

**Committee on the Peaceful  
Uses of Outer Space  
Legal Subcommittee**

*Unedited transcript*

652<sup>nd</sup> Meeting

Wednesday, 11 April 2001, 10 a.m.

Vienna

*Chairman:* Mr. Kopal (Czech Republic)

*The meeting was called to order at 10.21 a.m.*

**The CHAIRMAN:** Distinguished delegates, the Subcommittee is now in session. I declare open the 652<sup>nd</sup> meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. We shall begin in a rather untraditional manner. It will mean that I will first give the floor to our Secretary in order to make some useful announcements.

**Mr. P. LÁLA** (Secretary): Thank you Mr. Chairman. I have the pleasure to announce that we have already distributed to all boxes the first part of the draft report for your adoption tomorrow. In all languages we have available now those documents, A/AC.105/105/C.2/L.228. This document contains introduction, item 4, which is the status and application of the five United Nations treaties on outer space, item 5, the information on the activities of international organizations relating to space law and item 7, review of principles relevant to the use of nuclear power sources in outer space.

In document A/AC.105/C.2/L.228/Add.1, this document contains item 6 which is definition and delimitation of outer space and question of the geostationary orbit. From the Working Group report, we have a report from the Working Group on the Definition and Delimitation of Outer Space and the number of this document is A/AC.105/C.S/DEF/2001/L.1. Concerning the document of the Working Group about item 9, we expect to have all language versions available this afternoon about 3.30 p.m. so hopefully we can adopt this report this afternoon. Thank you Mr. Chairman.

**Agenda item 8, consideration of the draft convention of the International Institute for the Unification of Private Law (UNIDROIT) on international interests in mobile equipment and the preliminary draft protocol thereto on matters specific to space property**

**The CHAIRMAN:** Thank you Mr. Secretary for your announcements. Distinguished delegates, we shall now continue our consideration of agenda item 8, consideration of the draft convention of the International Institute for the Unification of Private Law (UNIDROIT) on international interests in mobile equipment and the preliminary draft protocol thereto on matters specific to space property. As mentioned yesterday, it is my intention to conclude deliberations on this item this morning. Therefore, I would urge all delegations wishing to do so to actively participate in the discussions this morning with a view to reaching appropriate agreement on issues relating to this item, particularly on our further proceedings when dealing with this item.

The first, and so far the only speaker on my list on this item is the distinguished representative of Argentina to whom I give the floor.

**Mr. M. VERGARA** (Argentina) (*interpretation from Spanish*): Thank you very much. We do not intend at this time to repeat everything that has been said by others throughout this session on this subject. We would just like to sum up very briefly our position on this. In the UNIDROIT draft, we still find that there a number of questions that have to be

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In its resolution 50/27 of 6 December 1995, the General Assembly endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that, beginning with its thirty-ninth session, the Committee would be provided with unedited transcripts in lieu of verbatim records. This record contains the texts of speeches delivered in English and interpretations of speeches delivered in the other languages as transcribed from taped recordings. The transcripts have not been edited or revised.

Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, within one week of the date of publication, to the Chief, Translation and Editorial Service, Room D0708, United Nations Office at Vienna, P.O. Box 500, A-1400, Vienna, Austria. Corrections will be issued in a consolidated corrigendum

clarified and I think that is what the Subcommittee should be doing from now forward. First of all, everything which is associated with the characteristics and definition of what space property is.

Secondly, and not less important than what I have just mentioned, is what relates to the legal regime established by the space treaties and the uncertainties of the private entities all of a sudden coming on top of this system and becoming involved in this system that they have given rise to. One example of this would be what would occur in the event that a property of a part or of all of the satellite were to try and be transferred from legal persons falling under different national jurisdictions or from one individual to another, for example. And, because we know that the launching State at all times is responsible for the payload that has been launched, a topic that we have also dealt with in the Working Group on the launching State or the concept of the launching State.

But we are also wondering a little bit about the relationship between the system of international guarantees compared with the domestic legislation of civil law of systems with different legal regimes, different legal systems. I am thinking, for example, of the Latin American country legal systems.

We also have doubts about the future international register expressed by some delegations already. How would we cover the cost of setting this up, the infrastructure, the staff and what would be the basis to be able to respond and meet the costs of what would happen if there are errors in the registry system or procedure which affect third party rights? We are convinced that the costs would have to be actually covered by the users of the system, the user pay type system.

We also have some doubts about the type of support that this international registry would use. Would it be completely computerized or would different types of support systems be used simultaneously to provide better guarantees, in other words, overlapping or back-up security for the overall security of the system?

