

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

Unedited transcript

732nd Meeting

Monday, 3 April 2006, 3 p.m.

Vienna

Chairman: Mr. S. Marchisio (Italy)

The meeting was called to order at 3.10 p.m.

The CHAIRMAN: Good afternoon distinguished delegates, I now declare open the 732nd meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

Election of the Chairman (Agenda Item 2)

Distinguished delegates, we will now proceed with agenda item 2, Election of the Chairman.

As discussed during this morning's meeting, and unless there is any objection, may I take it that the Subcommittee would wish to elect Mr. Raimundo González Aninat of Chile as its Chairman for a two-year term from 2006?

I see no objection.

It is so decided.

I warmly congratulate Mr. González on his election and would now invite him to assume the Chair.

At the same time, I really would like to thank all of you for your cooperation during my term of office.

Mr. R. GONZÁLEZ ANINAT (Chile)
(interpretation from Spanish): Thank you so much. I am really pleased to be here with you today in your company and I hope it is reciprocal and that it will last at least for two weeks. That is what I hope.

And to quote a Chilean philosopher, "before you speak, I will make some comments". Nobody ever explained what he meant when he said that.

I think we have reached an important point in the Legal Subcommittee's proceedings and there are comments that I wanted to make but I will bring those up when we come to the appropriate item.

I wanted to bring to your attention the fact that we have a programme to guide us this afternoon. Four will be first, Statement by the Chairman, and I will be referring to the Programme of Work of the Subcommittee for the present session under that agenda item.

Next, we were going to a general exchange of views, under 5. I intend to adjourn at 4.00 p.m. because we will then have the Space Law Symposium, sponsored by the International Institute of Space Law and the European Centre for Space Law.

Statement by the Chairman

Distinguished delegates, I would now like us to have an in-depth review of the present Programme of Work. In keeping with the Programme adopted this morning, the Legal Subcommittee should consider in this session the four following topics as permanent topics, particularly for developing countries.

The first is five, General Exchange of Views. The Legal Subcommittee started discussions this morning and let me convey my first concern. I chaired the Space Committee of COPUOS in the United Nations and my policy has been such that I intend to

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, Conference Management Service, Room D0771, United Nations Office at Vienna, P.O. Box 500, A-1400, Vienna, Austria. Corrections will be issued in a consolidated corrigendum.



implement now as well, leaving some time before we conclude the meeting, to have a full-fledged exchange of views and opinions. I intend to have that this time too. Normally, but it is the practice in the United Nations, not necessarily in this Committee, especially in the General Assembly, but delegations make a statement, then leave the room, the next declaration is made by another delegation, they also stand up and leave the room. There is a waiting list but there is no real intention to have an exchange of views and, nevertheless, it goes by the name of exchange of views. I have never actually witnessed a true exchange of views. It is merely a sequence of statements from delegations.

Others standing line to make a statement, or sitting there, others are nervous because it is just about their time and those standing outside the room are making last adjustments to their texts. I have had a conversation with the Secretariat and I want to suggest that for the next session, we should seriously consider a different system. 2007, furthermore, is the fiftieth anniversary of the outer space treaties so we seriously should consider some other mechanism and system where we have a real exchange of views, though in practice, we would have to move away from the traditional topic.

You could look at the statement, of course, but we should have a full exchange of views. I call on you to seek out more efficient methods where we can all, with due respect, listen to what others have to say and have a real exchange. Thank you.

The second topic is six, Status and Application of the Five United Nations Treaties on Outer Space. As for six on the Programme, it is 60/99 in that resolution, the General Assembly decided that the Legal Subcommittee would convene the Group and study the need to extend the Terms of Reference beyond the present session. I think it is important to extend.

During the fortieth session in 2001, the Legal Subcommittee decided that among the topics that the Group would discuss would have the status of treaties, how they are applied and barriers standing in the way of universal acceptance, also the lack of political will, I would add. And space law and the United Nations Programme to apply space technology.

At the forty-first session in 2002, the Subcommittee agreed that the Group would be looking into new or similar subjects that would arise from the debate and that is why, I think, we should really have

an exchange, provided that this is within the existing Terms of Reference.

The third present topic, as I would call it, but that is always on our agenda, is seven on the agenda, Information on the Activities of International Organizations Relating to Space Law. During consideration of this topic, member States may bring to the attention of the Legal Subcommittee any information on the activities of international organizations relating to space law.

In accordance with the agreement reached at the forty-eighth session of the Committee, international organizations were invited to report to the Subcommittee on their activities last year. Such reports in writing appear in document L.261 and CRP.4. These are good documents. "A source of information giving rise to exchanges of views." I think that is important. That seemed to be a concern voiced by the Ambassador of Argentina, quote on quote.

Four is agenda item 8. As it appears here, Matters Relating to the Definition and Delimitation of Outer Space, and the Character and Utilization of 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 ITU.

