

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

Unedited transcript

667th Meeting

Tuesday, 9 April 2002, 3 p.m.

Vienna

Chairman: Mr. Kopal (Czech Republic)

The meeting was called to order at 3.15 p.m.

The CHAIRMAN: Distinguished delegates, I declare open the 667th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. All delegations are called to order. It also concerns the distinguished delegation of Germany.

Once again, all delegations are called to order.

Information on the activities of international organizations relating to space law (agenda item 5)

Distinguished delegates, we shall now continue our consideration of agenda item 5, Information on the activities of international organizations relating to space law. I would recall for the information of delegations that it is my intention to conclude consideration of agenda item 5 at this afternoon's meeting. I would, therefore, urge any delegations still wishing to speak on this item to inscribe their names on the speakers list with the Secretariat as soon as possible.

Ladies and gentlemen, I do not have any delegation inscribed on the list of speakers for this particular item. Is there any speaker which would like to speak on item 5 at this time?

I recognize the distinguished representative of the Kingdom of Morocco.

Mr. M. S. RIFFI-TEMSAMANI (Morocco) (*interpretation from French*): Thank you Mr. Chairman. Just a small announcement. To finish the informal work of the Expert Group on Ethics of Space Activities, I would suggest a small meeting at the end

of the meeting in Room C0713. And the agenda is invitation to members in the Working Group, a basis for work and the Work Plan. Thank you.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative of the Kingdom of Morocco for that information.

Perhaps I could now give the floor to the Secretary that for information for you on the outcome of the check on communications.

Mr. P. LÁLA (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. The Secretariat has been informed by technicians that they performed a complex check of the system of all parts of the audio system and they have not been able to locate any particular substantial place or location of the problem. So we should be patient for the moment. The disturbing noise appears to be of a very short duration. Thank you Mr. Chairman.

Matters relating to: (a) the definition and delimitation of outer space; (b) the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union (agenda item 6)

The CHAIRMAN: Thank you Mr. Secretary. Now we shall proceed further. Matters relating to the definition and delimitation of outer space. The distinguished representative of Greece has the floor.

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.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you very much Mr. Chairman. Mr. Chairman, we would like to thank the Secretariat for the communication just given to us and if I may, for additional advice, because I do not think we can really say that we can just make do with the situation as it is for Channel Four. I would say that if there are any French-speaking speakers, that we should listen to them on the original channel if we want to hear them directly instead of listening to them through the interpretation channel. That is just technical advice from a legal expert. Thank you.

The CHAIRMAN (*interpretation from French*): I thank you Sir for your advice and I thank you on behalf of all delegations.

(*Continued in English*) We shall now continue our consideration of item 6, Matters relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit.

I do not see any speaker on this particular item and, therefore, is there still any delegation, any speaker, wishing to speak on item 6 at this time?

I recognize the distinguished representative of Nigeria, to whom I give the floor.

Mr. T. BARISBE (Nigeria): Thank you very much Mr. Chairman. The delegation of Nigeria wishes to make a statement regarding the list of organizations to which the questionnaire entitled "Questionnaire on Possible Legal Issues With Regard to Aerospace Objects" should be transmitted. This was a document that was circulated during the course of the Working Group on this agenda item and the delegation of Nigeria, in this regard, requests that under the section titled "Other Organizations" in that document, that the Regional African Satellite Communications Organization, RASCO, be included on the said list. Thank you very much Sir.

The CHAIRMAN: Thank you very much. I think this will be done.

Is there any other speaker wishing to discuss item 6, definition and delimitation and the geostationary orbit?

I see none. We will continue our consideration of item 6 tomorrow morning. I should like to inform delegations that it is my intention to also conclude substantive consideration in the plenary of agenda item 6 at tomorrow morning's meeting. I would, therefore, urge any delegations still wishing to

speak on this item to inscribe their names on the speakers list with the Secretariat as soon as possible.

Any observation? No.

Consideration of the Convention on International Interests in Mobile Equipment (opened to signature in Cape Town on 16 November 2001) and the Preliminary Draft Protocol on Matters Specific to Space Assets (agenda item 8)

Distinguished delegates, we shall now continue our consideration of agenda item 8, Consideration of the Convention on International Interests in Mobile Equipment (opened to signature in Cape Town on 16 November 2001) and the Preliminary Draft Protocol on Matters Specific to Space Assets.