Lastly, I would think it is important to guarantee the interests of the private sector. In this case, the enterprises, companies, but without forgetting that the private sector is also made up of consumers, individuals who expect to get from governments, norms and guidelines that will protect them from possible damage, deleterious effects arising out of situations that they did not cause themselves and this is related with the whole concept of public service

fulfilled by space and satellites to benefit individuals. And consumers very often are not being dealt with and their interests are not being covered because there are higher-level enterprise or company interests.

We would like to have the view of the ITU on this. That would be very interesting to get their view, so we would like to ask UNIDROIT to see to it that those responses are obtained because a number of points should be clarified based on what was actually said by the ITU.

That sums up our preliminary comments, Mr. Chairman. We just wanted to highlight how important it is to participate in consultation processes that make it possible to have an exchange of views among States. And we, therefore, would like to express our gratitude to the Belgian delegate for his proposal and the kind offer from France in order to make available facilities for the meeting that we hope we will be able to obtain positive results from in Paris, because that, of course, to a great extent will also help to facilitate the work that this Subcommittee has to tackle. Thank you very much.

**The CHAIRMAN:** Thank you very much distinguished representative of Argentina for your contribution to our discussion on item 8 which included both the substantive question that should be explored and also the questions of our further dealings with these issues.

I now give the floor to the next speaker on my list, it is the distinguished representative of Colombia.

**Mr. C. ARÉVALO YEPES** (Colombia) (*interpretation from Spanish*): Thank you very much Mr. Chairman. I am not going to take up much of the Subcommittee's time because I just want to highlight some of the things that we have already said at earlier opportunities. What Colombia does wish to say, however, is to express its gratitude for the responses that were given to a number of concerns that were raised yesterday. Concerns about UNIDROIT, about the actual format of the meetings, how they would develop or how they would look, these meetings and so, therefore, my thanks go to UNIDROIT, to the European Space Agency, also to the delegation of the United States and to you, Mr. Chairman, because you summed up very well at the end of yesterday's session, the actual format of the meeting and you managed to elucidate or clarify some of the doubts expressed by some delegations.

We will attend the meeting in Paris if all goes well in terms of our representation. We shall be there. Thank you very much.

**The CHAIRMAN:** Thank you very much distinguished representative of Colombia for your statement and your cooperation with the efforts of the Chair. Thank you. The next speaker on my list is the distinguished representative of the United States of America to whom I give the floor.

**Mr. H. BURMAN** (United States of America): Thank you Mr. Chairman. Mr. Chairman, just as a matter of information, I would like to simply suggest how we have resolved some of the issues that were raised, and appropriately raised by our distinguished colleague from Argentina, how we have resolved them with regard to aircraft transactions under the UNIDROIT system. That might not be the same result or the same direction that we would want to support in this body, but I thought the information on this maybe helpful.

With regard to the transfer of interests in aircraft and aircraft engines and the close relationship to the concept of an international registry, we have agreed to establish what we would call a notice filing type of registry, a notice filing type of registry which is a method by which minimal information is provided by financing parties within an agreed framework of what can be identified as property that is affected. And in order to ensure that the costs of that operation are minimal, the new system would be entirely computerized. And once that system is set up, there is a relatively minimal role left for a supervising authority. This is not to say that we, or others, would necessarily support that function being considered within the context of the Outer Space Committee, but I simply wanted to indicate that the function itself of a supervising authority is only to provide a mechanism whereby governmental representatives can review the operations of a technical registry but would not be expected to engage in any substantial activity whatever. And so the cost of that would be, we believe, minimal, regardless of what body that function was given.

The cost essentially is a software development cost which would be in the aircraft, example borne by the users and I might say in response to the suggestion about whether the consumers are involved. They have been very closely involved with regard to aircraft transactions through IATA and other organizations. We believe those interests are fully involved, it must be fully involved, and the same would be, of course, the case with regard to space equipment.

I provide this information simply in order to indicate that, if that path were ultimately decided as the appropriate path with regard to space equipment, handling of that type of a registry and its related functions, would not be a substantial issue with regard to resources. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of the United States of America for your contribution to our discussion in which you particularly drew our attention to the experience and trends that have been developed concerning the aircraft protocol. Thank you once again.

I do not have any other speaker, ladies and gentlemen, on my list of speakers inscribed but is there any other speaker either from among the delegations or from among the observers who might wish to speak on this particular item? I recognize the distinguished representative of Egypt to whom I give the floor.

