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**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
Forty-seventh session
Vienna, 31 March-11 April 2008**

Draft report

I. Introduction

A. Opening of the session and election of the Chairman

1. The Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space held its forty-seventh session at the United Nations Office at Vienna from 31 March to 11 April 2008 under the chairmanship of Vladimír Kopal (Czech Republic), who was elected at the 765th meeting, on 31 March, for a two-year term of office.

B. Adoption of the agenda

2. At its 765th meeting, the Legal Subcommittee adopted the following agenda:
1. Opening of the session.
 2. Election of the Chairman.
 3. Adoption of the agenda.
 4. Statement by the Chairman.
 5. General exchange of views.
 6. Status and application of the five United Nations treaties on outer space.
 7. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
 8. Matters relating to:
 - (a) The definition and delimitation of outer space;

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- (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.
- 9. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
- 10. Examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment.
- 11. Capacity-building in space law.
- 12. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space.
- 13. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-eighth session.

C. Attendance

3. Representatives of the following States members of the Legal Subcommittee attended the session: Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burkina Faso, Canada, Chile, China, Colombia, Cuba, Czech Republic, Ecuador, Egypt, France, Germany, Greece, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kazakhstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mexico, Morocco, Netherlands, Nigeria, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, South Africa, Spain, Switzerland, Thailand, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela (Bolivarian Republic of) and Viet Nam.

4. At the 765th meeting, on 31 March, the Chairman informed the Subcommittee that requests had been received from the Dominican Republic, Guatemala, the former Yugoslav Republic of Macedonia and Tunisia to attend the session as observers. 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 representatives 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.

5. The following organizations were represented at the session by observers: European Space Agency (ESA), European Space Policy Institute (ESPI), International Academy of Astronautics (IAA), International Mobile Satellite Organization (IMSO), International Organization of Space Communications (Intersputnik), International Astronautical Federation (IAF), International Law Association (ILA) and Space Generation Advisory Council (SGAC). The European Telecommunications Satellite Organization (EUTELSAT-IGO) attended the session and requested permanent observer status with the Committee (A/AC.105/C.2/2008/CRP.8).

6. A list of the representatives of States members of the Subcommittee and observers for States not members of the Subcommittee, intergovernmental organizations and other entities attending the session and members of the secretariat of the Subcommittee is contained in document A/AC.105/C.2/INF.[...].

D. Organization of work

7. At the 765th meeting, on 31 March, the Chairman made a statement briefly describing the work to be undertaken by the Subcommittee at its forty-seventh session. The Chairman's statement is contained in an unedited verbatim transcript (COPUOS/Legal/T.[...]).

8. In accordance with decisions taken at its 765th meeting, the Legal Subcommittee organized its work as follows:

(a) The Subcommittee reconvened its Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, open to all members of the Subcommittee, and agreed that Vassilios Cassapoglou (Greece) should serve as its Chairman;

(b) The Subcommittee reconvened its Working Group on Matters Relating to the Definition and Delimitation of Outer Space, open to all members of the Subcommittee, and agreed that José Monserrat Filho (Brazil) should serve as its Chairman;

(c) The Subcommittee began its work each day with a plenary meeting to hear statements from delegations. It subsequently adjourned and, when appropriate, convened meetings of working groups.

9. At its 765th meeting, the Chairman proposed and the Subcommittee agreed that its work should continue to be organized flexibly with a view to making the best use of the available conference services.

10. The Subcommittee noted with satisfaction that a symposium entitled "Legal implications of space applications for global climate change", organized by the International Institute of Space Law (IISL) and the European Centre for Space Law (ECSL) of ESA, had been held during the current session of the Subcommittee, on 31 March and 1 April. The symposium was coordinated by Corinne Jorgenson and Kai-Uwe Schrogl of IISL and Sergio Marchisio of ECSL. The symposium consisted of two sessions: session 1, entitled "Legal implications of space applications for global climate change: principles and rules", was chaired by Peter Jankowitsch of the Austrian Aeronautics and Space Agency and session 2, entitled "Legal implications of space applications for global climate change: institutions and instruments", was chaired by Sergio Marchisio of ECSL. The following presentations were made: "Legal features of the climate change convention: from Kyoto to Bali" by Gerhard Loibl, "Legal implications of space technologies applications for global climate change" by Jorge Lafourcade on behalf of Raimundo González Aninat, "Legal aspects of cooperation for space monitoring of climate change and sustainable development" by José Monserrat Filho, "Promoting access to, and exchange of, data and information related to climate change: the legal perspective" by Joanne Irene Gabrynowicz, "Coordination instruments and satellite observation of the climate system: the contribution of CEOS" by

Evangelina Oriol Pibernat, “Monitoring the environment for climate change: the case of GMES” by Gisela Süß, “Monitoring the Kyoto Protocol: greenhouse gases observation and the global forest carbon monitoring system” by Masami Onoda and “Legal aspects of climate monitoring by means of treaty law” by Frans von der Dunk. Concluding remarks were made by Vladimír Kopal (Czech Republic). The papers and presentations delivered during the symposium were made available on the website of the Office for Outer Space Affairs of the Secretariat (<http://www.unoosa.org/oosa/COPUOS/Legal/2008/symposium.html>).