I have two speakers for the time being on my list of speakers and I give the floor to the first one, to the distinguished representative of France.

Mr. D. WIBAUX (France) (*interpretation from French*): Mr. Chairman, on this question, first of all, I thank delegations who have expressed appreciation of the meeting held in Paris and I, in turn, would like to thank the Italian delegation for the meeting held in Rome and I would like to thank you, Mr. Chairman, for your very efficient chairmanship of the consultative mechanism. As we have in now in L.233, by way of conclusions, that we know were adopted by consensus, even if the whole of the report was not duly adopted, we know the conclusions as we see it should be seen as a reference document, 94 to 107 of the paragraphs in L.233.

So what I would like to say here is how much interest the French delegation attaches the work done by UNIDROIT. The Preliminary Draft Protocol, I am sure, will contribute to the elaboration of the legal framework that should hand-in-hand with development of private commercial activity in outer space. I am sure the Protocol will contribute to mobilization in States and other actors for new funds. This initiative is one which the French delegation feels is most welcome and should be supported.

UNIDROIT is an international organization that, in the view of France, has already proven its worth and that in other areas. We should let that organization work, that is the best we can do here. It has its own role. UNIDROIT is an international organization, a true international organization, and the mechanism proposed that negotiations, as Mr. Stanford said this morning, should be undertaken in the autumn,

that the negotiations should be open to non-member countries of UNIDROIT, and I believe that that recommendation is a very useful one that the Committee should be able to endorse. UNIDROIT's work is intergovernmental work and it is up to each government to determine how it sees the make-up of its delegation in the negotiations. Of course, it is up to each delegation, each government, to contribute the message it wishes to confer to negotiations.

And there is also the question of compatibility of the draft Protocol with public international space law and the major treaties in particular. On the question of compatibility of the Preliminary Draft Protocol of UNIDROIT, with public international space law here, I would like to say that, in the view of the French delegation, it is an important question. It is an important question that will have to be examined in depth. It is a question which, in any case, can only be assessed in a definitive way when more progress has been made. I would say that the questions to be examined attentively should include the question of the scope of transfer of property and that by virtue of the Protocol mechanism in accordance with public space laws, in particular regarding liability. That, of course, is an important matter to the French delegation. It is a question where delegates should be focusing in the negotiations in UNIDROIT. We might come back to that matter later on if, as I believe, it results from the recommendations from the mechanism. The Protocol question should be retained on the agenda.

There are other questions that were raised this morning by different delegations and I do not want to take up too much of your time. There is the question of public service, transfer of ancillary rights and these are all questions that should be carefully examined.

From the point of view of the French delegation, there is no problem, quite the contrary, there should be no problem in the supervisory authority being conferred to the Secretary-General of the United Nations, should it agree, and our Committee could, perhaps, suggest that the Secretariat examine the matter from the legal, financial points of view. I do not believe there should be any fundamental barriers to that. Quite the contrary.

So Mr. Chairman, on this question of the whole, to sum up, I am sure it is a little early to address the question of compatibility. It is, no doubt, early to focus specifically on whether any reference should be made to public international space law and the major treaties in the preambular section or in the operative section of the Protocol. I believe we should let the UNIDROIT Secretariat do its work. We should let

government delegations do their work in UNIDROIT, when negotiations are opened, and then we can see and raise the question again in the Legal Subcommittee if, as I believe it should be, that the question is retained on the agenda. But, as I have said, everybody has his role. I am not a technical expert myself but I do not believe we should have too much interference. Thank you.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative of France for that statement on item 8, the Convention and the Protocol.

(*Continued in Russian?*) I now call upon the distinguished representative of Ukraine who is going to make a statement on this agenda item.

Ms. N. KRASYLYCH (Ukraine) (*interpretation from Russian*): Thank you Mr. Chairman. First of all, on behalf of my delegation, let me thank the Secretariat and UNIDROIT, as well as the Governments of France and Italy for the successful organization of intersessional consultations on a Preliminary Draft Protocol. We are also grateful to the Committee's Secretariat for analyzing the results of these consultations. The adoption of a Convention of International Interests in Mobile Equipment should be commended and welcomed.

For the unification of norms regulating the ways to guarantee that obligations are met under an international legal instrument of this level, would potentially generate new opportunities for financing commercial projects involving high-value mobile equipment. Once this Convention was adopted, a new legal mechanism is coming into force which will regulate economic relationships throughout the implementation of outer space projects. This international legal instrument has the norms of public and private law closely intertwined. Therefore, the preparation of such a document involves the specificity of a wide range of subjects and calls for the participation of experts in both public and private law.