**Mr. K. EL-HUSSAINY** (Egypt): Thank you Mr. Chairman and good morning ladies and gentlemen. I think before concluding this subject that it would be useful, Mr. Chairman, also to have as one of the documents to be under the disposal of the mechanism as proposed by Belgium, to draft protocol on aircraft equipment because it includes some detailed regulation concerning the registration of such aircraft equipment and it would be useful when this mechanism will be touching on this particular issue. Thank you Mr. Chairman, because I notice concerning the documents which were circulated to us that it contained only the draft UNIDROIT convention and the draft outer space protocol but there is no available document concerning the draft aircraft protocol. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of Egypt for your contribution to our discussion and I, myself, also believe and agree with you that we would welcome having the aircraft protocol in its latest version and I, myself, would like to agree would also welcome the other protocol concerning the rail rolling stock so that our documentation would be complete for further proceedings. Thank you.

Any other speaker? The distinguished representative of Greece has the floor.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): Thank you Mr. Chairman. A very good morning to you and all colleagues. I would like to see two elements by way of a conclusion of the discussion on this subject. First of

all, I think that we should express appreciation of the usefulness of such regulation which, of course, should be at the national level. The internationalization of regulations in this matter causes serious problems in terms of the institution. Within the framework of civil aviation, we have a specialized agency of the United Nations. That is there and that can regulate or issue regulations to cover activities but for space activities we do not yet have such a specialized agency. So the problem of the international register or registration system that we have talked about raises a problem from an institutional point of view, as I was saying. For example, where would it be set up? And who would be responsible for such a registry or register?

As you are aware, if we look again at the case of civil aviation in the national registers/registries, there are separate columns where all references and information about the status is mentioned, there specifically, both about the hull, the engines and all of that sort of data would be there. There is also information there about the rights, tangible or intangible rights, overcredits and so on. So at the national level, it is really very simple to see very clearly for one particular aircraft if an operator is asking for a loan, a credit from a bank, why not introduce the same system at the national level first of all?

Now my second point. In terms of European community law. I have some doubts about the actual lawfulness of such activity from an organization which is neither national nor international but which is more or less private for it to be able to hold and manage a very large databank where there would be a lot of data which would be of a banking, financial type order or nature and there would, of course, be bank secrecy applying to those so it is protected information then and it would be available to any financial or banking company, builders, for example, manufacturer or vendor of space products, for example, and it is having access to undisclosed information or data which causes a very serious problem in terms of the legality of the way in which individual data are being dealt with, even if it is about the financial status of an operator or some other entity asking for a loan or a credit.

And then there is a problem arising out of the knowledge of the data information that might, in some way, affect negatively or falsify the rules of free trade, free competition because in a negotiation, the vendor or the manufacturer or the bankers would be aware of the data about the individual or the entity requesting the loan or the credit and then that would affect possibly negatively prejudice the situation of such a requestor of a loan.

So there are many problems in terms, legal problems but also community law-related problems and they all revolve around the compatibility of the system which is proposed with the legal regime in the European community and it would, I think, send a good signal to send the two drafts, one for aviation and the other for space property, to send this to the fourth Committee of the Commission in order for it to become aware of the regulations that are being proposed.

As regards Greece, we will probably have a constitutional problem because we have specific constitutional provisions which cover the confidentiality of information, protection of information and so. So there will certainly be a major problem there.

Now as far as what is going to happen in the future, the whole process. We are very pleased, we thank Belgium and France for coming up with this initiative of an ad hoc consultation mechanism.

Then I would also like to ask, through you, Mr. Chairman, our colleagues and also I would like to ask our colleague from UNIDROIT to make the best possible use of the opportunity that we have at the next Plenary meeting and within the framework of the next Plenary meeting of the Committee, that we should be able to express ourselves and have an exchanged of views. And I think it would be a very good thing if UNIDROIT could provide us with a short demonstration of the substance of this draft. Thank you.

**The CHAIRMAN** (*interpretation from French*): I thank the distinguished delegate of Greece for his contribution where you have actually helped us to focus on a few additional issues and problems, especially as regards links with the situation at the EU and also the legal situation in your own country and I hope that the representative of UNIDROIT heard the last portion of your statement, the last sentence of it and will be able to respond to that initiative that you have suggested.

(*Continued in English*) I do not have any other speaker on my list of speakers and before giving the floor to the representative of UNIDROIT, I would ask once again is there another delegation wishing to speak on this item? I see none, so the representative of UNIDROIT has the floor.

**Mr. M. STANFORD** (International Institute for the Unification of Private Law – UNIDROIT):

Thank you Mr. Chairman, good morning ladies and gentlemen. I am obviously subject to the Secretary-General delighted to respond to the kind invitation addressed to us by the representative of Greece and I think we would be only too happy to provide all the information required by the Plenary of the Committee on the Peaceful Uses of Outer Space at its next session in explaining the substance, as you put it, of the convention system proposed by UNIDROIT for space property, in particular, but for mobile equipment in general. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of UNIDROIT. I see no other application for discussion. Distinguished delegates, we have concluded our substantive consideration of item 8 for this session of the Subcommittee. As to our further steps to be made, I refer to the proposal made by the distinguished representative of Belgium who unfortunately is no longer present and to the summary of this proposal that I offered yesterday to you including all the essential points that should be covered by our further dealing with this item.

