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**Committee on the Peaceful  
Uses of Outer Space**  
Legal Subcommittee  
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**Draft report of the Chairman of the Working Group on  
agenda item 4, entitled “Status and application of the five  
United Nations treaties on outer space”**

1. At its 656th meeting, on 2 April 2002, the Legal Subcommittee established a working group on agenda item 4, entitled “Status and application of the five United Nations treaties on outer space”. At its 658th meeting, on 3 April, the Subcommittee elected Vassilios Cassapoglou (Greece) Chairman of the Working Group.
2. At the 1st meeting of the Working Group, on 3 April, the Chairman recalled that, pursuant to General Assembly resolution 56/51 of 10 December 2001, the Working Group should be established for three years, from 2002 to 2004, and that its terms of reference should include the status of the treaties, review of their implementation and obstacles to their universal acceptance, as well as promotion of space law, especially through the United Nations Programme on Space Applications.
3. The view was expressed that, while it might be desirable to promote universal acceptance of the five United Nations treaties on outer space, efforts to that end at the present time were likely to meet with limited success. Recent deliberations within, inter alia, the Legal Subcommittee had indicated a possible lack of clarity of the existing treaties on particular issues and concepts and a potential need to amend or supplement the treaties in order to deal with new developments in space activities. The continuing uncertainty surrounding the treaties in their current state would result in non-parties taking a cautious approach to their acceptance until the uncertainty had been adequately resolved.
4. Some delegations expressed the view that it would be appropriate to discuss the desirability and feasibility of drafting a universal comprehensive convention on space law and that an ad hoc informal open-ended working group should be convened for that purpose, as had been previously proposed in a working paper submitted by China, Colombia and the Russian Federation (A/AC.105/C.2/L.226). Those delegations were of the view that the current Working Group should, through



the Legal Subcommittee, make a recommendation, to be approved by the Committee on the Peaceful Uses of Outer Space for adoption by the General Assembly, on the establishment of such an ad hoc informal open-ended working group by the Legal Subcommittee at its forty-second session, in 2003.

5. Other delegations expressed the view that the existing United Nations treaties on outer space provided sufficient framework for current space activities and that seeking to negotiate a universal comprehensive convention on space law would tend to undermine efforts to encourage universal acceptance of those treaties. Those delegations were of the view that such efforts to encourage universal acceptance of the treaties should be the Working Group's primary focus of attention.

6. Some delegations expressed the view that the proposal submitted by China, Colombia and the Russian Federation was only intended to enable a discussion of the desirability and feasibility of drafting a universal comprehensive convention on space law, and not to commence with the drafting of the convention as such. Therefore, the proposal was not in any way incompatible with efforts to encourage universal acceptance of the existing treaties.

7. The view was expressed that it might be useful for the Working Group to engage in a more detailed examination of the possible obstacles to acceptance of each of the five United Nations treaties on outer space in turn, perhaps starting with the legal instrument that currently had the least number of States parties—the Moon Agreement.

8. The view was expressed that it might be useful to direct a request to States that were not parties to the five United Nations treaties on outer space to indicate the possible obstacles to their acceptance of those treaties.

9. The view was expressed that it might be useful for the Working Group to prepare a list of national laws that had been developed by various States to implement the provisions of the United Nations treaties on outer space, as well as a list of benefits that might result from acceptance of those treaties. That information could then be transmitted to non-parties in order to encourage their acceptance of the treaties.

10. The view was expressed that certain States that had previously been part of the former Union of Soviet Socialist Republics (USSR) might not yet have indicated their positions regarding possible succession to one or more of the treaties to which the former USSR had been a party and that it might be appropriate for the Secretariat to transmit a request to the relevant depositaries of the treaties in question to consider seeking clarification from such States in that regard.

11. The attention of the Working Group was drawn to the possibility that the limited practical use of the information provided by States to the Secretary-General under the Registration Convention, in terms of identifying space objects, and the potential confusion regarding the legal effect of registration of space objects might undermine the effective application of that convention.

12. The view was expressed that, while information provided by States of registry to the Secretary-General under the Registration Convention was sufficient for identification in cases where there was only one launching State for a particular space object, that was not so in cases where there were multiple launching States for

a particular space object. That delegation was of the view that any progress that the Working Group might achieve in addressing that issue would be quite useful.

13. The attention of the Working Group was drawn to the potentially crucial role of intergovernmental organizations in promoting the development and acceptance of international space law through their own space-related activities and their interaction with their member States.

14. The Working Group welcomed the contribution to the development and promotion of space law of numerous activities that had been, and would be, undertaken by intergovernmental and non-governmental organizations around the world. Examples of such activities included:

(a) Project 2001: Legal Framework for the Commercial Use of Outer Space, organized by the Institute of Air and Space Law of the University of Cologne, together with the German Aerospace Center (DLR);

(b) Workshop on International Legal Regimes Governing Space Activities, organized in Scottsdale, Arizona, United States of America, from 2 to 6 December 2001 by the American Astronautical Society (AAS), together with the European Centre for Space Law (ECSL), the International Institute of Space Law (IISL), the National Space Society (NSS) and the Office for Outer Space Affairs of the Secretariat;

(c) Workshop on Space Law organized in Rabat on 15 and 16 February 2002 by the Royal Centre for Remote Sensing (CRTS) of Morocco and the European Space Agency;

(d) First International Conference on the State of Remote Sensing Law, to be organized in Oxford, Mississippi, United States, on 18 and 19 April 2002 by the National Remote Sensing and Space Law Center of the University of Mississippi School of Law;

(e) Forty-fifth Colloquium on the Law of Outer Space, to be organized in Houston, Texas, United States, from 14 to 18 October 2002 by IISL, in conjunction with the World Space Congress of the International Astronautical Federation;

(f) Annual summer courses on space law and practitioners' forums organized by ECSL.

15. The Working Group agreed that every effort should be made to encourage and promote the widest distribution of information on these and other activities on space law.

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