The Ukraine entered the preparation process of the Protocol on Space Assets at the stage of intersessional consultations in Rome. At that time, we distributed and submitted to the Working Group proposals for further improving the Preliminary Protocol and bringing it into greater conformity with the international outer space treaties. It is a pleasure to report here that the text of the Preliminary Draft Protocol, adopted on 27 February 2002, document L.232, does incorporate many of our suggestions and amendments.

On the whole, the level of preparation for the Preliminary Draft Protocol is satisfactory. The document is well thought through and the final version that we have in front of us, does conform, in our view, to the existing Conventions and the Protocol on Aviation Equipment, also it is, in general, in conformity with the requirements of the Vienna Convention on International Treaties.

In my statement, I would like to focus on specific aspects of the relationship that exists between the norms of the Preliminary Protocol and the norms of outer space treaties. The UNIDROIT Convention and the Preliminary Protocol, in our view, do not contain any provisions that would contradict the Convention on Registration. However, since a Convention on International Interests has been adopted, it is now necessary to ensure the appropriate interaction and linkage between the Registry of Launched Objects in Outer Space and the Registry of International Guarantees, envisaged by the Draft Preliminary Protocol.

It seems worthwhile and expedient to make sure that the text of the Protocol stipulates for a linkage between the information to be included in the registry, drawn up under this Protocol, on the one hand, and the registry maintained by the United Nations under the Registration Convention, on the other hand. This would enable us to have truly comprehensive information on space objects, their owners, the rights of third parties to space assets. Compared to the Registry of Launched Objects, which includes the minimal amount of information, the Registry of International Guarantees must contain fairly detailed information upon the space assets being registered. In our view, the process of registering such interests or guarantees needs to be overseen by an organization specially created for the purpose. At the same time, the oversight function has to also rest with a United Nations agency, specifically the Office for Outer Space Affairs.

It also seems necessary to make sure that the Preliminary Protocol lays down in a more detailed fashion, the creation and the functioning of the registering body and its authority.

As regards the matter of the relationship between the provisions of the Convention on International Liability and the Convention on International Interests and the Protocol attached to it, there are certain issues that need to be resolved here. First, one unresolved matter is the relationship between the absolute liability of the launching State for damage caused by a space object, as envisaged by the Liability

Convention, a Convention on Liability for Damages Caused by Space Objects, that is, and the liability of the creditor who, under the Convention, can be given ownership of the space object through the realization of the legal protection mechanism. Such a creditor may be situated in the territory of another State than the launching State and such a State, therefore, will not be able to exercise appropriate control over the space object in question.

It is possible that to normalize the relationship between the launching State and potential new owners of space assets, the Protocol should envisage the regression right for the State with respect to any entity which was in control of the object which has resulted in damage caused.

Second issue. We have to develop a more detailed mechanism for seizing space assets, in cases of non-compliance or incomplete compliance with obligations under the Convention. The specific legal regime relating to space assets presupposes that when seizure is imposed on objects forming part of outer space assets, one needs to address the matter of the transfer of object-related rights, as envisaged by paragraph (a) of Article 1 of the Protocol. I am referring to licences, authorizations and similar documents. These matters cannot be resolved only at the level of the relationship between the debtor and the creditor. As a rule, they fall within the competence of the appropriate State bodies, legal persons of public law, that is. Since under the Convention on Liability, the launching State is responsible for its results of its outer space activities and is liable for any damage done. Maybe it is expedient for this Protocol to envisage the need to agree by the appropriate State bodies of contracts on the sale or purchase of space assets and related supporting contracts and agreements that fall under the jurisdiction of the Convention.

Resolving this matter would, in our opinion, largely facilitate and guarantee the application of the appropriate norms of both the Convention and the Protocol with a view to protecting the rights of the creditor in the case of non-compliance or breach of such contracts.

In cases where space assets are seized, the matter of the transfer of rights related to the outer space objects will almost always arise and, as a rule, can be resolved through coordination and agreement with the competent State authorities.

Also, to a large extent, the matters of private law need to be addressed in greater detail and these, of

course, take up the larger part of both the Convention and the Protocol.