In resolution 60/99, the General Assembly noted that the Legal Subcommittee would reconvene its Working Group on this topic to consider matters referring to the definition and delimitation of outer space. And last year, the Working Group had decided that it would continue to invite member States to respond to the questionnaire on space objects. We should continue to encourage, we should say. Often invitations get no response. In this case, document A/AC.105/635, "Space Objects and Replies from Member States". This is resolution 13, where there are other responses reflected and I think this is an achievement for the Secretariat.

The Working Group already agreed to invite member States to indicate a preference in respect of the questionnaire on space objects as contained in document L.249, Corr.1 and Add.1.

The Working Group also decided to invite member States to make recommendations on a method to respond to the questionnaire on space objects. It is so as to involve(?) acceptable criteria on delimitation and definition of outer space.

The Working Group had furthermore recommended to the Committee on the Use of Outer Space for Peaceful Purposes to invite the Scientific and Technical Subcommittee so that it gets a chance to prepare documentation on the characteristics of space objects, bearing in mind technological achievements and progress of the future. This would have a serious impact on space law and work should be kept up in a serious a fashion as possible.

Having done that, the Plenary Group of the Scientific and Technical Subcommittee decided to prepare that report during their forty-third session, held in Vienna, from 20 February to 3 March. The Subcommittee did adopt that agreement that the Plenary Group reached in order to take this to the Legal Subcommittee, especially in terms of the definition and delimitation of outer space and clearly defining, furthermore, the nature of the objects that they had considered under technical characteristics that had to be borne in mind. That Group recommended that it should call on the Scientific and Technical Subcommittee to study ways and means to produce that report.

Finally, the Working Group responsible for items under this particular subject called on member States to describe their national legislation or any practice in the process of being prepared that have a direct or indirect bearing on the definition and delimitation of outer space. Information received in writing by the Office for Outer Space Affairs is included in document A/AC.105/865 and that is to be made available during the present session.

The Subcommittee should likewise consider the two very specific issues that are the following.

The first being nine under the agenda, Use of Nuclear Energy in Outer Space, and then 10, Examination and Review of the Developments Concerning the Draft Protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment.

As for the Work Plan, the Subcommittee will continue consideration of item 11, Practice of States and International Organizations in Registering Space Objects, in keeping with a plan spanning 2004 through 2007. The General Assembly, in its resolution, had agreed that the Legal Subcommittee should convene the Working Group on this subject, in keeping with the working plan adopted by the Committee at the forty-sixth session of 2003.

In keeping with that schedule, we would complete by the present session, practices and recommendations, particularly in the context of the Convention on Space Objects.

Last year, the Working Group asked the Secretariat to prepare a document on the advantages that could be derived from the Convention on Space Objects, Launched Objects, for its consideration in the present period and session.

The Working Group agreed that on the basis of the document prepared by the Secretariat, Corr.1 and Corr.2 of the deliberations of the Working Group, this could focus during the present session on the following topics: harmonization of practices in administrative and practical purposes; space objects and how they are registered; practice in respect to transfer of property of space objects in orbit; and finally, practice in terms of registration or placing such or failure to register on the lists or registration of foreign space objects.

Furthermore, we were to study the recommendations to the Committee on new topics to be considered and specific items for discussion at the forty-sixth session to be held in 2007. This a very important topic because we had every reason to note before 2007 is a special landmark and I think we should also be seeking ways and means to particularly mark that event to make sure that space law gets its proper place that it deserves.

Establishing the Working Group. In resolution 60/99 of the General Assembly, and in accordance with this resolution, we would convene the Working Group on Item 6. We should, I would like to say. Status and Application of the Five United Nations Treaties on Outer Space.

Thus, I suggest that we establish that Working Group on Agenda Item 6, chaired very ably, and I hope that he will be willing to continue, I refer to my friend, Mr. Vassilios Cassapoglou of Greece, and as I said, he did this very effectively so I hope that he will continue.

It is so decided.

I would like to take this occasion, I am intellectually jet-lagged I am afraid in addition to physically jet-lagged, let me take this occasion to congratulate Vassilios, my dear friend, for his rapid appointment.

It is so decided.

I wish him every success in his major duties.

In keeping with resolution 60/99, what would I do without your kind assistance, a decision was taken, therefore, to have the Group meet to consider eight as well, Delimitation and Definition of Outer Space.

I suggest that we re-establish the Working Group on that agenda item, chaired by Mr. José Monserrat-Filho, my friend from Brazil, who is already discharging those duties very effectively.

They are all distinguished legal experts, just like my friend from Greece.

So unless I hear an objection, we have decided that this should be done in this manner. I very much would like to congratulate him. Could you please convey that message? Do not forget to convey that message. I warmly congratulate my dear friend, José Monserrat-Filho.