Today, I have heard a number of support from among the delegations for the Belgian proposal and the summary of the discussion that I made yesterday. For your information, I would like also to add that yesterday after the adjournment of our meeting, I had still talks with the distinguished representative of China who is no longer present but who advised me that China would concur with this procedure, as it was suggested, provided that all these questions will still be consulted during the session of the Committee in June and then, of course, that the work of this mechanism that we provide on the basis of the Belgian proposal would be attached to the work of the Committee and of the Legal Subcommittee and the outcome of this procedure, of this exercise that would be fulfilled during the further period would be reported to the Legal Subcommittee next spring and will be discussed and approved here by the Legal Subcommittee.

So I think that it is now clear what we wish to reach. I believe that this might be indeed our compromise and all our discussions, including my summary, will be reflected in the report that will still be in front of you when discussing the report and adopting it.

As I have just pointed out, or at least some of the details, may I take it that this procedure is acceptable for you? I give the floor to the distinguished representative of China.

**Mr. LIU YINGHAI (China)** (*interpretation from Chinese*): Thank you Mr. Chairman. My colleague is not here today. Yesterday, concerning the proposal put forward by the Belgian delegate, namely on the establishment of a consultation mechanism, yesterday the Chairman also summarized the proposal. We, in principle, agree with the summary of the Chairman.

Here now I would like to make a very brief summary of my comment or the comment of our delegation would like to reiterate briefly.

First of all, in principle, we believe this consultation should be held within the framework of COPUOS. However, for the sake of time, we agree that, before the next session of COPUOS held in June, we can consult with governments informally, maybe in Paris, maybe in other places but basically is to invite the representatives of governments or maybe also some non-governmental representatives to engage in this consultation and the result of this consultation or the result of such a mechanism shall be reported to the Legal Subcommittee of the COPUOS and also should be discussed during the next session of COPUOS.

I think that our position here is the same as what has been summarized by the Chairman. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of China and I also thank you and your colleague who represented China yesterday for your cooperation in this respect. Of course, once again, I repeat that one of the essential elements that I spelt out yesterday was the condition that the consultation mechanism will work under the framework or in the framework of COPUOS. This was made abundantly clear to me yesterday. And as to the informal consultations among governments, of course, it is possible that the representatives of governments will consult these issues in some greater detail and if they wish, they can even meet here in Vienna but I believe that what is realistically possible is to hold such consultations during the session of the Committee on Outer Space in June here. And, of course, the result of such consultation would be then reported to the main Committee.

If this acceptable to all delegations, may I assume that we have reached consensus on our further steps in this direction and that we will proceed as I had the pleasure to summarize our discussion yesterday and as we completed it and clarified these elements today?

Is there any objection against this conclusion?  
I see none. *It is so decided.*

Ladies and gentlemen, we have just concluded our discussion on agenda item 8 but before proceeding to our further item and it will be item 10 dealing with the agenda for the next forty-first session of the Legal Subcommittee, I would like, on your behalf, and with your permission, to welcome among us an outstanding member of the delegation of Austria, the former Chairman, long-time Chairman of our Committee, His Excellency Ambassador Jankowitsch, who is among us and perhaps he might wish to say a few words to us.

**Mr. P. JANKOWITSCH** (Austria): Thank you Mr. Chairman. Just a word to thank you for your kind words of welcome. I do apologize that I entered your deliberations at a rather late stage but I understand, as in previous meetings, you have made much progress and I am sure that under your enlightened leadership, Mr. Chairman, this will be again a successful meeting of the Legal Subcommittee and are looking forward to the main Committee, I suppose, that 2001 will be a good year for our work. Thank you very much.

**The CHAIRMAN:** Thank you very much distinguished Ambassador of Austria for your kind words that were addressed to all delegations of our Legal Subcommittee. Thank you very much.

**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 forty-first session**

Distinguished delegates, we shall now begin our formal consideration in the Plenary 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 forty-first session.

I would remind delegations that this will be the first time that we will formally consider this item because so far we have mostly heard informal discussions on this item that were organized by our colleague, the distinguished representative of Sweden, and I would urge delegations, particularly those delegations which have presented proposals within the context of our informal consultations, to utilize this formal setting, *inter alia*, to ensure that their views and statements are able to be reflected within the records and report of the Subcommittee.

