

# Committee on the Peaceful Uses of Outer Space Legal Subcommittee

*Unedited transcript*

## 630<sup>th</sup> Meeting

Friday, 31 March 2000, 10 a.m.  
Vienna

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*Chairman: Mr. KOPAL (Czech Republic)*

*The meeting was called to order at 10.20 a.m.*

**The CHAIRMAN:** I declare open the 630th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

We will now continue our consideration of the regular agenda item 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** (*cont.*) (agenda item 6)

**The CHAIRMAN:** We will now continue our consideration of this regular agenda item. Are there any delegations wishing to make a statement on this item in the plenary of the Subcommittee at this time? I understand that one delegation does wish to speak on this item, the distinguished representative of China, to whom I give the floor.

**Mr. HUANG Huikang (China)** (*interpretation from Chinese*): My delegation would like to take this opportunity to express our gratitude to the French delegation. Indeed, they have presented a very valuable paper which we believe will help the Subcommittee find a solution to this problem.

During the first two days of this week, a meeting was held in Paris about a Chino-French joint committee on space cooperation. In accordance with the intergovernmental cooperation agreement on space matters signed and concluded in 1997, that meeting explored the possibilities of areas of cooperation in space matters between the two countries. This includes the matters of common concern in terms of legal issues that are being discussed in COPUOS. China and France both expressed their desire to strengthen cooperation in this area.

My delegation would also like to thank the delegation of Colombia. Over the years, that delegation has been actively promoting the solution of the problems of a legal nature, and has indeed contributed to that end. Here we wish in particular to express our appreciation to the delegation of Colombia for their display of cooperation and compromise in the discussions on this issue. We believe this kind of spirit is essential for the Subcommittee when addressing or discussing this and other issues.

My delegation has always held the view that the GSO is a limited natural resource and that the legal framework regarding the orbit should be based on equitable access, efficiency and effectiveness. At the same time, it should take into account the interests of all countries, particularly those of the developing countries. We also believe that COPUOS and the

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Legal Subcommittee, when establishing or preparing the legal regime for use of the GSO, should play an important role that must not be overlooked. In considering any legal issues relating to the GSO, this Subcommittee has a clear mandate given to it by the General Assembly: there is no doubt about this. When considering this issue, COPUOS should strengthen cooperation and coordination with the ITU.

Based on the above analysis, my delegation expresses its support for the non-paper presented by the delegation of France. We agree that the Subcommittee should adopt this paper in some form. At the same time, as concerns part 4 (concerning recommendations), our understanding is as follows. After the adoption of this non-paper proposed by the French delegation, the Legal Subcommittee would temporarily suspend consideration of its agenda item concerning equitable access to the GSO. However, agenda item 6 should be maintained on the Subcommittee's agenda. Other legal problems with respect to the GSO should continue to be considered.

**The CHAIRMAN:** Thank you for your statement. I have no other names on my list of speakers: does any delegation wish to take the floor at this time? I give the floor to the distinguished representative of Colombia.

**Mr. C. SAMPER** (Colombia) (*interpretation from Spanish*): My delegation would first like to thank the distinguished delegations for the kind remarks they have made of my delegation over some years in an attempt to find an appropriate solution to the problem of the GSO. In particular, we would like to thank the distinguished delegation of China.

We in turn have always been guided by a spirit of maintaining and strengthening the role and competence of all organizations within the United Nations, in particular the ITU, as the specialized agency within the system with the longest tradition in this subject area. Colombia has very actively participated in the ITU for many years; we have taken part in its conferences and participated in its debates. We have also been associated with COPUOS, where we have put forward proposals on various aspects of our work, in particular in respect of the GSO.

It will be no surprise to the members of this Subcommittee to note that throughout the discussions, and as a result of the very useful exchange of ideas that has taken place, my delegation has been adapting its points of view. We note with satisfaction that other delegations have done likewise. If people in the academic world were to follow the history of this topic, they would realize what an interesting process

of an interchange of ideas has taken place. And in nearly every instance, Colombia has always maintained its position, which is to defend the interests of the developing countries which are in a weaker position as compared to those who are rich in the use of outer space and its technologies.

