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COMMITTEE ON THE PEACEFUL
USES OF OUTER SPACE

Legal Subcommittee

Thirty-seventh session

Vienna, 23 March-3 April 1998

DRAFT REPORT OF THE LEGAL SUBCOMMITTEE ON THE WORK OF ITS THIRTY-SEVENTH SESSION (23 MARCH-__ APRIL 1998)

I. QUESTION OF REVIEW AND POSSIBLE REVISION OF THE PRINCIPLES RELEVANT TO THE USE OF NUCLEAR POWER SOURCES IN OUTER SPACE (AGENDA ITEM 3)

1. The Chairman made an introductory statement on agenda item 3 at the 609th meeting, on 27 March 1998.
2. The Chairman drew attention to the fact that the General Assembly, in its resolution 52/56, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Subcommittee should continue its consideration of the question of review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (General Assembly resolution 47/68 of 14 December 1992).
3. The Legal Subcommittee noted that the subject of the use of nuclear power sources in outer space had been considered by the Scientific and Technical Subcommittee at its thirty-fifth session, in 1998, as reflected in the report of that Subcommittee (A/AC.105/697 and Corr.1, paras. 67-81 and annex III). In particular, the Legal Subcommittee noted that the Scientific and Technical Subcommittee had agreed that, at the present time, revision of the Principles was not necessary (A/AC.105/697 and Corr.1, para. 69).
4. As mentioned in paragraph ___ above, the Legal Subcommittee, at its 605th meeting, decided not to re-establish its Working Group on agenda item 3.

5. The Legal Subcommittee agreed that, at the present time, revision of the Principles was not warranted and that therefore it should not open discussion of that item during its current session.
6. The Legal Subcommittee noted that the Scientific and Technical Subcommittee, at its thirty-fifth session, in 1998, had recommended suspending consideration of the item on the use of nuclear power sources in outer space for one year (A/AC.105/697 and Corr.1, paras. 81 and 153), in view of the preparations for the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III).
7. The Legal Subcommittee agreed that, at its thirty-eighth and thirty-ninth sessions, consideration by the Working Group on agenda item 3 of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space should again be suspended pending the results of the work of the Scientific and Technical Subcommittee, without prejudice to the possibility of reconvening the Working Group if, in the opinion of the Legal Subcommittee, sufficient progress was made in the Scientific and Technical Subcommittee at its thirty-seventh session, in the year 2000, to warrant the reconvening of the Working Group.

IV. OTHER MATTERS (AGENDA ITEM 6)

8. At the 609th meeting, on 27 March 1998, the Chairman introduced agenda item 6, on other matters.
9. During the current session of the Legal Subcommittee, the delegation of Argentina proposed that UNISPACE III should consider legal aspects of space activities an important part of its work and that the Subcommittee should make a contribution to the work of UNISPACE III in its consideration of legal issues.
10. The Subcommittee noted that, under item 7 (d) of the provisional agenda of UNISPACE III, there would be a review of the current status of the law of outer space, including ways and means of promoting wider adherence to the existing international space treaties and principles (A/AC.105/672, annex II, para. 22).
11. The Subcommittee also noted the following:

(a) The Advisory Committee, at its 1998 session, had adopted the report of the Working Group of the Whole, including the recommendation that the Chairman of the Legal Subcommittee should be included as a member of the bureau of the Conference (A/AC.105/697 and Corr.1, annex II, para. 21);

(b) The background paper on the promotion of international cooperation that was being prepared by the Secretariat should cover issues relating to international space law;

(c) A workshop or symposium on space law would be organized by the International Institute of Space Law (A/AC.105/685 and Corr.1, para. 34);

(d) The draft report of UNISPACE III, to be prepared by the Preparatory Committee, would have a subsection on space law in the section entitled "Promotion of international cooperation". The Subcommittee noted that it would have the opportunity to provide comments on the draft report of UNISPACE III at its thirty-eighth session, in 1999.

12. The Subcommittee recommended that the Chairman of the Legal Subcommittee should report to UNISPACE III on the work of the Subcommittee, including its past achievements, current work and new challenges in the development of space law.