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Committee on the Peaceful

Uses of Outer Space

Legal Subcommittee

Thirty-ninth session

Vienna, 27 March-7 April 2000

Draft report of the Legal Subcommittee on the work of its thirty-ninth session, held in Vienna from 27 March to 7 April 2000

I. Introduction

A. Opening of the session

1. The Legal Subcommittee held its thirty-ninth session at the United Nations Office at Vienna from 27 March to 7 April under the

chairmanship of Vladimír Kopal (Czech Republic).

2. At the opening meeting, on 27 March, the Chairman made a statement briefly describing the new agenda structure and the work to be undertaken by the Subcommittee at its current session. The Chairman's statement is contained in an unedited verbatim transcript (COPUOS/Legal/T.622).

B. Adoption of the agenda

3. At its opening meeting, the Legal Subcommittee adopted the following agenda:

1. Opening of the session.
2. Statement by the Chairman.
3. General exchange of views.
4. Status of the international treaties governing the uses of outer space.
5. Information on the activities of international organizations relating to space law.
6. Matters relating to the definition and delimitation of outer space and to 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.

7. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
8. Review of the status of the five international legal instruments governing outer space.
9. Review of the concept of the “launching State”.
10. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fortieth session.

C. Attendance

4. Representatives of the following States members of the Subcommittee attended the session: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Czech Republic, Ecuador, Egypt, France, Germany, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kazakhstan, Kenya, Lebanon, Mexico, Morocco, Netherlands, Nigeria, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, South Africa, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and [...].

5. Representatives of the following specialized agencies of the United Nations system and other international organizations attended the session: United Nations Educational, Scientific and Cultural Organization (UNESCO), International Telecommunication Union (ITU), European Organization for the Exploitation of Meteorological Satellites (EUMETSAT), European Space Agency (ESA), International Astronautical Federation (IAF), International Mobile Satellite Organization (IMSO) and [...].

6. At the 622-624th and 629th meetings, on 27, 28 and 30 March, the Chairman informed the Subcommittee that requests had been received from the Permanent Representatives of Bolivia, Costa Rica, Guatemala, Panama, Peru, Saudi Arabia, Slovakia and Sri Lanka to attend the session. The Subcommittee agreed that, since the granting of observer status was the prerogative of the Committee on the Peaceful Uses of Outer Space, it could take no formal decision on the matter, but that the representatives of Bolivia, Costa Rica, Guatemala, Panama, Peru, Saudi Arabia, Slovakia and Sri Lanka might attend the formal meetings of the Subcommittee and could direct requests for the floor to the Chairman, should they wish to make statements.

7. A list of representatives of States members of the Subcommittee, States not members of the Subcommittee, specialized agencies and other organizations attending the session and of staff members of the secretariat of the Subcommittee is contained in document A/AC.105/C.2/INF/32.

D. Organization of work

8. In accordance with decisions taken at its opening meeting, the Legal Subcommittee organized its work as follows:

(a) In accordance with the recommendation endorsed by the Committee on the Peaceful Uses of Outer Space,¹ the Subcommittee agreed to suspend, for the current session, its Working Group on agenda item 7;

(b) The Subcommittee re-established its Working Group on agenda item 6, open to all members of the Subcommittee, and agreed that Héctor Raúl Pelaez (Argentina) should serve as its Chairman;

(c) In accordance with the work plan agreed upon by the Committee on the Peaceful Uses of Outer Space² and endorsed by the General Assembly, in its resolution 54/67 of 6 December 1999, the Subcommittee established a working group on agenda item 8, open to all members of the Subcommittee, and agreed that Kai-Uwe Schrogl (Germany) should serve as its Chairman;

(d) The Subcommittee began its work each day with a plenary meeting to hear delegations wishing to address it and then it adjourned and reconvened, when appropriate, as a working group.

9. At the opening meeting, the Chairman made a statement concerning the utilization of

conference services by the Subcommittee. He drew attention to the importance that the General Assembly and the Committee on Conferences attached to the effective utilization of conference services by all United Nations deliberative bodies. In view of that, the Chairman proposed and the Subcommittee agreed that a flexible organization of work should continue to serve as the basis for organizing the work of the Subcommittee with a view to making fuller use of the conference services available.

10. The Subcommittee noted with satisfaction that a symposium entitled “Legal Aspects of Commercialization of Space Activities”, sponsored by the International Institute of Space Law (IISL) in cooperation with the European Centre for Space Law, was held following the 623rd meeting of the Legal Subcommittee, on 27 March 2000. The coordinator of the symposium was E. Fasan of IISL. Presentations were made by S. Doyle on “Space law and commercialization: overview of the current law in the light of new commercial developments”, P. van Fenema on “Launch services”, R. Jakhu on “Telecommunication and broadcasting” and G. Catalano Sgrosso on “Remote sensing”. The Subcommittee agreed that IISL and the Centre should again be invited to hold a symposium on space law at the fortieth session.

11. The Legal Subcommittee recommended that its fortieth session be held from 2 to 12 April 2001.

E. Adoption of the report of the Legal Subcommittee

12. The Subcommittee held a total of [...] meetings. The views expressed at those meetings are contained in unedited verbatim transcripts (COPUOS/Legal/T.622-...).

13. At its [...] meeting, on [...] April 2000, the Subcommittee adopted the present report and concluded the work of its thirty-ninth session.

II. General exchange of views

14. Statements were made by representatives of the following States during the general exchange of views: Argentina, Australia, Brazil, China, Colombia, Cuba, Czech Republic, Egypt, France, Germany, Guatemala (on behalf of the Group of Latin American and Caribbean States), Indonesia, Iran (Islamic Republic of), Japan, Morocco, Republic of Korea, Russian Federation and United States. The views expressed by those representatives are contained in unedited v e r b a t i m t r a n s c r i p t s (COPUOS/Legal/T.622-625).