In conclusion, let me note that in terms of legal methodology, the text of the Draft Preliminary Protocol is fairly complex and not easily accessible to participants of outer space activities and, of course, it is these participants that need to be interested in the advantages of abiding by the new legal regime. Furthermore, the text of the Protocol and the Convention itself, was largely written under the influence of common law traditions. Therefore, it seems appropriate to appeal to the UNIDROIT Secretariat with a suggestion that, along with developing the Draft Protocol, UNIDROIT might prepare an explanatory material which would lay down in detail the advantages of the new international legal regime and distribute this document among the interested States.

Finally, our delegation believes it would be appropriate to include this item on the agenda of the next forty-second session of the Legal Subcommittee of COPUOS. Thank you.

The CHAIRMAN (*interpretation from Russian*): Thank you esteemed representative of Ukraine, Madam Krasylch, for your statement.

(*Continued in English*) I have come to the end of the speakers inscribed on the list of speakers for this particular item. Is there any other delegation wishing to speak?

I recognize the distinguished representative of Austria. You have the floor Madam.

Ms. U. HIEBLER (Austria): Thank you Mr. Chairman. Mr. Chairman, we would like to associate ourselves with the sincere thanks expressed by a number of delegations this morning and this afternoon to the Office for Outer Space Affairs for the preparation of the report on the results of the consultations undertaken through the ad hoc consultative mechanism and to the governments of France and Italy for having generously hosted two informal working group meetings in Paris and in Rome.

Mr. Chairman, Austria attaches great importance to this item as well as to the fact that COPUOS has been approached by UNIDROIT to consider the Convention and the draft Space Assets Protocol. In our view, the COPUOS, through its Legal Subcommittee, is the only body responsible for the development of the international legal framework

governing human activities in outer space. This implies, among other things, that the Legal Subcommittee should make its voice heard with regard to the elaboration of international legal instruments, such as the draft Space Assets Protocol, that are related to human activities in outer space. We welcome the fact that the Legal Subcommittee, with regard to the UNIDROIT project, has done so by considering this issue in the framework of the ad hoc consultative mechanism. We think that the work undertaken on an intersessional basis has been very constructive and beneficial and we welcome the conclusions agreed upon at the Rome meeting contained in document L.233, Part IV.

Mr. Chairman, as can be seen from the wording of the conclusions, further action with regard to several aspects is needed. Many important questions have been identified and already been mentioned by a number of delegations this morning and this afternoon, as well as, as I may add, by my delegation, in the context of the informal consultative mechanism and in our responses to a questionnaire that was sent out by the Secretariat and that have been provided to all delegations in Conference Room Paper 4. While we do not see incompatibilities of the draft Protocol with international space law itself, we recognize that practical difficulties may arise in its implementation and that these aspects certainly need further consideration. We think that the identification in the framework of the consultative mechanism of those issues, provides appropriate guidelines for the further discussion, as well as the drafting of the Protocol within UNIDROIT, which means in the Group of the Governmental Experts that will be convened in the second half of this year. Austria welcomes UNIDROIT's decision to open these intergovernmental meetings to all States Members and interested observers of COPUOS and to representatives of the Office for Outer Space Affairs.

Mr. Chairman, there is, however, particularly one issue that, in our view, should be dealt with within the framework of the United Nations and that is the question of whether the United Nations could and should act as the supervisory authority and/or the registrar under the Convention and the draft Space Assets Protocol. As we understand, this question initially was one of the main reasons why UNIDROIT even came to engage COPUOS with the project of the draft Space Assets Protocol. We fully support the conclusion 100 of document L.233, reached in the Rome meeting, that the registration system should enjoy the confidence of potential users and that, therefore, the supervisory authority could be a well-established international organization. As many other

delegations in this room, Austria clearly would favour the United Nations assuming the role of the supervisory authority. It is among the tasks of the supervisory authority to appoint the registrar and to regulate and supervise its activity. The supervisory activity is not to run the registry as such. We would regard it as favourable for all States, as well as for the users of the registry, if the supervising function would be performed by the United Nations as that renowned organization that is responsible for developing the legal and political framework governing human activities in outer space. I may add, Mr. Chairman, that in the view of Austria, the function of the registrar could also be performed by a private entity.