In keeping with resolution 60/99, the Legal Subcommittee should again convene the Working Group on Item 11, Practice of States and International Organizations in Registering Space Objects. As delegations know, Mr. Niklas Hedman, my good friend sitting next to me, presided over the Working Group last year and is now responsible for the Services and Research Section of the Office.

Mr. Hedman, unfortunately, will not be able to discharge those duties. I have been informed, though I have just arrived that members of the Western European and Others Group of States had informal consultations to nominate candidates to chair this Working Group and I, therefore, invite Mr. Lammers from The Netherlands, at present the Chairman of WEOG, to inform the Subcommittee as to the results of those consultations. I call on you.

Mr. J. LAMMERS (The Netherlands): Thank you Mr. Chairman. It is the pleasure of the WEOG to propose as a candidate for the Registration Working Group, Dr. Kai-Uwe Schrogl of the German Outer Space Centre.

Thank you very much.

The CHAIRMAN (*interpretation from Spanish*): Thank you for bringing that to our attention.

So unless I have objections. I am sorry I have a problem with this name. Mr. Kai-Uwe Schrogl. I think that came across clearly.

Agreed.

OK, I will ask you to say González.

I would like to very much congratulate Mr. Schrogl and wish him every success in the deliberations that he will be chairing.

Next, there is a general topic on exchange of views and I am also given to understand that we have to adjourn at 4.00 p.m., so all we have left is half an hour. I would say 20 minutes or 25, just to set aside five so that we can have an exchange of views.

The first, who are absolutely at the service of ladies here, the first speaker, female, is the distinguished representative of Canada.

Ms. A. KAPPELLAS (Canada): Mr. Chairman, Canada wishes to congratulate you on your election. The Canadian delegation looks forward to working under your able chairmanship for a successful forty-fifth session of the Legal Subcommittee.

We also wish to thank the outgoing Chairman, Professor Sergio Marchisio, for his guidance, for guiding us with skill and wisdom through the sometimes troubled waters of the past two sessions of the Legal Subcommittee.

Mr. Chairman, Canada is pleased to announce that Act Governing the Operation of Remote Sensing Space Systems received Royal Assent on 25 November 2005 and is now in force. Implementing regulations are currently being drafted. The Act is designed to promote the development of the commercial remote sensing industry in Canada, while recognizing the necessity for the Canadian Government to be able to control satellite operations to protect its national security, national defence and foreign policy interests. The Act provides for the licensing of the operations of remote sensing satellite systems operated from Canada or by Canadians, as well as the regulation of the distribution of remote sensing data and products. This legislation was prompted by the emergence of new high-resolution satellites, often privately owned and with dual-use capabilities, such as Radarsat-2, a next-generation radar imagery satellite scheduled to be launched by Canada in late 2006.

(*Continued in French*) Mr. Chairman, the increasing commercialization of space activities poses unique interpretation and implementation challenges to the international legal framework governing such activities. We strongly support the United Nations conventions on outer space and welcomes initiatives aimed at strengthening them. Discussions in the

Working Group on Registration Practices of States and International Organizations are particularly relevant in this respect. Canada trusts that they will culminate in a set of best practices that will ensure the full and effective implementation of the Registration Convention and will ultimately contribute to building a more secure and accessible space environment.

In the same vein, we welcome the early adoption of space debris mitigation guidelines by the COPUOS Scientific and Technical Subcommittee. These guidelines are but one illustration of the types of measures that can usefully complement existing space treaties in order to address current realities in outer space. Such measures, indeed, help promote confidence in the security of the space environment and ensure that the benefits of the peaceful uses of outer space will continue to accrue to all nations for many years to come.

(Continued in English) Mr. Chairman, Canada believes that COPUOS and its Subcommittees have a central role to play in responding to the challenges and opportunities posed by the international community's increased reliance on outer space. The work of COPUOS could be optimized by establishing crosswalks between the various United Nations bodies with an interest in outer space, including the International Telecommunications Union, the Conference on Disarmament and the United Nations General Assembly, particularly its First and Fourth Committees. The United Nations Inter-Agency Meeting on Outer Space Activities is a useful coordination forum and should be given to its expansion.

COPUOS would also benefit from a review of its modes of functioning, in order to identify ways in which it and its Subcommittees can respond in an effective and proactive manner to the evolving needs of the international community in outer space. Canada looks forward to discussing this issue with COPUOS delegations at the June 2006 Plenary session of the Committee.

Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): Thank you so much distinguished representative of Canada for that statement.

I have forgotten something. Of course, there were words of congratulations to my predecessor who did sterling work and I now am pleased to give the floor to the next speaker, the distinguished representative of the United States of America.