I now open the floor to those delegations wishing to make statements on this item in the more

formal context of the Plenary of the Subcommittee and I have already some speakers on my list of speakers and the first speaker is the distinguished representative of France to whom I give the floor.

**Mr. M. LAFFAITEUR** (France) (*interpretation from French*): Thank you Mr. Chairman. Once again, we are being called upon to come up with the proposals for our future agenda and these should help revitalize the contents of our work and to especially focus on subjects which correspond to real needs.

The Office for Outer Space Affairs last week presented a document with an agenda for next year on the basis of our initial discussions on this issue and I would like to address, one by one, the most important points therein.

To start off with, I am going to be referring to the document presented by the representative of Greece. Several proposals are in it, all of them linked to a varying degree with the status of the five treaties and I believe that it would be wise to merge those which could be retained under item 4, having to do with the status and implementation of these treaties. We could identify the following subjects within in complement to the initial purpose of this item. This limitative restricted list could comprise, subject to complementary input, the evolution of space law as it is a link to the development of technology and aspects linked to commercialization should also be comprised here.

The study and the establishment of specific training on space law in the regional training centres, cooperation among the various United Nations organizations in the implementation and possibly the preparation of space law subject to observance of the purposes of item 5.

However, I would hesitate to get involved with a new working group on item 5 if it is not linked to very specific purposes that can be achieved within a reasonable time period.

The UNIDROIT issue has been broached yesterday and concluded so I will not be speaking about that.

On space debris, agreement was achieved in the Scientific and Technical Subcommittee last February. The Inter-Agency Coordination Committee on Space Debris will be presenting in 2002, 2003 and 2004, as we have requested to do, its proposals on space debris reduction in order to enable this

Subcommittee to approve of the guidelines in 2004. The details of the work plan are in paragraph 130 of the Scientific and Technical Subcommittee report published under reference A/AC.105/761. My delegation is naturally satisfied with this agreement but just as most compromise, it does present a lacuna because there is no reference within it to the legal aspects. I indicated last February that we did not wish to compromise the consensus on this point but, however, the legal aspects should be broached in 2002 or 2003 and this point of view, indeed, is referred to in the above document in paragraph 131.

The proposal of the Czech Republic delegation that we should initiate examination of the provisions of international space law which are applicable to space debris. This was referred to last year in the document presented by France, along with the support of other countries, and satisfies us perfectly. In order to make one single item for this, we thus could have a whole series of elements that could contribute to our knowledge of the subject.

I would like to point out in this regard that a study will be initiated by the European Centre for Space Law as of this year. The result of this work will be presented next year under item 5 on information concerning the activities of international organizations in space law.

Now I would like to refer to the United Nations proposal on the restriction of obtrusive space advertisement. The Scientific and Technical Subcommittee has suggested that this be submitted under its agenda's unique point in 2002. This is a matter of restricting obtrusive advertisement in space which can be an obstacle to astronomical observation.

I would like to refer to two aspects of this. The calendar, to start off with. Should this be dealt with in the Legal Subcommittee in 2002 and then we would have scientific and legal aspects for the June 2002 aspects along with the Scientific and Technical Subcommittee, should we have a year interjected between the two aspects and just agree on this matter in 2003?

To start off with, the scope of the subject. It is not just advertisement that could be an obstacle to astronomical observation. Possibly we could somewhat expand the scope of this issue and speak about the protection of astronomical observation. This, of course, would comprise the problems raised by possible space advertisements.

I would like to take the opportunity to refer to item 6 which is normally concluded. I have hesitated but I have decided to do so nevertheless. Last year, we have agreed to no longer broach the use of GSO in working group and to separate this item from that of the definition and delimitation of space, which is completely different. This situation now allows us to exclusively devote our efforts to the second part. We are sorry to see this because it has been several years, a little less than for the use of GSO, that we are devoting time, too much time, to this academic question. I remember that my delegation spoke up in 1997 and 1998 and certainly before that as well on this matter. I do not want to speak about this at length but I would like to say two things.

Firstly, the creation of a boundary between air space and outer space does not correspond any more than before to any identified need. It can just introduce ambiguity and confusion to our debate. So it is a purposeless discussion.

The French delegation, secondly, does not see the finality of the exercise, seeking to identify and define an aerospace object in the link between the questionnaire that is submitted to us for ever so many years now. The various questions contained therein actually are very contradictory and do not facilitate the debate. We have said before that we would not be answering it and we have not changed our minds in this regard.

My delegation thanks the representative of Mexico for the help and the care that she has brought the examining of this issue. However, I do believe that the best solution would be to leave this item pending deciding, for example, to apply the same regime as that decided on last year for the use of a GSO. Thank you very much.