Mr. Chairman, work on the draft Protocol is proceeding within UNIDROIT and its adoption in a Diplomatic Conference is scheduled for 2004. We think that it is the right time to recall conclusion 103 of the Rome meeting providing for the possibility to conduct a preliminary examination of the possible requirements for the operation of the registration system. We would, therefore, like to support the French delegation, and the proposal made a few minutes ago, to go about the investigation of the financial and legal requirements that may be needed if the United Nations should decide to accept the function of the supervisory authority. The preparation of such a study would enable the Legal Subcommittee to further consider, with a view to coming to a decision on that issue at its forty-second session in 2003, and would provide a sound basis for any decision.

Alluding to the conclusion in paragraph 103 of document L.233, we would, therefore, like to support the French delegation in its proposal that the Office for Outer Space Affairs be entrusted with a mandate to conduct in consultation with other relevant international organizations, an examination of the financial and legal requirements, with a view to present it to the Legal Subcommittee at its next session in 2003.

Clearly, Austria would favour the Legal Subcommittee to continue consideration of this agenda item also next year until the work on the Protocol will be finished within UNIDROIT.

Mr. Chairman, thank you for the opportunity to share our views on this item with the members of the Legal Subcommittee.

The CHAIRMAN: I thank the distinguished representative of Austria for her statement on behalf of her country.

Any other speaker wishing to speak on this subject, on this item?

I see none.

I now recognize, my attention was drawn to the distinguished observer for UNIDROIT, who applied for having the floor. You have the floor Sir.

Mr. M. STANFORD (International Institute for the Unification of Private Law): Thank you Mr. Chairman. Good afternoon ladies and gentlemen. It just occurred to me that it might be worthwhile to say a word or two just in relation to a couple of the points that have been raised. One of these was the point raised by the distinguished representative of the Ukraine, apropos the desirability of explanatory memoranda being placed at this disposal of governments, explaining in detail the advantages of the new regime for State and I think this point is very taken. It will certainly, I think, be helpful for governments coming to this task for the first time, well for those governments not here certainly for the first time when the Committee of Governmental Experts is first convened. And, as some of you are probably aware, I just thought I ought to mention that one of the decisions taken by the Diplomatic Conference was to entrust the Rapporteur to the Joint Sessions of Governmental Experts, Professor Sir Roy Good, with the task of preparing an explanatory report on the Convention and the Aircraft Protocol and I think the sort of information that the distinguished representative of the Ukraine had in mind will, indeed, be found in that report. I know already he is, I think, got to Article 36 of the Convention on his first draft and he has still got to do the rest of the Convention and the Protocol but I would certainly have hoped that the explanatory report will be ready by the time that the Committee of Governmental Experts is ready to be convened.

The second point which came to mind in the context of the point which the distinguished representatives of France and Austria referred, i.e., the question of the United Nations Office for Outer Space Affairs being requested to look into the legal and financial requirements of the United Nations exercise and the functions of supervisory authority. As I mentioned this morning, the International Civil Aviation Organization has been invited to exercise the functions of supervisory authority in relation to aircraft and the first session of the Preparatory Commission, due to establish the operational requirements of the future international registration system for aircraft equipment is due to get under way next month and I think a great deal of useful information will undoubtedly be obtainable by the United Nations in

that particular context. I think the issues will be very similar, as I think you know that one of the major concerns of the International Civil Aviation Organization in considering becoming supervisory authority in relation to aircraft, was to ensure that it would be refunded for its activity and this principle has been accepted. It is simply a question now of working out in the Regulations to be promulgated by the International Civil Aviation Organization for the Aircraft Registration system, how this fee structure is, in fact, to be worked out. This is one of the functions that will have to be addressed by the Preparatory Commission at the work which is due to start, as I said, next month and this, I would have thought, might be work that would be of considerable interest to the United Nations Office for Outer Space Affairs in the event that this august body decides to react positively to the proposal made by the distinguished representatives of France and Austria. Thank you Mr. Chairman.

The CHAIRMAN: Thank you very much distinguished observer for the UNIDROIT organization, Dr. Martin Stanford, for your remarks and replies to questions raised during the discussion this afternoon.

Distinguished delegates, I have now another speaker on my list of speakers on this particular item, namely the distinguished representative of Belgium, to whom I give the floor.

