



# General Assembly

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## Committee on the Peaceful

### Uses of Outer Space

Legal Subcommittee

Forty-first session

Vienna, 2-12 April 2002

## Draft report

### I. Introduction

#### A. Opening of the session

1. The Legal Subcommittee held its forty-first session at the United Nations Office at Vienna from 2 to 12 April 2002 under the chairmanship of Vladimír Kopal (Czech Republic).
2. At the opening (656th) meeting, on 2 April, the Chairman made a statement briefly describing the work to be undertaken by the Subcommittee at its forty-first session. The Chairman's statement is contained in an unedited verbatim transcript (COPUOS/Legal/T.656).

#### B. Adoption of the agenda

3. At its opening meeting, the Legal Subcommittee adopted the following agenda:
  1. Opening of the session and adoption of the agenda.
  2. Statement by the Chairman.
  3. General exchange of views.
  4. Status and application of the five United Nations treaties on outer space.
  5. Information on the activities of international organizations relating to space law.
  6. 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.
7. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
8. Consideration of the Convention on International Interests in Mobile Equipment (opened for signature in Cape Town on 16 November 2001) and the preliminary draft protocol on matters specific to space assets.
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 forty-second session.

### **C. Attendance**

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

5. At the 656th and [...]th meetings, on 2 and [...] April, the Chairman informed the Subcommittee that requests had been received from the Permanent Representatives of Algeria, Yemen and [...] 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 delegations of those States might attend the formal meetings of the Subcommittee and could direct requests for the floor to the Chairman, should they wish to make statements.

6. The following specialized agencies and other organizations of the United Nations system and other international organizations were represented at the session by observers: United Nations Educational, Scientific and Cultural Organization (UNESCO), International Civil Aviation Organization (ICAO), International Telecommunication Union (ITU), International Atomic Energy Agency (IAEA), European Organization for the Exploitation of Meteorological Satellites (EUMETSAT), European Space Agency (ESA), International Astronautical Federation (IAF), International Institute for the Unification of Private Law (Unidroit), International Mobile Satellite Organization (IMSO), and International Space University (ISU).

7. A list of representatives of States members of the Subcommittee, States not members of the Subcommittee, specialized agencies and other organizations of the

United Nations system and other organizations attending the session and of members of the secretariat of the Subcommittee is contained in document A/AC.105/C.2/INF.34.

#### **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 agreement reached at its fortieth session and endorsed by the General Assembly in its resolution 56/51 of 10 December 2001, the Legal Subcommittee established a working group on agenda item 4 “Status and application of the five United Nations treaties on outer space”, open to all members of the Subcommittee, and elected Vassilios Cassapoglou (Greece) to serve as its Chairman;

(b) The Subcommittee re-established its working group on agenda item 6 (a), open to all members of the Subcommittee, and elected Manuel Alvarez (Peru) to serve as its Chairman;

(c) The Subcommittee re-established its working group on agenda item 9, open to all members of the Subcommittee, and elected Kai-Uwe Schrogl (Germany) to 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, when appropriate, convened 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 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 “Prospects for Space Traffic Management”, sponsored by the International Institute of Space Law (IISL) in cooperation with the European Centre for Space Law (ECSL), had been held during the current session of the Legal Subcommittee, on 2 April 2002. The coordinator of the symposium was E. Fasan of IISL and presentations were made by K.-U. Schrogl on “Prospects for space traffic management”, A. Kerrest de Rozavel on “Space traffic management: comparative legal aspects”, J. Monserrat Filho on “Space traffic management: comparative institutional aspects”, L. Perek on “Early concepts for space traffic”, A. Salin on “Existing elements of traffic management in the field of telecommunications” and W. Ailor on “Space traffic control: data access defines the future”. The proceedings of the symposium are contained in document A/AC.105/C.2/2002/CRP.7. The Subcommittee agreed that IISL and ECSL should be invited to hold a further symposium on space law at the forty-second session of the Legal Subcommittee.