**The CHAIRMAN** (*interpretation from French*): Thank you distinguished representative of France for your statement which has included various important items concerning, for example, consideration of the legal aspects of space debris as well as the issue of the items on our agenda, the item on definition and delimitation of space as well as other issues as well.

(*Continued in English*) The representative of Greece, does he want to speak? You have the floor Sir.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): I thank you Mr. Chairman. Before broaching the proposal of Greece which is a sort of a stride of item 4 and item 10 of the

agenda, I would like to make some general comments on the structure of our next agenda.

Space activities are human activities which are really undergoing fantastic evolution in the original Greek sense of the word. So I do not see how we can stop discussing the various problems entailed in the conducting of this activity especially in the Legal Subcommittee. We have not found solutions of all of the problems that will allow us to say well now we have done our work. So I do not understand this attitude. Quite to the contrary, not just from the institutional point of view but also from the political point of view, it is necessary for us to continue discussing this because by discussing these matters, we will be finding solutions to the problems. If we do not discuss things, then we are going to have a deaf and dumb sort of dialogue. What is the point of that?

That by way of general comment. It has been suggested that on harmful advertising, harmful to astronomical observation, we have a certain verb in Greek where we have large ships that are going astray and we are concentrating on the dinghies. The major problems are the peaceful use of outer space and much more effective control of space activities which are getting out of control and which are getting embroiled in situations which are very dangerous for international law and order. We have also forgotten the arms race whether it be arms in the strictest sense of the word or race in terms of the other instruments which are used for the non-peaceful use of outer space. There are billions of dollars being spent on space projects which are not useful for human outer space activity. It is certainly not useful for human welfare. This is why the agenda of the Committee and the Subcommittee should always be open-ended, open to all of the problems which are linked to human activities conducted in outer space.

So after this general introduction, as concerns 6 of the agenda, though I do share the comments of my friend and colleague from the French delegation with regard to small (b) of item 6, the GSO orbit. On small (a), I would like to say that I do not really see why we decided to deal with this just as we have with small (b). I think that under the general chapeau, definition and delimitation of outer space, we could broach very important issues and in this regard, I would like to thank and congratulate our distinguished colleague from Mexico for the fine way that she has guided our work. It is the first woman who has been in the Chair in the course of our work and it was admirable the way that she guided the work that we accomplished and that for aerospace objects as well.

I believe that we only received only 14 answers on this. That is one third or one quarter of the total number required of the States Members of COPUOS but I do not think that the failure to reply, the silence can really solve the problems at hand because sometimes the silence denotes a refusal to set up customary law for outer space. This is something we can address at another time. So I would like to, indeed, thank the Chairman for the work of this Working Group on the launching State concept.

If we continue the reasoning that we should exclude from our agenda issues of great significance, I do not see how the Subcommittee could really live up to its *raison d'être*.

Now getting to the proposal of Greece. That basically was the amalgamation which has been increasingly emerging for the last couple of years to facilitate the work of the Subcommittee and to impart a practical dimension to item 4 of the agenda.

As I have already said during the informal discussions, just keeping to statistical consideration of the status and implementation of the five treaties is not very useful and since we are honoured to have the presence of Minister Jankowitsch who was and not just for several years the President of our Commission but the President during the most successful part of the Commission's work because during his period in office, the most senior of us remember it, the five treaties on outer space were actually concluded, as well as the four declarations and principles. So I am very satisfied indeed, I would like to say in passing, to have him among us because psychologically I believe, and morally, that certainly comes in support of our efforts and I would like to address to him my best wishes, through you Mr. Chairman. So I was very happy to be able to say that but I am sort of exploiting this opportunity to speak.

Now I would like to conclude my statement on Greece's proposal. In this proposal, we suggest that either we should complement item 4 of the agenda with an addition of the evaluation of the provisions of space law, including principles, of course, and if this were not to be accepted, there is the possibility of continuing to address this under yet another item of the agenda separated out from 4 which could be entitled "the second phase of the proposal", in other words, evaluation of the implementation of the provisions of outer space law including the declarations of principles.

As for the remainder, the possibility of setting up working groups, especially for evaluation so that

within these working groups or another solution if you wish, if you do not want to have working groups set up, so that on the basis of what we are doing, both in the Scientific and Technical Subcommittee as well as in the Plenary of the Commission, that we could have open-ended working groups of the whole so that this could allow us to examine these issues.

Possibly, the proposal of Greece scared off some delegations. This gives a table of contents with important topics I feel. These are the conclusions of those ideas which have been floated during the informal consultations that have been held. So this proposal is not really necessarily to have all the headings that I have presented here. It is just the four lines in bold Italics that should be the headings with the mandate here. And within this mandate, we could broach all of the issues mentioned here because I could have skipped the main body of this paper and just stuck to the four lines in Italics.