Mr. M.J.F. MAYENCE (Belgium) (*interpretation from French*): Thank you Mr. Chairman. Very briefly, because we already spoke this morning on this particular item. I wanted to address the matter of the correlation or the parallel activities of the Office for Outer Space Affairs and the Aviation Organization, the role to be played in performing the oversight function. Commercial and private activities in this sector, are usually overseen by a specialized international organization but in this case, the Office for Outer Space Affairs is a body of the United Nations Secretariat and maybe this is not precisely the kind of body that traditionally oversees these kind of specialized activities. We totally agree with the conclusions that come out of the preliminary consultations. An additional study is required on the legal and financial implications and this could be conducted, as suggested, but we do reiterate our doubts as to which body should exercise the function of the supervisory authority and maybe we should bring this into conformity with the practice adopted by other organizations. Thank you.

The CHAIRMAN (*interpretation from French*): Thank you for your contribution, esteemed representative of Belgium.

I have now have the Greek delegation on my list.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Mr. Chairman. I would like to repeat what our colleague from Belgium just clarified as I said this morning and I would like it if our views given on this subject. We do not have summary records any more unfortunately but I would like these views to be recorded through electronic records that we keep. The views expressed should be given *in extenso* and I stress this because I would not want to go back to any doubts regarding our position.

First of all, I said, as I said this morning, as was also just said by our colleague from Belgium, there is no comparison between ICAO and the General Assembly of the United Nations and that the Committee and the two Subcommittees stem from. The Office is a section of the Secretary-General. We cannot confuse things that are very different from each other. That is our first point at institutional level.

Now functional level. For the general Secretariat, there would be an additional load of work and why should the taxpayers of the world pay for that. We have serious economic problems, financial problems to be faced by the United Nations system and I/we do not accept that a highly political body be led into commercial activities. That is our great concern and it is a question of principle and I do not see why people from national delegations cannot understand that. Perhaps we should have a specific special ad hoc meeting to look at the institutional aspects of this. It is not a question of do this or do that or that the Office should do this or should do that. It is simply a question of support for the Secretariat, the Committee and the two Subcommittees. That is the function of the Office, is not much in the way of economic resources or staff members. The Office is not to serve the private sector. That should be clear.

I apologize for putting it in these terms but it has to be clear that there is no comparison whatsoever with specialized agencies of the United Nations, ICAO, ITU and so on.

We are legal experts here. We should be able to understand that. Thank you.

The CHAIRMAN (*interpretation from French*): I thank the representative of Greece for that statement.

(*Continued in English*) I do not have any other speaker on this particular item. Does any delegation wish to speak on this item at this moment?

I see none. We will continue our consideration of item 8 tomorrow morning.

Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-second session (agenda item 10)

Now as we still have some time remaining this afternoon, I would propose that we begin consideration of item 10 on our agenda, Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-second session.

I advised you this morning that, time permitting, we might start discussing also this item this afternoon. I know I am aware that we also wish to reserve some time for the work of the Working Group on the Delimitation and the Geostationary Orbit. Therefore, these exchange of views on item 10 will not be long. It will be just the beginning of the discussion and, of course, we will continue our consultations on this issue and our discussions on this issue here in the plenary of the Subcommittee tomorrow and maybe still the day after tomorrow. But nevertheless, I believe that we might start right now.

Perhaps it might be useful for you if I refer to the various proposals remaining on the table from previous years, just to refresh your memory.

So proposals which were made in previous years and were renewed in 2001 for new agenda items for the Legal Subcommittee.

One. Review of existing norms of international law applicable to space debris. This is a suggestion that was first made by the delegation of the Czech Republic. It was already in 1996, to which later on, Greece associated itself.

Second. Discussion of the appropriateness and desirability of drafting a universal, comprehensive convention on international space law. This suggestion was made by a group of countries, namely, Bulgaria, China, Colombia, Greece, Islamic Republic of Iran and the Russian Federation.

Third. Convening of an ad hoc informal open-ended working group to consider the appropriateness and desirability of developing a universal comprehensive convention on international space law, suggested by China, Colombia and the Russian Federation.

The latter two proposals are close to each other but since they have been submitted separately by different groups of sponsors so they are quoted here, both of them.

Four. International cooperation in limiting obtrusive commercial space advertising that could interfere with astronomical observations, a suggestion by the United States of America.

And five. Review of the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting and the Principles Relating to Remote Sensing of the Earth from Outer Space, with a view to possibly transforming those texts into treaties in the future. This has been a suggestion of Greece.

So these five proposals have been made in recent years and they are still on the table, of course, but I would like to hear your opinion about these proposals and perhaps also by some other proposals, if you have some new ideas about our agenda for the forty-second session of the Legal Subcommittee next year.

