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## Committee on the Peaceful

### Uses of Outer Space

Forty-second session

Vienna, 14-16 July 1999

Item 7 of the provisional agenda

**Report of the Legal Subcommittee of the work of its thirty-eighth session**

## **Report on the inter-sessional consultations on the concept of the “launching State”**

### **Working paper submitted by Germany**

1. The inter-sessional consultations held in Bonn on 9 December 1998 were attended by representatives of Argentina, Brazil, the Czech Republic, France, Greece, Hungary, India, Indonesia, Iraq, Japan, Mexico, Pakistan, the Philippines, Poland, the Republic of Korea, Romania, Sweden, Ukraine, the United States of America and Venezuela and the European Space Agency. These delegations approved the present report and the conclusions contained in paragraphs 5-7 below. Italy joined these delegations in supporting this report.

2. Following the presentation and discussion of the European working paper of 30 March 1998 (A/AC.105/C.2/L.211/Rev.1) and the proposal of the Legal Subcommittee to continue the deliberations on that working paper at the next session of the Committee on the Peaceful Uses of Outer Space, consensus was reached in June 1998 on further actions to be taken in this respect, pursuant to the recommendation of the Committee on the Peaceful Uses of Outer Space:<sup>1</sup>

“150. Some delegations noted that there was a need to consider the adequacy of the concept of the “launching State” as contained in the Convention on Registration of Objects Launched into Outer Space, 1974 (the “Registration Convention”) and the Convention on International Liability for Damage Caused by Space Objects, 1971 (the “Liability Convention”). They proposed that the Legal Subcommittee should consider this topic beginning in 2000 under a three-year work plan in a working group.

“151. The view was expressed that more analysis in this area was required before agreement could be reached on a new item for the Legal Subcommittee dealing with this matter.

“152. The Committee noted that inter-sessional consultations among interested delegations before the Legal Subcommittee session in 1999 would be welcome in order to seek a consensus on this matter.

“153. The Committee agreed that the Scientific and Technical Subcommittee and the Legal Subcommittee would invite special presentations on new launch systems and ventures at their sessions in 2000 with a view to attaining a better understanding of these launch activities.”

3. The requested inter-sessional consultations among the interested delegations took place on 9 December 1998 at the Foreign Office at Bonn upon invitation of Germany. They were attended by the delegations from Member States and observers of the Committee on the Peaceful Uses of Outer Space, being co-sponsors of this working paper.

4. The inter-sessional consultations consisted of presentations by delegations of their views on the concept of the “launching State” and a discussion of further consideration of that subject in the Legal Subcommittee.

5. The participants at the inter-sessional consultations, as the interested parties on the subject, reached the following agreement for the introduction of a new agenda item, to be entitled “Review of the concept of the ‘launching State’ ” under a three-year work plan in a working group beginning in the year 2000 and with the following schedule of work:

2000 Special presentations on new launch systems and ventures.

2001 Review of the concept of the “launching State” as contained in the Liability Convention and the Registration Convention as applied by States and international organizations.

2002 Review of measures to increase adherence to those Conventions and to promote their full application.

6. It was the shared view of the participants that for the deliberations in the year 2001 any additional question arising from the presentations in the year 2000 can be discussed as well.

7. Such a work plan in the Legal Subcommittee will be preceded by special presentations in the Scientific and Technical Subcommittee in the year 2000, based—as the first year of the proposed work plan—in conformity with the decision of the Committee on the Peaceful Uses of Outer Space contained in paragraph 153 of its above-mentioned report.

8. Responding to the mandate for the inter-sessional consultations by the Committee on the Peaceful Uses of Outer Space, the results of these consultations and the initiative arising from it, contained in this working paper, will be formally presented for discussion and adoption at the session of the Committee on the Peaceful Uses of Outer Space in 1999. This working paper will also inform the Scientific and Technical Subcommittee as well as the Legal Subcommittee for their reference on the results of the discussions between the participants.

#### *Notes*

<sup>1</sup> *Official records of the General Assembly, Fifty-third Session, Supplement No. 20 (A/53/20), paras. 150-153.*