Mr. M. SIMONOFF (United States of America): Thank you Mr. Chairman. Mr. Chairman, I would like to begin by congratulating you on your election as Chairman of the Subcommittee. My delegation is pleased that you have taken on this responsibility and we are certain that this Subcommittee will continue to make important contributions to the refinement and development of outer space law under your leadership.

We would also like to thank the past Chairman for his leadership.

It is a pleasure to be here in Vienna to meet with this distinguished group of legal experts. The Subcommittee's last session was very productive and we look forward to continued progress in addressing issues of practical concern to all of us. COPUOS and this Subcommittee have a distinguished history of working through consensus to develop space law in a manner that promotes, rather than hinders, space exploration. In particular, this Subcommittee should be commended for its role in establishing the core outer space treaties – the Outer Space Treaty, the Rescue and Return Agreement, and the Liability and Registration Conventions. Under the legal framework of these treaties, use of space by nations, international organizations, and now private entities has flourished. As a result, space technology and services contribute immeasurably to economic growth and improvements in the quality of life around the world.

This session is also an opportunity for us to consider the fact that the world remains far from general acceptance of the four core space law treaties. Many States have not accepted key treaties, including some members of COPUOS. This Subcommittee should invite States and international organizations to consider ratifying and implementing the four core space law instruments cited above. And, of course, it should encourage States that have accepted the core instruments to look at the sufficiency of their nation's laws to implement them. Parties ought to ensure that they are indeed doing what they have promised to do.

Before turning to the work of the Subcommittee for this session, I would like to comment briefly about recent activities in the United States that bear significantly on our space programme.

The United States Federal Aviation Administration is laying the foundation for commercial human space flight by developing new regulations supporting this emerging industry. On 23 December 2004, President Bush signed into law the Commercial

Space Launch Amendments Act of 2004. In order to promote the emerging industry and to create a clear legal, regulatory and safety regime, that statute extends FAA authority to include regulation of commercial human space flight and, among other things, establishes a new experimental permit regime for development of reusable sub-orbital rockets.

Most recently, in December 2005, the FAA issued a Notice of Proposed Rulemaking describing the human space flight requirements for launch and re-entry of vehicles with flight crew and space flight participants. The draft rules describe the requirements for crew qualification and training, informing crew and space flight participants of risks, environmental control and life support systems,, space flight participant waiver of claims against the United States Government and space flight participant training and security. The public comment period for the proposed rule ended in February and a final rule is expected later this year.

With regard to the United States civil space programme and our pursuit of the Vision for Space Exploration, NASA is working towards the next launch of the Space Shuttle in July of this year and has reached agreement with its partners on the International Space Station to complete construction of the Space Station with the Space Shuttle prior to 2010.

In the area of space science, NASA has achieved notable success with space activities that include the continued operation of the rovers Spirit and Opportunity on the surface of Mars, the recent return of cometary samples to Earth on its Stardust mission, the January 2006 launch of the first-ever robotic mission to Pluto and the much anticipated arrival in Mars orbit of the Mars Reconnaissance Orbiter just a few weeks ago. NASA's Earth observation satellites have also contributed a vast amount of data about the Earth's environment including the tracking of changes in the Earth's polar ice sheets and sea ice.

As we proceed with our work at this session, Mr. Chairman, I would like to reflect once again on the extraordinary record of success this Subcommittee has had in advancing the field of space law. I believe that much of the success is due to this Subcommittee's ability to focus on practical problems and to seek to address any such problems via a consensus-based and results-oriented process. We should aim in our discussions to continue that tradition and to avoid the temptation to focus on theoretical rather than practical issues. In addition, the Subcommittee's success may be attributed to its avoidance of protracted debate on extraneous political issues.

In this connection, I would like to highlight one item in particular on the Subcommittee's agenda this year that builds on its strength in addressing practical issues. The Committee will return to its agenda item on the practice of States and international organizations in registering space objects. We are pleased that this Subcommittee has taken up this issue. We appreciated the reports given by States on their registration practices during the past sessions and look forward to the opportunity to discuss this topic further during this session.

Thank you for your consideration Mr. Chairman. My delegation looks forward to a productive and collegial session.

The CHAIRMAN (*interpretation from Spanish*): I would like to thank the distinguished representative of the United States for that statement.

I next call on, according to my list, the distinguished representative of the Republic of Korea.

Mr. K.-J. YOU (Republic of Korea): Thank you Mr. Chairman. At the outset, my delegation wishes to the other delegations in expressing warmest congratulations to you on your election as the Chairman of the COPUOS Legal Subcommittee for the period 2006 and 2007. I am confident that your able and efficient leadership and expertise in this field will bring about many fruitful results in the sessions of the Legal Subcommittee.

My delegation would also like to express its sincere gratitude to Dr. Sergio Camacho-Lara, Director of the Office for Outer Space Affairs, for his informative and useful presentation in this morning's session. My appreciation also goes to Professor Sergio Marchisio for his dedication to this Legal Subcommittee for the last two years as Chairman.