15. At the 622nd meeting, on 27 March, the Director of the Office for Outer Space Affairs made a statement reviewing the work of the Office relating to the Legal Subcommittee and the development of space law.

16. The Subcommittee noted with satisfaction the creation by the Office for Outer Space

Affairs of a preliminary database of publicly available national legislation relating to outer space and agreed that the secretariat should continue its efforts to maintain and further develop the database.

17. The view was expressed that, since 2001 would mark the fortieth anniversary of the first flight of humans into outer space and the fortieth session of the Legal Subcommittee, the Subcommittee should consider how those events could be appropriately celebrated. In addition, that representative suggested that the Legal Subcommittee or the Committee on the Peaceful Uses of Outer Space should consider the possibility of contributing to the celebrations of World Space Week (4-10 October 2000) and the final year of the twentieth century by holding a short special session at that time in New York.

18. The view was expressed that it would be desirable to expand the membership of the Committee on the Peaceful Uses of Outer Space to allow the rotating members of the Committee to assume permanent membership of the Committee.

III. Status of the international treaties governing the uses of outer space

19. The Chairman made an introductory statement on agenda item 4 at the 622nd meeting, on 27 March, and drew the attention of the

Subcommittee to the fact that, on the basis of a recommendation of the Committee on the Peaceful Uses of Outer Space at its forty-second session, in 1999, the General Assembly, in its resolution 54/67, had endorsed the recommendation of the Committee that the Subcommittee consider this new agenda item as a regular item in order to provide an opportunity for reports on any additional signature or ratification as well as on application of the outer space treaties.

20. The Chairman briefly reported to the Subcommittee on the current status of signatures and ratifications of the international treaties governing the use of outer space, in accordance with information provided to the Secretariat by the depositaries of those treaties. With the accessions of Indonesia and Liechtenstein and the succession of Saint Vincent and the Grenadines, the number of signatures and ratifications of the five United Nations treaties governing outer space was, as of February 2000, as follows:

(a) The Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, had 96 States parties and had been signed by 27 other States;

(b) The Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space had 87 States parties and had been signed by 26 other States;

(c) The Convention on International Liability for Damage Caused by Space Objects had 81 States parties and had been signed by 26 other States;

(d) The Convention on Registration of Objects Launched into Outer Space had 42 States parties and had been signed by 4 other States;

(e) The Agreement Governing the Activities of States on the Moon and Other Celestial Bodies had 9 States Parties and had been signed by 5 other States.

In addition, one intergovernmental organization had declared its acceptance of the rights and obligations provided for in the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space; two intergovernmental organizations had declared their acceptance of the rights and obligations of the Convention on International Liability for Damage Caused by Space Objects; and two intergovernmental organizations had declared their acceptance of the rights and obligations of the Convention of Registration of Objects Launched into Outer Space.

21. It was noted that the information contained in *United Nations Treaties and Principles on Outer Space: a Commemorative Edition* (A/AC.105/722), including signatures and ratifications of the five United Nations treaties governing outer space, had been updated by the Secretariat and distributed as an insert to that booklet (A/AC.105/722/Add.1).

22. The Subcommittee welcomed the reports of member States on the current status of action being undertaken by States concerning accession to the five international legal instruments governing outer space, and on action planned in that regard.

23. The view was expressed that, although the provisions of the treaties were managing well with the increasingly complex activities of outer space, member States should re-examine their own domestic legal regimes in order to ensure that the provisions of the treaties were being properly implemented and, if necessary, should put in place appropriate domestic regulatory mechanisms to ensure effective compliance.

24. Some delegates expressed the view that the time had come for the Subcommittee to discuss the appropriateness and desirability of drafting a single comprehensive convention on space law, such as had been done in the case of the United Nations Convention on the Law of the Sea.³

IV. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space

25. The Chairman made an introductory statement on agenda item 7 at the 625th meeting, on 28 March.

26. The Chairman drew attention to the fact that the General Assembly, in its

resolution 54/67, had endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that the Legal Subcommittee continue its consideration of review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (resolution 47/68), as a single issue and item for discussion.

27. The Legal Subcommittee recalled its recommendation, made at its thirty-eighth session and subsequently endorsed by the Committee,¹ that at its thirty-ninth session, consideration by the Working Group on the Principles Relevant to the Use of Nuclear Power Sources in Outer Space 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 had been made in the Scientific and Technical Subcommittee at its thirty-seventh session, in 2000, to warrant the reconvening of the Working Group.

28. As mentioned in paragraph [...] above, at its 622nd meeting, the Legal Subcommittee decided not to re-establish its Working Group on agenda item 7.

29. Some delegates welcomed the work carried out by the Scientific and Technical Subcommittee at its thirty-seventh session on the item entitled "Use of nuclear power sources in outer space", under a multi-year work plan, the first year of which identified terrestrial processes

and technical standards that might be relevant to nuclear power sources, including factors distinguishing nuclear power sources in outer space from terrestrial nuclear applications.

30. The view was expressed that various conventions adopted under the auspices of the International Atomic Energy Agency (IAEA) and documents published by the Agency were relevant to the work plan in the Scientific and Technical Subcommittee and that the views of IAEA were welcome in that regard.

31. The full text of the statements made during the discussion on the agenda item on review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space are contained in an unedited verbatim transcript (COPUOS/Legal/T.625).

Notes

¹ *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 20 (A/54/20)*, para. 90.

² *Ibid.*, para. 114.

³ *Official Records of the Third United Nations Conference on the Law of the Sea*, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.