



# General Assembly

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**Committee on the Peaceful  
Uses of Outer Space**  
Legal Subcommittee  
Forty-second session  
Vienna, 24 March-4 April 2003

## **Draft report of the Chairman of the Working Group on agenda item 4, “Status and application of the five United Nations treaties on outer space”**

1. In accordance with paragraph 7 of General Assembly resolution 57/116 of 11 December 2002, the Legal Subcommittee, at its 674th meeting, on 24 March 2003, reconvened its working group on agenda item 4, entitled “Status and application of the five United Nations treaties on outer space”, under the chairmanship of Vassilios Cassapoglou (Greece).

2. The Working Group held [...] meetings, from 25 to 27 March and from [...] April. At the 1st meeting of the Working Group, on 25 March, the Chairman recalled that, pursuant to an agreement of the Legal Subcommittee at its fortieth session, the Working Group’s terms of reference included the status of the United Nations treaties on outer space, 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 (A/AC.105/763 and Corr.1, para. 118). The Chairman also recalled that, pursuant to an agreement of the Legal Subcommittee at its forty-first session, the Working Group would review the application and implementation of the concept of the “launching State”, as reflected in the conclusions of the Subcommittee’s consideration of the three-year work plan on “Review of the concept of the ‘launching State’” (A/AC.105/787, annex IV, appendix) as well as any new, similar issues that might be raised in discussions in the Working Group, provided that those issues fell within the existing mandate of the Working Group (A/AC.105/787, paras. 138 and 140).

3. The Chairman, in his introductory remarks, also pointed out that the Working Group could examine, inter alia:

(a) The status of acceptance of each of the five United Nations treaties on outer space;



(b) Problems related to the fact that a number of States were parties to some of the later, more specific, United Nations treaties on outer space (such as the Convention on International Liability for Damage Caused by Space Objects (General Assembly resolution 2777 (XXVI), annex, the “Liability Convention”), but were not parties to the main treaty, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Assembly resolution 2222 (XXI), annex, the “Outer Space Treaty”);

(c) Arguments in favour of the participation of States in the United Nations treaties on outer space, not only in view of the many immediate practical benefits for States (such as closer international cooperation, access to space facilities, including the use of data), but also in view of the possibility that States might become victims of damage caused by space objects or parties in an international dispute concerning such damage, in which rules applied that were entirely different from the rules of classic international law applied in other fields such as air law, maritime law and nuclear law;

(d) The use of the United Nations treaties on outer space as the basis for national space legislation, especially in regulating the involvement of the private sector in outer space activities;

(e) The legal value of a declaration of acceptance of the rights and obligations provided for in the United Nations treaties on outer space by an international intergovernmental operational organization following its privatization;

(f) The promotion of closer ties among the Committee on the Peaceful Uses of Outer Space and specialized agencies of the United Nations dealing with outer space matters (such as the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization, the International Telecommunication Union, the World Meteorological Organization and the World Intellectual Property Organization);

(g) Mechanisms for the worldwide promotion of space law through education and the provision of technical assistance to Governments for the development of national space legislation.

4. The Chairman also informed the Working Group that three proposals on matters relating to its mandate had been announced informally: a proposal by the United States for a new agenda item on registration practice; a proposal by France for a new agenda item on space debris; and a draft resolution proposed by Germany concerning the concept of the “launching State”. The Chairman requested delegations to consider those proposals.

5. The delegation of Germany, on behalf of the delegations of Austria, the Czech Republic, France, Germany, Hungary, Japan, Morocco, the Netherlands, Sweden and Ukraine, submitted a proposal containing a draft separate General Assembly resolution on the application of the legal concept of the “launching State” (A/AC.105/C.2/L.242), which was based on the main conclusions for the three-year work plan on the review of the concept of the “launching State”, adopted in 2002 by the Legal Subcommittee’s Working Group on agenda item 9, entitled “Review of the concept of the ‘launching State’”, endorsed by the Legal Subcommittee at its forty-first session (A/AC.105/787, para. 122, and annex IV, appendix), and of which both

the Committee on the Peaceful Uses of Outer Space at its forty-fifth session<sup>1</sup> and the General Assembly at its fifty-seventh session (resolution 57/116, para. 4) of the same year, took note.

