subcommittee at its sixty-second session, the Committee agreed that the following substantive items should be considered by the Subcommittee at its sixty-third session:

Regular items

1. Adoption of the agenda.
2. Election of the Chair.
3. Statement by the Chair.
4. General exchange of views.
5. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
6. Status and application of the five United Nations treaties on outer space, and ways and means, including capacity-building, to promote their implementation.
7. 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.
8. Future role and method of work of the Committee.

Items under workplans

9. General exchange of views on potential legal models for activities in the exploration, exploitation and utilization of space resources.

(Work for 2024 as reflected in the multi-year workplan of the Working Group on Legal Aspects of Space Resource Activities ([A/AC.105/1260](#), para. 206, and annex II, appendix))

Single issues/items for discussion

10. General exchange of information and views on legal mechanisms relating to space debris mitigation and remediation measures, taking into account the work of the Scientific and Technical Subcommittee.
11. General exchange of information on non-legally binding United Nations instruments on outer space.
12. General exchange of views on the legal aspects of space traffic management.
13. General exchange of views on the application of international law to small-satellite activities.

New items

14. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its sixty-fourth session.

86. The Committee agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, the Working Group on the Definition and Delimitation of Outer Space and the Working Group on Legal Aspects of Space Resource Activities should be reconvened at the sixty-third session of the Subcommittee.

87. The Committee agreed to merge the items on “Status and application of the five United Nations treaties on outer space”, “National legislation relevant to the peaceful exploration and use of outer space” and “Capacity-building in space law” into an item entitled “Status and application of the five United Nations treaties on outer space, and ways and means, including capacity-building, to promote their implementation”, and noted that, at the sixty-third session of the Subcommittee, the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space would consider, in that regard, if any amendments to its title would be necessary.

88. The Committee, recalling the agreement by the Legal Subcommittee at its fifty-eighth session in 2019 to provisionally suspend the item on “Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space” pending the outcome of the work of the Working Group on the Use of Nuclear Power Sources in Outer Space, and noting the Working Group’s new five-year workplan ([A/AC.105/1279](#), annex III, para. 8) agreed to continue to suspend the consideration of the item until the completion of work under the new workplan.

89. Some delegations expressed that view that an item on the legal assessment of the Guidelines for the Long-term Sustainability of Outer Space Activities of the Committee should be included on the agenda of the Legal Subcommittee.

90. Some delegations expressed the view that an item on the legal assessment of the Guidelines for the Long-term Sustainability of Outer Space Activities of the Committee should be considered by the Legal Subcommittee at its sixty-third session in 2024.