We will discuss it in the plenary but I believe that, as in previous years, it will be necessary to consult amongst ourselves, among the different groups of delegations, among the individual delegations that have had some proposals or may wish to add some new proposals. And for this reason, I would repeat the procedure that has been already applied and was quite productive in my assessment, namely, I would like to appoint a Coordinator for this particular item and kindly ask our colleague from Sweden, Dr. Niklas Hedman, to assist me in this particular problem.

This is a brief outline for our discussions on item 10 of our agenda.

I will now open the discussion and please if you have any suggestion, any initiative, bring it to our attention.

Does any delegation wish to speak on this subject? I recognize the distinguished representative of the Russian Federation.

Mr. V. Y. TITUSHKIN (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. In addition to the list of possible new items for the agenda of the next session of the Legal Subcommittee that you just read, we wanted to make a brief comment.

Our delegation and, at present, the delegation of the People's Republic of China, are going to jointly present, I think tomorrow, a working document which will elaborate our ideas on a new item for the agenda. Thank you.

The CHAIRMAN (*interpretation from Russian*): Thank you distinguished representative of the Russian Federation for your item of information. We are going to look forward to that document in writing tomorrow.

(*Continued in English*) Is there any other delegation wishing to speak at this moment on item 10? The distinguished representative of Greece has the floor.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Mr. Chairman. First of all, Greece is interested in three of the four proposals that you just mentioned as new items for the agenda. I am thinking of the Greek proposal for two Declarations of Principle to be turned into a treaty on remote sensing and broadcasting and I would like to give my views on the following consultations with our colleague from Sweden.

Basically, I can say that this a subject that could be examined by the Working Group on the Status of the Five Treaties as part of a general discussion on the evolution of space law.

On the Czech and Greek joint proposal on space debris, following the proposal this morning from the French delegation, considering consultations under Swedish chairmanship, we might just find common ground to help make progress in that area too.

And then on the proposal that initially came from the Russian Federation, joined by Greece as well, for discussion of the appropriateness and desirability of drafting a universal convention. That is something that we could continue discussing and that in Working Group Four, to put it in simple terms.

Following that explanation, we can also help in consultations on these three items mentioned. Thank you.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative of Greece. Of course, nothing should prevent you as Chairman of a Working Group on Item 4 from discussing these questions within the task you are performing. Right at the moment, we are looking at item 10, in other words, items to be included on the agenda of the next session of the Legal Subcommittee. I hope that is clear.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Yes, it is absolutely clear. What I said was my initial proposal was, if we do not agree for the inclusion of these four but also to help save time, as you know, the proposal for the Principles to be turned into a treaty, Greece has already said we will come back with it again and that is already three years now. We will have to wait and see but it was quite clear though that we are examining this within the context of item 10 of our agenda and not item 4, that is quite clear. It was just an idea to help delegations in their decisions. Thank you.

The CHAIRMAN: Is there any other speaker on this item at this afternoon's meeting, it means on item 10 of our agenda? I recognize the distinguished representative of Argentina.

Mr. S. SAYÚS (Argentina) (*interpretation from Spanish*): Thank you Mr. Chairman. On this question that you have raised with the five points proposed, I will give you the position of my delegation.

Looking at item two that you have mentioned, I believe that is the one regarding the comprehensive convention of the United Nations on international space law and I would like to make it clear that my delegation can only support an initiative of this type if this does not mean a revision of existing conventional rules, producing norms related to questions on space affairs that have not as yet been regulated. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of Argentina. Any other speaker on item 10?

I see none. And, therefore, we will continue our consideration of item 10 tomorrow morning.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee to allow the Working Group on Item 6 to convene its fourth meeting under the chairmanship of Manuel Alvarez of Peru. Before doing so, however, I would like to inform delegates of our schedule of work for tomorrow morning.

Tomorrow morning, we shall continue and hopefully conclude our substantive consideration of item 6, Matters relating to the definition and delimitation of outer space and the character and utilization of the geostationary orbit. We shall continue consideration of item 8, Consideration of the Convention on International Interests in Mobile Equipment (opened to signature in Cape Town on 16 November 2001) and the Preliminary Draft Protocol on Matters Specific to Space Assets, and also continue consideration of 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-second session. Thereafter, the Working Group on Item 6 might convene a further meeting, if such a meeting is required.

Are there any questions or comments on this proposed schedule for tomorrow?

I see none and, therefore, this meeting is adjourned.

The meeting closed at 4.25 p.m.