6. Those delegations, in order to highlight the fact that these conclusions were adopted by consensus by the Legal Subcommittee, 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 approval of that draft resolution.

7. On the basis of informal consultations, the Working Group recommended that the merits and substance of the proposed resolution be further considered by the Committee on the Peaceful Uses of Outer Space at its forty-sixth session (11-20 June 2003).

8. The Working Group agreed that the Office for Outer Space Affairs should compile a directory of institutions teaching space law, based on information provided by experts from such organizations such as the National Remote Sensing and Space Law Center of the University of Mississippi, United States of America, and the European Centre for Space Law.

9. The Working Group recommended that the institutions included in the directory participate in an electronic network of institutions teaching space law, which, to the extent possible, should take advantage of the institutional framework of the United Nations regional centres for space science and technology education affiliated to the United Nations, and which should be coordinated by Vassilios Cassapoglou of Greece. The network could be organized with regional and national focal points. Institutions in the network could exchange information on activities to promote capacity-building in space law, especially in developing countries. Those activities might include participation in joint research with institutions in developing countries, the establishment of exchange programmes with such institutions or the provision of information and materials on space law to such institutions.

10. The Working Group also recommended that the regional centres for space science and technology education affiliated to the United Nations include a basic course on space law in their curricula.

11. The Working Group recommended also that the Secretary-General of the United Nations write letters to the ministers of foreign affairs of States that had not yet become parties to the United Nations treaties on outer space. Each letter should be accompanied by a copy of the United Nations treaties and principles on outer space and a table of the status of those treaties, as well as information material summarizing the important benefits and responsibilities of adherence to those treaties, in particular for non-space-faring and developing countries.

12. The Working Group agreed that a model for such a letter to ministers of foreign affairs, as well as the information material to accompany it, would be developed by the Working Group on agenda item 4 during the forty-third session of the Legal Subcommittee, in 2004.

13. The Working Group suggested that the Subcommittee's efforts to increase the level of participation in the United Nations treaties on outer space could include

other future initiatives such as regional and global meetings to raise public awareness about the treaties.

14. The Working Group noted that arguments in favour of the participation of States in the United Nations treaties on outer space had been considered by the United Nations/International Institute of Air and Space Law Workshop on Capacity-Building in Space Law, held in The Hague from 18 to 21 November 2002 (see A/AC.105/802 and Corr.1, paras. 18 and 19).

15. The Working Group welcomed the contribution that intergovernmental and non-governmental organizations were making to the development and promotion of space law. In that respect, the Subcommittee was provided with information on activities carried out by the National Remote Sensing and Space Law Center of the University of Mississippi.

16. The Working Group agreed to invite institutions in member States, as well as organizations with observer status with the Committee, to submit on a voluntary basis short background papers on specific issues falling within the mandate of the Working Group, in order to support discussions in the Working Group at the forty-third session of the Legal Subcommittee, in 2004. Those papers would be considered unofficial, informal documents aimed at promoting discussion and would not be regarded as representing the official position of any member State or organization.

17. The view was expressed that an additional benefit of increasing participation in the five United Nations treaties on outer space was that wider participation would engage additional States in the process of developing international space law and broaden global participation when work was started on a unified comprehensive convention on space law.

18. Some delegations expressed the view that consideration could be given to the reasons for the low level of ratification of the later United Nations treaties on outer space, including the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (Assembly resolution 34/68, annex).

19. The view was expressed that it was difficult for legal experts in States that had not yet ratified the Liability Convention and the Convention on Registration of Objects Launched into Outer Space (Assembly resolution 3235 (XXIX), annex) to make a recommendation that their States become parties to those treaties, since those experts would be aware that the concept of the "launching State" might still be reformulated.

#### *Notes*

<sup>1</sup> *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 20 (A/57/20)*, para. 169.

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