Mr. Chairman, next year is the fiftieth anniversary of the launching of the first artificial satellite and in the coming years, we will celebrate the fiftieth session of COPUOS. It is a great pleasure to look back on the tremendous technological and scientific advances which have been achieved in the field of outer space over the last half a century.

As the central international body for discussions on legal issues arising from outer space exploration, the Legal Subcommittee has had a pivotal role in establishing the current legal regime to regulate and facilitate peaceful outer space activities. In doing so, it has contributed to economic growth and enhanced quality of life around the world.

My delegation is satisfied to note that meaningful discussions have been exchanged in recent years in the Legal Subcommittee on how to address the legal issues arising from technological development, the expansion of space activities, both in quality and in quantity, and the increasing participation of the private sector in those activities and on how to strengthen international and national legal systems to effectively address those issues.

My delegation would like to emphasize the importance of achieving universality of the treaty system and of establishing national implementation systems as prerequisites to tackling those challenging issues. In particular, adherence to the Registration Convention, which entered into force exactly 30 years ago, needs to be emphasized, given the far lower number of States Parties to the Registration Convention in comparison with other space treaties. This work is important since the Registration Convention is one of the key United Nations space treaties, closely linked with other United Nations Space Treaties, including the Liability Convention.

In this regard, my delegation notes with satisfaction that the Legal Subcommittee continues its work to identify the common practices of States and international organizations in registering space objects and to draft recommendations. These efforts will help enhance the effectiveness of the Registration Convention and thereby encourage adherence to the Convention as well as other space treaties.

My delegation is pleased to report that the Republic of Korea, as a member of the Outer Space Treaty, the Rescue Agreement, the Liability Convention and the Registration Convention, finally established the national space law and its regulations in November 2005. In preparing the legislation, the Korean Government made an effort to incorporate the results of the discussions conducted in the Legal Subcommittee as well as the United Nations Workshops on Space Law held in The Netherlands and Korea. With the establishment of the national space law, the Republic of Korea will be better prepared institutionally to implement the United Nations space treaties and coordinate and promote the space activities of both governmental and non-governmental entities.

Mr. Chairman, concerning the agenda item on the Review of the Principles Relating to the Use of Nuclear Power Sources in Outer Space, the importance of the safety of the Earth cannot be over-emphasized. In this regard, my delegation notes with satisfaction the ongoing discussions within the Scientific and

Technical Subcommittee on the Use of Nuclear Power Sources in Outer Space. I would like to commend the inter-agency cooperation between the United Nations and the IAEA in the workshop held during the Scientific and Technical Subcommittee meeting in sharing their expertise on the “Objectives, Scope and General Attributes of a Potential Technical Safety Standard for Nuclear Power Sources in Outer Space”.

On the agenda item 10, Draft Protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment, my delegation reiterates its view that the conclusion of a protocol on space assets would enable all the parties concerned to maximize their use of available resources, thereby facilitating the expansion of outer space activities. My delegation is confident that the forty-fifth Legal Subcommittee will continue to conduct meaningful discussions on and to clarify the outstanding issues relating to the agenda item.

Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): Thank you distinguished representative of Korea for that statement.

I next call on the distinguished representative of Algeria.

Mr. S. FERROUKHI (Algeria) (*interpretation from French*): Thank you. Mr. Chairman, I would like to start off by congratulating you, along with other delegations, upon your election to the Chair of the Legal Subcommittee and we would like to assure you of our support and cooperation in the course of our work.

I would also like to take this opportunity, of course, to pay tribute to Professor Marchisio for his great contribution to the work of the Legal Subcommittee during his tenure.

I would like to now share with you information on recent activities in my country in space law.

Within the contexts of the Algerian Government’s decision to proceed to ratify the Convention on International Liability for Damages Caused by Space Objects and to accede to the Convention on Registration of Objects Launched into Outer Space, Algeria, with the support of the Office for Outer Space Affairs of COPUOS, organized a national seminar entitled “International Space Law and National Legislation”. This was held in Algiers, 21 to 22 March

2006, and was aimed at two main goals. Firstly, studying national impact to international space treaties, and secondly, identifying the ways and means of stepping up national capabilities in terms of training, education, cooperation in the field of space law.

This seminar comprised roughly 100 participants representing parliamentary institutions, ministries, various users of space activities and especially educators and university researchers as well as international experts in outer space law.

The main recommendations resulting from this seminar can be summed up as follows.

They have outlined a work plan for our country in this field and this comprises of finalizing accession to the Conventions on Registration and Liability. We hope that this will be taking place during this year, 2006, followed by the setting into place of a national legislation in conformity with international legal instruments in this field, including holding a national register of space objects. Then adapting the national legal context and framework to the development of the Algerian space programme and developing national capabilities with regard to space law. For the university year 2006-2007, we are going to starting up a specialized post-graduate in space law within the University of Algiers.