11. The Legal Subcommittee recommended that its forty-second session be held from 24 March to 4 April 2003.

### **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.656-6[...]).

13. At its 6[...]th meeting, on [...] April, the Subcommittee adopted the present report and concluded the work of its forty-first session.

## **II. General exchange of views**

14. Statements were made by representatives of the following member States during the general exchange of views: Austria, Argentina, Brazil, Chile, China, Colombia, Germany, Greece, France, India, Indonesia, Iran (Islamic Republic of), Japan, Mexico, Morocco, Peru, Portugal, Republic of Korea, Russian Federation, Ukraine and United States. The representative of Venezuela (on behalf of the Group of Latin American and Caribbean States) also made a statement. The observer for ESA also made a statement. The views expressed by those representatives are contained in unedited verbatim transcripts (COPUOS/Legal/T.656-659).

15. At the 656th meeting, on 2 April, the Director of the Office for Outer Space Affairs made a statement reviewing the role and work of the Office relating to space law. The Subcommittee noted with appreciation the information on the continued work and cooperative activities of the Office in connection with promoting the understanding, acceptance and implementation of international space law.

16. The view was expressed that recent developments demonstrated an intensified research in the development of space weapons and that that could result in the militarization of outer space and lead to an arms race in outer space. Continuation of such developments therefore posed a grave threat to world peace and security of humankind. That delegation was of the view that the prevention of the militarization of outer space had become a realistic and urgent matter and that a treaty to prevent such militarization should be concluded.

17. The view was expressed that a comprehensive international agreement on the non-deployment of weapons in outer space should be concluded to prevent the militarization of outer space. That agreement could include the following elements: the use of outer space in accordance with international law to maintain peace and security, an obligation not to launch any objects carrying weapons into outer space, an obligation not to deploy such weapons on celestial bodies or in outer space in any other manner, the commitment not to resort to the use of force or threat thereof against space objects and the establishment of a control mechanism to monitor the adherence of such agreements on the basis of confidence-building measures and transparency in outer space activities. That delegation also expressed the view that, until such an agreement could be concluded, States could introduce an international moratorium against the deployment of weapons in outer space. That delegation

indicated its own willingness to immediately commit to such a moratorium if other States would do likewise.

18. The view was expressed that consideration should be given to the establishment of a world space organization to ensure an integral approach to governing the use of a single and indivisible outer space, to perform a coordinating and centralized monitoring function with the active participation of all States, regardless of their levels of economic and technological advancement, and to promote free and fair access for all States to the benefits of space exploration.

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

19. The Subcommittee noted that the General Assembly, in its resolution 56/51, 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 (Assembly resolution 47/68), as a single issue and item for discussion.

20. The Legal Subcommittee noted that at the thirty-ninth session of the Scientific and Technical Subcommittee, the Working Group on the Use of Nuclear Power Sources in Outer Space had finalized a report entitled "A review of international documents and national processes potentially relevant to the peaceful uses of nuclear power sources in outer space" (A/AC.105/781), in accordance with the multi-year work plan adopted by the Scientific and Technical Subcommittee at its thirty-fifth session. The Legal Subcommittee also noted that, based upon the contents of the report and proposals of the Working Group, the Scientific and Technical Subcommittee would, at its fortieth session, in 2003, determine whether or not to take any additional steps concerning the information contained in the report.

21. The Subcommittee agreed that, at the present time, revision of the Principles was not warranted.

22. The view was expressed that States making use of nuclear power sources should conduct their activities in full accordance with the Principles, to prevent any collision or accident that would endanger outer space as well as the Earth.

23. The view was expressed that, as there was a real risk that a collision between space debris and space objects with nuclear power sources might cause serious damage, the use of nuclear power sources should be limited to deep space missions and that for such missions the necessary safety controls should be exercised.

24. The view was expressed that this item could remain as a single issue/item for discussion on the agenda of the Legal Subcommittee for its forty-second session, in 2003, in order to follow the work of the Scientific and Technical Subcommittee.

25. The full text of the statements made during the discussion on agenda item 7 is contained in unedited verbatim transcripts (COPUOS/Legal/T.659-661).