My delegation has always supported coordination and cooperation between COPUOS and ITU, and we would like to emphasize this point. This is based on a principle very close to what has just been said by the delegation of China, namely that both these institutions have their precise mandates. These are in no way incompatible, quite the opposite: they are complementary institutions. At a time that our colleague from the Czech delegation will remember from many years ago, there was a kind of game of table tennis that took place, because discussions led to the problem of the GSO being sent to and fro. This period is well behind us now, and this is thanks to the constructive role played by the ITU and to the equally constructive role played by COPUOS, as reflected in its mandate from the United Nations General Assembly. COPUOS has been able to fully examine the legal aspects of the GSO as a whole, leaving the technical aspects to the competence of the ITU.

On several occasions my delegation has made the point that there is no distinct frontier between the technical and legal aspects; they do influence each other. It is impossible to imagine an aerial construction which is split away from its technology, or something that is fundamentally disconnected from a technical point of view, and vice versa. It is unthinkable to have a technical definition or construction which would not take legal aspects into account. Therefore COPUOS has a fundamental role to play in making recommendations to the institutions that are developing under the mandate given to it by the General Assembly in respect of the development of principles relating to the definition and delimitation of outer space and the character and utilization of the GSO.

That being said, as a kind of prologue, my delegation would like to make an announcement (which we hope the Secretariat will take note of) that Colombia will co-sponsor document A/AC.105/C.2/2000/CRP.7, as submitted by the delegation of France with the support of Germany, Austria, Belgium, Spain, Greece, Hungary, Italy, Netherlands, Portugal, United Kingdom, Czech Republic, Romania and Sweden. Therefore from this point on, would the Subcommittee please consider us as a co-sponsor of that draft. May I also extend an invitation to other developing countries who have generously been in agreement with us on previous

occasions to consider co-sponsoring this document, which we think represents a very solid basis for reaching agreement on this item.

**The CHAIRMAN:** Thank you for your statement, including your announcement that Colombia has become a co-sponsor of document A/AC.105/C.2/2000/CRP.7. I now give the floor to the distinguished representative of Egypt.

**Mr. E. ZNATY** (Egypt) (*interpretation from Arabic*): It is my delegation's opinion that the document tabled by the delegation of France could be an acceptable basis for the rational and equitable use of the GSO, whilst taking into account the interests of the developing countries. However, we would like to have some clarification from the French delegation concerning the comment made by the delegation of South Africa regarding costs. We would also like to have some clarification on procedure, referred to in paragraph 4(a).

In point of fact, the French paper represents a praiseworthy effort and we wish to thank that delegation for all their work. The contents of the paper in no way affect the role of the ITU in respect of orbits and the organization of such orbits. In this Subcommittee, we are trying to draw up a recommendation on this issue, and this falls within our mandate. Paragraph 4(d) represents a need to have continuous coordination between the United Nations and the specialized agencies, most particularly the ITU. The fact that we are transmitting this to the ITU through the Office for Outer Space Affairs is one aspect of this cooperation between our Subcommittee and the ITU. Within this context, my delegation believes this paper should be studied in order to achieve some progress.

**The CHAIRMAN:** Thank you for your statement. Are there any other speakers at this time? I see none. We will continue our consideration of this agenda item this afternoon, which will give the delegation of France and possibly other delegations the opportunity to clarify certain points contained in this proposal.

We will now continue our consideration of agenda item 8.

**Review of the status of the five international legal instruments governing outer space** (*cont.*) (agenda item 8)

**The CHAIRMAN:** I have no names inscribed on my list of speakers. Does any delegation wish to speak on this item at the present time? I see none. We

will therefore continue our consideration of this item this afternoon.

We will now continue our consideration of agenda item 9.

**Review of the concept of the "launching State"** (*cont.*) (agenda item 9)

**The CHAIRMAN:** I have no names inscribed on my list of speakers. Does any delegation wish to speak on this item at the present time? I see none. We will therefore continue our consideration of this item this afternoon.