This is going to be, of course, necessitating international bilateral as well as multi-lateral cooperation and this via the United Nations Office for Outer Space Affairs.

Thank you very much.

The CHAIRMAN (*interpretation from Spanish*): Thank you representative of Algeria.

The next speaker on my list is the distinguished representative of Greece. I call on him.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Mr. Chairman. I think that it is time for a French speaker to take the floor.

I would like to congratulate you upon your election to the Chair of our Subcommittee which is really and truly denoting our interest in continuing the constructive work going on in this Subcommittee in ensuring the development of outer space law. This involves espousing the traditional approach with eminent legal experts.

And in this connection, we would like to certainly extend our warmest thanks to the outgoing Chairman, our friend and colleague, Mr. Marchisio, for his contribution.

And in closing, I would like to thank you for the honour bestowed upon me when you re-elected me to the Chair of the Working Group on Item 6 of the Agenda. And in that connection, I would like to assure you that I am going to be doing my utmost to revive delegations interest for the future of space treaties and everything entailed in the ratification and accession of States which have not yet joined this bouquet of space treaties.

This also is an optimistic aspect that I refer to when I see that our friend from Sweden has joined the podium, our colleague Niklas, and here we have before us a very eminent panel of legal experts supporting the work of the United Nations Office for Outer Space Affairs. I will speak more tomorrow but I would like to really congratulate them upon the very important work done by the Secretariat and the legal experts within the Secretariat for outer space documents and for the electronic availability which has just been ensured for such documents.

Thank you very much for your attention.

The CHAIRMAN (*interpretation from Spanish*): Thank you distinguished representative of Greece for that statement.

I next call on the distinguished representative of the International Institute for Outer Space Law.

Mr. E. FASAN (International Institute of Space Law): Mr. Chairman, distinguished delegates, first of all, let me express and transmit for IAF and IISL the congratulations on behalf of your election and the thanks for your distinguished predecessor.

I have to be brief, according to your timescale, so I report that the International Institute of Space Law was founded by the International Astronautical Federation in 1960 with the purpose of carrying out activities for fostering the development of space law and studies, of legal and social science aspects of the exploration and use of outer space. The IISL presently has individual and institutional elected members from over 40 countries, who are distinguished for their contributions to space law development.

But the IISL is sad to announce that its Honorary Director, eminent space law teacher and long-time friend, Dr. He Qizhi from China, passed

away in June 2005. He is and will be greatly missed by all.

The Forty-Eighth IISL Colloquium was held in October 2005 in Fukuoka, Japan. Fifty-six papers had been accepted for five sessions. The Colloquium was well attended. Discussion was good. The sessions addressed the following topics: legal issues related to new developments in space applications: navigation, remote sensing and GIS; legal aspects of expanding human presence beyond low-Earth orbit; other legal matters, including legal aspects of sub-orbital flights and including the legal aspects of property rights on the Moon; and finally, convergence and privatization in telecommunications: institutional and other responses. In addition, a Scientific/Legal Round Table was held on Space Traffic Management and IISL also organized a plenary session on "Commercial Space Business and the Global Earth Observation System of Systems.

The Fourteenth Manfred Lachs Space Law Moot Court Competition was held during the Fukuoka IISL Colloquium. The "Case Concerning International Liability" was written by Mr. Dennis Burnett. Preliminaries were held at regional level in Europe, eight teams, North America, eight teams, and in the Asia-Pacific regions, 29 teams.

The Finals were judged by three judges of the International Court of Justice, His Excellency Judges Hisashi Owada, Abdul Koroma and Vladlen Vershchetin.

The winner of the Final Round was George Washington University, United States of America. The National University of Singapore was the runner-up and the University of Cambridge, United Kingdom, was the second runner-up. The Eilene M. Galloway Award for Best Written Brief was won by the National University of Singapore, while the Sterns and Tennen Award for Best Oralist was won by Ms. Joan Lim from Singapore.

JAXA, SOLAPSU and Seinan Gakiun University, along with various other Japanese sponsors, as well as the Association of United States members of the IISL, NASA, ESA/ECSSL sponsored the World Finals and the IISL Dinner.

A Distinguished Service Award was presented to Mr. Ricky Lee, the Asia-Pacific Regional Organizer of the Moot Court Competition.

The Diederiks-Verschoor Award was given to Ms. Zeldine O'Brien from the University of Dublin, Ireland, for her paper "Consumer Protection and the

Limitation of Liability in the National Regulation of the Space Industry". This Award honours the best paper presented at an IISL Colloquium by an author not older than 40 years and who has not published more than five papers in the Proceedings of IISL.

Regarding publications, the Proceedings of the Forty-Seventh Colloquium of the Law of Outer Space in Vancouver, have been published by the American Institute of Aeronautics and Astronautics.