Greece is not forgetting that six years ago, it proposed that we should have an agenda item that would state the transformation of the declaration of principles for remote sensing and direct satellite broadcasting. We would be ready to reiterate this proposal because we believe that it is very necessary even if we do not talk about anything else that is practical because some people do not find that the Greek proposal is practical in its thrust. We would reiterate this agenda item suggestion especially remote sensing because this has now taken dimensions which we could never have expected or thought at the beginning of the 1980s especially as concerns the commercialization of satellite remote sensing and this impinges greatly on the interests of countries which do not have outer space activities, the developing countries in particular.

They see that their territories are photographed and that economic speculation takes place with the data furnished from such photography. Thank you.

**The CHAIRMAN** (*interpretation from French*): Thank you very much distinguished representative of Greece and you have contributed to our debate, referred to various issues including the need to retain outer space for peaceful purposes. You have explained the reasons for your proposal on agenda item 4 as well for our next Legal Subcommittee and the possibility of incorporating a new item has also been commented by you.

(*Continued in English*) I no longer have any other delegation on the list of speakers on this

particular item. I still recognize some other speakers. I think the first one was the distinguished representative of Nigeria, to whom I give the floor.

**Mr. T. BRISIBE** (Nigeria): Thank you very much Mr. Chairman. My delegation wishes to make a few remarks regarding the submission made to the Subcommittee on the possibility of an additional proposal establishing a working group relating to agenda item 4. The proposal addresses six issues which my delegation wishes to make remarks on, particularly the first issue concerning the status of participation to the five international treaties on outer space signatures, ratifications, adhesions and obstacles in reaching a broader universality.

My delegation further wishes to support and commend the Greek delegation for the issue on that proposal suggesting the promotion of space law especially within the United Nations programme on space applications through the regional centres, one of which is hosted by the Federal Republic of Nigeria in the City of Illefa(?). Thank you very much.

**The CHAIRMAN**: Thank you distinguished representative of Nigeria for your contribution to the discussion and I now give the floor the respected representative of Canada.

**Mr. B. LEGENDRE** (Canada) (*interpretation from French*) Thank you Mr. Chairman. I just wanted to make one comment. As you know, this is the first time that I have the honour to represent my country in this Subcommittee and the Subcommittee's deliberations are coming to a close for this year so I am tempted to sum up my very interesting experience here.

One of the comments that I have to make is that the deliberations of this Committee are very lengthy even on very specific well-focused items, in particular on item 8, i.e. the Belgian proposal which has finally been adopted by the Subcommittee. This was a very precise proposal which only proposed an informal exchange of views between two sessions of this Subcommittee, a subject to the possibility of making a more formal presentation to the Plenary meeting of the Commission in June.

It seems to me that it took us so long to get consensus on even such a narrow and specific item, I would be, indeed, tempted to share what has been said by the distinguished representative of Greece who says that indeed the six points that he has proposed would be of interest to various delegates but would scare off others. Canada is one of those that would rather be

scared off by the six items suggested by Greece and in this regard, we would like to join those concerns expressed yesterday by the United States and this morning by France.

Canada also believes that adding items to the agenda of the Subcommittee should take place with a purpose of achieving concrete results on tangible outer space problems in a future which is not too far removed, a foreseeable future. Thank you.

**The CHAIRMAN** (*interpretation from French*): Thank you very much Canada for your statement which has addressed various points. Thank you for giving your comments on the way we have broached item 8 in particular of this session.

(*Continued in English*) The next speaker on my list. There is none on my list but if there is any other speaker wishing to present his views. I see none.

Distinguished delegates, we have, therefore, concluded our substantive of item 10 at this meeting. I will still leave open this item for another discussion that we still might have in the afternoon because I believe that it is an important item and we should also somehow to come to a conclusion about it. If we reach an agreement, a consensus, the better.

It is my intention now to adjourn this meeting of the Subcommittee but in order to give you the opportunity to read and if you wish to explore the text of the report or the parts of the report that have already been available but before adjourning the meeting, I will still give the floor to the distinguished representative of Greece who applied for the discussion.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): Thank you very much Mr. Chairman. Just a minor point that I would like to add to something that was said by our colleague from Canada. I think that he has joined our Committee recently, he is a newcomer and in the future that he will, without a doubt, be learning a lot of things that will certainly be very useful for him. I would like to repeat if I could that everything which appears under the title are the subjects, they are not items, they are subjects, most of us are lawyers so we have to be very rigorous. Unfortunately, we are not all lawyers, most of us are only.