We will now continue our consideration of agenda item 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** (*cont.*) (agenda item 10)

**The CHAIRMAN:** As you may remember, I introduced this item yesterday and reminded delegations of the list of topics that have been proposed informally during previous considerations, for consideration as possible new items for the Subcommittee's agenda. I would also like to draw to your attention that this list is contained in the report of the Legal Subcommittee on the work of its thirty-eighth session (in 1999) in document A/AC.105/721 (Part V, section (a), "Informal consultations on new items for the agenda", pp. 9-10).

Are there any speakers? I give the floor to the distinguished representative of Greece.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): First of all, having been given the floor, my delegation would like to express its satisfaction because this is a truly historic moment. The document prepared by France to which Colombia has now become a co-sponsor: we welcome this and we say this is a historic moment because this is perhaps the same moment when very many years ago, my good friend, the Ambassador of Colombia in Vienna – it was on his initiative that it was possible to achieve a major compromise at the Nairobi Plenipotentiary meeting of the ITU. The famous paragraph 33(2) of the Convention was written.

Through the Chair, I would like to thank him and his most distinguished colleagues for the result of this very difficult exercise. I believe that in the years to come, provided there is goodwill and good faith, it should be possible to clear up all the problems of

understanding which have to date made it impossible to make progress on this very thorny problem. I apologize for this parenthesis that I have opened, but I do have a sentimental feeling and I wanted to say what I have just said.

As concerns agenda item 10, as my delegation stated yesterday, Greece would propose to repeat item 8 of the agenda as a new agenda item for the next session of the Subcommittee for the following reasons. There is also agenda item 4; those items seem to be similar but they are not. Agenda item 4 is a straightforward outline of the situation in respect of adherence to or ratification of the five treaties on outer space law. Agenda item 8 is different in nature and is also in the point of view it adopts. It presents the opportunity to discuss those major problems relating to application, both national and international, of the international treaties.

Previously we have followed the triennial model, etc. but the problem still remains. And where could we discuss such problems other than in the Legal Subcommittee? These are problems of concern to the whole of humanity. No mention has been made of modification of or amendment to the space treaties; perhaps this is premature at this stage. But in any event, we cannot discuss this matter anywhere else, other than in a taverna or a cafe somewhere. At the political and institutional level, that would have nothing to do with the formal and official discussion that takes place here.

These are some points that must be considered, and it is an honour as well as an obligation for my delegation to point them out. There are many issues which are worthy of detailed examination and discussion, precisely in order to facilitate the implementation by States, particularly at the national level, especially after the history of globalization and the transition that is taking place in the private sector in the area of space. We believe that this Subcommittee is obliged to discuss these matters, which is why Greece would emphasize the need to reintroduce that agenda item into the agenda for next year.

For example, as concerns the Moon Agreement, while I cannot recall exactly how many ratifications there have been, it is an extremely low number of ratifications. Another item which we also examined at the last session of the Scientific and Technical Subcommittee was the report on space debris. We wanted that report to be officially transmitted to this Subcommittee, not just so that we could take it home with us but so that it could be considered. This report is extremely objective, very scientific in nature, and represents the basis on which we could at least

discuss the legal aspects of the negative effects of space debris.

At the UNISPACE III Conference, my delegation stated that any attack on the cosmic environment is more or less similar and equal to a crime against humanity. We emphasize that this item on space debris is a serious matter which merits consideration, as does the issue of nuclear power sources in space. We must think of discussing this issue.

**The CHAIRMAN** (*interpretation from French*): Thank you for your statement on agenda item 10. Does any other delegation wish to take the floor at this time? I recognize the distinguished representative of Italy, to whom I give the floor.

**Mr. G. DIMUZIO** (Italy): My delegation would also like to continue discussion at next year's session of the Legal Subcommittee of the review of the five international legal instruments governing outer space. We believe this is very important, and we are convinced that the Legal Subcommittee is competent to continue this discussion.

Along the lines of what has just been said by the distinguished representative of Greece, we agree that concerning the Moon Agreement, this is something that merits discussion to try and discover why very few States are interested in signing this Agreement. Therefore we would like to see this re-established as an agenda item for the Subcommittee.