A Report of the Standing Committee on the Status of International Agreements Relating to Activities in Outer Space, as usual, has been prepared by Dr. Terekhov and printed in the IISL proceedings.

And the Proceedings of the Bangalore Space Law Conference held in June 2005 will be published shortly by the Indian Space Research Organization.

The Ministry of Information and Communication Technology of Thailand has agreed to host the next Regional Conference for Space Law in Bangkok, Thailand, in August 2006. IISL will cooperate with the Space Law and Policy Centre in Chulalongkorn University in Bangkok, Thailand. This conference is the fourth in a series of regional space law conferences initiated in 2001 with the aim of bringing space law and policy specialists together in a specific region to discuss topics of particular interest to that region, thus allowing interested parties from various backgrounds to meet and interact with experts from all over the world and promoting mutual understanding and cooperation for the benefit of all parties.

The topics will be:

Reforming the Regulatory Regimes Governing Telecommunications in Asia;

National Space Legislation: Developments in Asia;

Asia's Role in Remote Sensing and Legal Aspects of Access to High-Resolution Satellite Imagery;

Legal Aspects of Disaster Management: Initial Results and Suggestions for Improvement of the International Charter of Space and Major Disasters;

Regional Cooperation in Asia Relating to Space Activities; and

Panel Session on Legal Issues Arising from Space Exploration and Exploitation.

The Forty-Ninth IISL Colloquium on the Law of Outer Space will be held from 2 to 6 October 2006 in Valencia, Spain. The Colloquium will have the following session topics.

One, legal aspects of space transportation and launching.

Two, legal aspects of disaster management.

Three, international cooperation in space activities, with special focus on remote sensing.

Four, space law at times of armed conflict.

And five, other legal matters, including the relationship between government and private sector in space activities.

A Scientific/Legal Round Table will be held in Valencia on "Nuclear Power Systems in Space – the New Reality".

We will also propose a plenary session on the topic "Enabling the Frontier: Regulatory Challenges to the Utilization of Space".

And the Fiftieth IISL Colloquium on the Law of Outer Space will be held in India from 24 to 28 September 2007.

The World Finals of the Fifteenth Manfred Lachs Space Law Moot Court Competition will be held during the Colloquium in Valencia. The "Case Concerning the Sale and Operation of Certain Commercial Remote Sensing Satellites", which was written by Mr. Ricky Lee, and three judges of the International Court of Justice will be invited to judge the Finals.

Regional rounds will again be held in Europe, North America and the Asia-Pacific. Details about each round are on www.spacemoot.org.

IISL and ECSL have again organized a Symposium for the distinguished Legal Subcommittee delegates, to be held immediately after this session.

And the McGill Institute of Air and Space law, in association with IISL, the Cologne Institute of Air and Space Law and the Leiden International Institute of Air and Space Law, will organize a meeting

in June 2006 in Montreal, Canada on policy and law relating to outer space resources.

And in concluding, the publications of Proceedings of the Forty-Eighth Colloquium, Fukuoka, will be published by the American Institute of Aeronautics and Astronautics.

IISL will continue to prepare material for the United Nations annual review of developments in international cooperation and space law "Highlights in Space" with contract with the United Nations.

We will continue an annual report of IISL activities for COPUOS.

And the IISL website is regularly updated.

We are finalizing with the Office for Outer Space Affairs an update of its bibliography of IISL Proceedings, covering 1996 to 2005.

I thank you, Mr. Chairman, and apologize for having been long.

The CHAIRMAN (*interpretation from Spanish*): Thank you so much distinguished representative of IISL, the International Institute of Space Law. I am well aware of that Seminar to be presided over by my dear friend and renowned legal expert, Ambassador Peter Dancroyd(?), to whom I already pay tribute.

Please allow some time for the following comments, if I may.

On the general debate and exchange of views, I am afraid that we will not have time. We have to postpone that to tomorrow morning.

There were two or three things that did strike me when Mr. Fasan spoke last. A very unfortunate fact, the passing away of a person I knew well who made a big contribution to space law, Dr. He Qizhi of China. Through the Chinese delegation, I would like to convey my condolences.

Second, a practical issue, if I may. The International Institute of Space Law has for many years indeed been very productive in terms of its work. Ever so often, as a member of the Institute, I got the Proceedings of their decisions and the work done in the course of the meetings. There are two things. I do not know why, for some strange reason, that stopped. I have no longer been receiving those Proceedings and, of course, this is a Legal Subcommittee. The Legal

Subcommittee must be able to draw from the very prestigious institutions, such as the IISL. Since we now have cooperation also in academic terms, and this is well reflected in the agenda of this Legal Subcommittee with reference to, for example, this Working Group to be presided over by my friend, Vassilios Cassapoglou. I think they should have knowledge and access to those Proceedings so at least we should get the possibility of accessing those Proceedings. Please tell us how this can be done.