These are the subjects that we can take up, that we can discuss, that we can take up during the discussions under the new agenda item. This list is indicative in nature. It is not an exhaustive list, a complete list. It was produced at the request of our

colleagues, especially for our colleague, the Ambassador of Chile and our colleague, the representative of the United States, in order to try to capture everything that we discussed during the informal consultations that we had.

If the substance of matters causes difficulties then that is not my problem because the substance, the essence of the subjects and topics and questions are questions and issues that are of interest to all countries and, in fact, they are of concern and interest to all of the people populating our planet. This is why I think it is important to amend and this is where I come to the crux of what I want to say, we should amend and supplement, perhaps I should use the word supplement item 4 of the agenda, the actual title of item 4 of the agenda. If we do not do that then under item 1 of the agenda, general exchange of views, we have the possibility of talking about all matters, everything relating to space activities. That is under general exchange of views and no-one could possibly imaginably be prevented, prohibited from presenting their views, not only on these six categories or subjects but any other subject whether or not it has been introduced as a specific separate item of the agenda. Thank you very much Mr. Chairman.

**The CHAIRMAN** (*interpretation from French*): Thank you very much distinguished representative of Greece for your additional contribution through which you have focused specifically on the reasons underpinning the Greek proposal and you are entirely right, I think, when you say that under item 1 of our agenda, it is permissible to deal or take up any issues that are relevant to space activities in general and consistent with our terms of reference.

(*Continued in English*) Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee. Before doing so, however, I would like to inform delegates of our schedule of work for this afternoon and tomorrow morning. This afternoon we shall continue and hopefully conclude our consideration of item 10. I believe that we can do it on the level of the former session and discussions in this Subcommittee, that it is not necessary to re-open informal consultations that we held yesterday and also before, but I would suggest that you, distinguished delegates, consult among yourselves during the remaining time in order to try to find a possible solution to the issues that have still remained open.

Thereafter, the Working Group on Item 9 shall convene to adopt its report. As I already informed you, this report should be available starting

from about 3.30 p.m. so that when exhausting item 10, you will certainly have the text of the report of the Working Group on the item, the concept of the launching State before you and, of course, it will be the task of our distinguished colleague from Germany, Dr. Kai-Uwe Schrogl, to chair the adoption of the report of the Working Group that he had chaired.

Tomorrow morning, we shall begin with the adoption of the report, it means of the main part of the report, and of the Working Group on Item 6. Thereafter, we shall proceed with the adoption of the report, including already the reports of the Working Groups, of course.

Are there any questions or comments on this proposed schedule? The distinguished representative of Greece has the floor.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): Thank you very much Mr. Chairman. Mr. Chairman, we still have about an hour and a half this morning. Could we use this time to discuss L.228 and the two addenda thereto? That is the draft report of the Subcommittee, just to try to save some time we are here. Some delegates will probably have to leave tonight it appears. I am not, I am staying but I am afraid that we are going to be losing this hour and a half.

**The CHAIRMAN** (*interpretation from French*): Thank you very much distinguished delegate of Greece for your suggestion. (*Continued in English*) Are there any other delegations wishing to speak now? The first one is the distinguished representative, the distinguished Ambassador of Ecuador, to whom I give the floor.

**Mr. S. MARTÍNEZ** (Ecuador) (*interpretation from Spanish*): Thank you very much Mr. Chairman. Unfortunately, my delegation cannot agree with the distinguished delegate of Greece because the report really deserves a little bit of time. We have to really examine it to make sure that it does reflect accurately everything that happened here. So I would like to stick to the date that was originally announced by you, namely that we would take up the report tomorrow morning. Thank you.

**The CHAIRMAN**: Thank you distinguished Ambassador of Ecuador for your taking position on the suggestion of the distinguished representative of Greece. The next speaker on my list of speakers is the distinguished representative of Colombia, to whom I give the floor.

**Mr. C. ARÉVALO YEPES** (Colombia) (*interpretation from Spanish*): Thank you very much. I think that I wanted to say has already been expressed by the Ambassador of Ecuador. Thank you.

**The CHAIRMAN**: Thank you distinguished representative of Ecuador for your contribution. Greece has the floor.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): Well, since this is the first time and I do not want to say my friend, but my very dear friend and colleague, since this is the first time he is against something that Greece has put forward, I have absolutely no problems going along with what he has just said about the time we need to have. So no problem. I withdraw my proposal.

**The CHAIRMAN** (*interpretation from French*): Very well. In that case, I would like to say that I appreciate very much your cooperation on this particular subject and I think that it is safe to suspend our meeting now in the Subcommittee. I hope that you will have a lot of patience when you go through this report which we will take up tomorrow morning. Thank you very much. The meeting stands adjourned.

*The meeting adjourned at 11.40 a.m.*