**The CHAIRMAN**: Thank you for your statement. I now give the floor to the distinguished representative of France.

**Mr. M. LAFFAITEUR** (France) (*interpretation from French*): Following the statement made by the distinguished representative of Greece and the issue of space debris, I would recall the proposal made by my delegation in the Scientific and Technical Subcommittee and which we also raised again this year. In close cooperation with the IADC and States that are members of the IADC, a report was approved at the 1999 session of the Scientific and Technical Subcommittee. It is a good report; we hoped this would be widely distributed, which has been done, and we also hoped it could be transmitted to the Legal Subcommittee to enable it to officially take note of it, to offer an opinion and perhaps give some guidelines to the Scientific and Technical Subcommittee to the extent that a new workplan was being undertaken.

That would make it possible for the Legal Subcommittee to work on the substance and to prepare a set of principles or something similar. That

proposal is still on the table, and now it is just a matter of giving a clear, precise and limited mandate to the Legal Subcommittee – for example, one year, so that the Scientific and Technical Subcommittee could resume its work on it.

At the same time, in the Scientific and Technical Subcommittee there is discussion on the study to be taken up in the year ahead. This is linked to the situation within that Subcommittee, as the file has not been passed on to the Legal Subcommittee. My delegation intends to take this issue up again at the next meeting; no formal decision has yet been taken but we believe that will happen.

**The CHAIRMAN:** Thank you for your statement. I recognize the distinguished representative of the Russian Federation, to whom I give the floor.

**Mr. Y. KOLOSSOV** (Russian Federation) (*interpretation from Russian*): In the general exchange of views, my delegation expressed its opinion on the appropriateness of discussing the question of preparing a single comprehensive convention on international space law. We intend to officially introduce that proposal in a document which we will hand to the Secretariat, either today or on Monday morning.

We will propose that that item be discussed as a single issue item in 2001. If there is any objection to this proposal, then we will suggest that agenda item 5 is retained on the Subcommittee's agenda but reworded to include a review of the status of the five international legal instruments on outer space, including the question of the appropriateness of developing one single comprehensive convention in international space law.

As concerns space debris, the report of the Scientific and Technical Subcommittee is of great interest, but it is still being analysed. From the point of view of the legal aspects of space debris, we have not yet come to any conclusions as to whether we should take note of this report or take other steps. My delegation and the experts in the Russian Federation are continuing to study that report.

**The CHAIRMAN** (*interpretation from Russian*): Thank you for your statement. I give the floor to the distinguished representative of Belgium.

**Mr. J. MAYENCE** (Belgium) (*interpretation from French*): As concerns the proposal made by the

distinguished representative of Greece, my delegation supports this proposal and would perhaps like to take it even further. The inclusion of the agenda item on the review of the international legal instruments governing outer space is something that is referred to quite often. And so long as there are legal instruments, then these issues will arise and it is up to this Subcommittee to deal with the legal aspects of such issues.

My delegation would ideally suggest not only the re-insertion of this item on the Subcommittee's agenda, but to have it as a recurring item. This is how we believe we should deal with agenda item 8, and we therefore support what was said by the delegation of Greece.

**The CHAIRMAN:** Thank you for your statement. Does any other delegation wish to take the floor at the present time? I see none. We will therefore continue our consideration of agenda item 10 this afternoon. I would like to draw delegations' attention to the fact that, unlike our discussions at the last session of the Subcommittee, entitled "Informal consultations on new items for the agenda" in general, this agenda item now reads "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". This relates specifically to the fortieth session of the Subcommittee.

I will shortly adjourn this meeting of the Subcommittee to allow the working group on the definition of outer space and the utilization of the geostationary orbit to convene its second meeting, under the chairmanship of Mr. H. Pelaez of Argentina. However, before doing so, I would like to inform delegates of our schedule of work for this afternoon.

We will continue consideration in the plenary of the Subcommittee of agenda items 6, 8, 9 and 10. Thereafter, time permitting, the working group on the review of the concept of the "launching State" will convene its first meeting under the chairmanship of Mr. K. Schrogl of Germany. Are there any questions or comments on this proposed schedule? I see none.

The meeting is now adjourned.

*The sitting adjourned at 11 a.m.*