11. The Legal Subcommittee recommended that its forty-eighth session should be held from 23 March to 3 April 2009.

E. Adoption of the report of the Legal Subcommittee

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

13. At its [...]th meeting, on 11 April 2008, the Subcommittee adopted the present report and concluded the work of its forty-seventh session.

II. General exchange of views

14. The Legal Subcommittee welcomed the election of Vladimír Kopal (Czech Republic) as its new Chairman and expressed its gratitude to the outgoing Chairman, Raimundo González Aninat (Chile), for his leadership and contributions in furthering the achievements of the Subcommittee during his two-year term.

15. Statements were made by representatives of the following States members of the Legal Subcommittee during the general exchange of views: Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Czech Republic, Ecuador, France, Germany, Greece, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Malaysia, Morocco, Netherlands, Nigeria, Pakistan, Poland, Republic of Korea, Russian Federation, Spain, South Africa, Thailand, Ukraine, United States and Viet Nam. A statement was also made by the observer for EUTELSAT-IGO. The views expressed by those speakers are contained in unedited verbatim transcripts (COPUOS/Legal/T.[...]).

16. At the 765th meeting, on 31 March, the new Director of the Office for Outer Space Affairs, Mazlan Othman, made a statement reviewing the role and work of the Office relating to space law. The Subcommittee welcomed the new Director and noted with appreciation the activities of the Office aimed at promoting understanding of, and adherence to, the international legal regime.

17. The Subcommittee welcomed with satisfaction the adoption by the General Assembly of resolution 62/101 of 17 December 2007, entitled “Recommendations on enhancing the practice of States and international intergovernmental organizations in registering space objects” and the endorsement by the Assembly, in

its resolution 62/217 of 22 December, of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space.¹

18. The view was expressed that, as the Guidelines concerned the mitigation of future space debris, arrangements for the mitigation of existing space debris should take into consideration the principle of common but differentiated responsibilities, so that those States whose activities had created the existing space debris and States that had space capabilities should contribute significantly to debris mitigation efforts.

19. The view was expressed that, in order to build a more secure and accessible space environment, the Committee on the Peaceful Uses of Outer Space should consider developing guidelines for space traffic management.

20. The Subcommittee was informed that, on 20 February 2008, the United States had successfully intercepted USA 193, an inoperable satellite of the National Reconnaissance Office of the United States, and that almost all of the resultant space debris from the engagement had fallen to Earth and had not survived re-entry. The Subcommittee was also informed about the notifications made prior to and after the engagement and that there were no plans to adapt any technology from that extraordinary effort for use on any current or planned weapon system.

21. The view was expressed that the success of the Subcommittee in its work could be attributed to its ability to focus on practical problems and to seek to address any such problems via a consensus-based and result-oriented process.

22. The view was expressed that in considering legal aspects of the uses of outer space, the Subcommittee should endeavour to contribute to enhancing the development goals identified in the United Nations Millennium Declaration (General Assembly resolution 55/2).

23. Some representatives expressed the view that in responding to the challenges and opportunities posed by the international community's increased reliance on outer space, links between the Committee on the Peaceful Uses of Outer Space and other United Nations entities having an interest in outer space, including the Conference on Disarmament and the International Telecommunication Union, should be strengthened.

24. Some representatives expressed the view that there was a particular deficiency in the current legal regime governing outer space relating to the possible introduction of weapons into outer space, which required both the conclusion of new treaties aimed at eliminating that deficiency and the strengthening of the current regime to maintain the use of outer space for peaceful purposes.

25. The view was expressed that the transfer of space technology would increase the level of participation of developing countries in space activities and serve as an incentive for such countries to adhere to the United Nations treaties on outer space.

26. The Subcommittee noted that a meeting had been held in Quito on 13 and 14 December 2007 and that it had been attended by representatives of the Governments of Colombia, Ecuador and Guatemala, as well as the Office for Outer

¹ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 20 (A/62/20)*, paras. 117 and 118 and annex.

Space Affairs and the International Group of Experts of the Space Conferences of the Americas. The meeting had resulted in a set of recommendations for the execution of the Action Plan of the Fifth Space Conference of the Americas, including prospects for the further development of regional coordination and cooperation in space activities and space law.

27. The Subcommittee also noted the important role played by other initiatives in building regional and international partnerships among States, such as the 2008 International Air and Space Fair, held in Santiago from 31 March to 6 April, during which a conference had been organized on space technology and climate change in relation to achieving the United Nations Millennium Development Goals; the fourteenth session of the Asia-Pacific Regional Space Agency Forum, held in Bangalore, India, in November 2007; and the fifteenth session of the Forum, to be held in Hanoi in December 2008.

28. The Subcommittee observed a minute of silence in tribute to Sir Arthur C. Clarke, a pioneer in the field of space, who had passed away on 19 March 2008.