The whole continent of Latin America no longer has access to that information contained in those Proceedings. Let me state that as a fact. And in a continent where we have just had a Preparatory Meeting for the Fifth Conference of the Americas, the basic topic will be space law and my friend from Colombia will be able to confirm what I have just said. For the Fourth Conference, space law was the most important topic and we did not have the Proceedings, unless I am mistaken. Please, I beg you to tell us how to access those documents because it is really very interesting and we need that information. All of this is in line with the legal implications of such an important topic.

This is a very positive comment I wish to make. We very much appreciate the outstanding work you have been doing. That is the only reason why I am mentioning this and I would clearly like to establish this.

If it is on this topic, yes, I will call on the observer of the International Aeronautical Federation(?) (*international Institute of Space Law?*). I am also a member of that body but I did not get those Proceedings.

Ms. J. GABRYNOWICZ (International Institute of Space Law): Thank you Mr. Chairman. As a member of the International Institute of Law, I am happy to share with you the information that all of the Proceedings can be ordered online at www.iafastro-iisl.com and they are also currently available at a discount. Thank you very much.

The CHAIRMAN (*interpretation from Spanish*): Thank you so much. Ideally, it would have been great for all members of the Subcommittee to have access to those Proceedings. There is no point in mentioning the price or cost of it.

I call on the distinguished representative of Greece, but before I call on him, where are they physically available. I am not interested in the discount. Who can provide us with this documentation

so that we all have access to the information? I have seen some outstanding articles published there but, of course, it would have to be through the uncle, the granddaughter or my friend's aunt. Please tell us where we can get this. Where can we from now onward have access to those Proceedings? You were giving us a website I think.

Ms. J. GABRYNOWICZ (International Institute of Space Law): Yes, there is a virtual address on the web and there is a physical address in Herndon(?), Virginia, at AIAA Publications Customer Service, P.O. Box 960, Herndon(?), Virginia, 20172-0960, USA, and I will be happy to make this available in hard copy if it is convenient.

The CHAIRMAN (*interpretation from Spanish*): Yes, please make that available.

The distinguished representative of Greece?

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Mr. Chairman, I am just afraid we did not really understand what you have just said. Our distinguished friend and colleague, Yoane Gabrynowicz, has, if I correctly understood, said that you have to address an e-mail requesting these publications. I thought, and I am sure that this is what you meant, was that you wanted direct access to these documents, that there would be free access involved, because the dissemination of outer space law would be ensured in this fashion. There is the extraordinary example set by the University of Cologne, which we would like to congratulate. They have made it possible for us to have direct access. These are documents which have been also put on the documentation tables but you can get all of the documents easily. They have been electronically loaded down by Mrs. Perco(?). So I think this is what you had in mind, that you would be able to have access to these e-documents free of charge.

Thank you.

The CHAIRMAN (*interpretation from Spanish*): Thank you distinguished representative of Greece. That was not my main concern to tell you the truth. We do have to keep well within the timetable, actually the Proceedings, the actual published Proceedings, the book, so to speak, was the main concern.

This will be the final reference here. Perhaps the distinguished panel is already standing outside. This is going to be a very interesting symposium. Professor Kopal will also be in attendance.

Mr. V. KOPAL (Czech Republic): Thank you Mr. Chairman. Mr. Chairman, I just wanted to say that certainly all volumes of the Proceedings are available here in the library of the Office for Outer Space Affairs since the very beginning. Thank you very much.

The CHAIRMAN (*interpretation from Spanish*): No, unfortunately, I have to contradict you, I am sorry to say, Professor Kopal. I have been there. I have not found the Proceedings. However, having said that, I would like to conclude. I would like to issue a plea. There is great interest for these Proceedings. Make them available please, regardless of the cost. We will all see whether we can afford to buy them, particularly bearing in mind the interests of developing countries, to be consistent with space law and I am not referring to the cost.

We now continue with our schedule. We will be adjourning this meeting for the Space Law Symposium organized by the International Institute of Space Law and the European Centre for Space Law, but first I would like to draw attention to tomorrow's timetable.

We will be meeting at 10.00 a.m. to continue with item 5, General Exchange of Views, and then starting on 6, Status and Application of the Five United Nations Treaties.

The Working Group will also meet tomorrow, I am informed by the Secretariat.

I draw delegation's attention to the fact that, furthermore, they are invited to attend a Reception hosted by the International Institute of Space and the European Institute after this meeting.

And it is now my pleasure and honour to invite Ambassador Peter Jankowich to preside over the Symposium. The title of the event is "Legal Aspects of Disaster Management and the Contribution of the Law of Outer Space".

The meeting is adjourned.

The meeting closed at 4.20 p.m.