

Committee on the Peaceful Uses of Outer Space

Legal Subcommittee

Unedited transcript

622nd Meeting

Monday, 27 March 2000, 10 a.m.

Vienna

Chairman: Mr. KOPAL (Czech Republic)

The meeting was called to order at 10.45 a.m.

The CHAIRMAN: I declare open the thirty-ninth session and 622nd meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. It is my pleasure to welcome you all to Vienna again.

In addition, it gives me great pleasure, on behalf of the Legal Subcommittee, to formally welcome and congratulate the new Director of the United Nations Office for Outer Space Affairs, Ms. Mazlan Othman of Malaysia. As many of you are aware, Ms. Othman has recently been appointed to her current position by the Secretary-General, following the retirement of her predecessor, Mr. Nandasiri Jasentuliyana. Prior to joining the Office, Ms. Othman was Professor of Astrophysics at the National University of Malaysia and Director-General of the Space Science Studies Division in Malaysia. We look forward to the invaluable contribution of Ms. Othman and her team to the success of our endeavours.

I would also like to take this opportunity to express sincere gratitude to the former Director of the Office, Mr. Nandasiri Jasentuliyana, who has served with the Office for more than 30 years. The expertise and commitment which he lent to promoting the work of both COPUOS and its Subcommittees, as well as his particular interest in the development of a

legal regime for activities in outer space, are greatly appreciated.

I think all would agree that the period since the last session of the Legal Subcommittee has been a most eventful one, with various significant developments which will certainly contribute to the revitalization of our work.

As you are all no doubt aware, in July last year the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III) was convened in order to elaborate a strategy for space-related international cooperation in addressing future global challenges. The Vienna Declaration on Space and Human Development and the recommendations contained in the report adopted by the Conference, and subsequently endorsed by the General Assembly in resolution 54/68, represent the culmination of the work of the Conference and do, indeed, provide such a strategy for future international cooperation in the exploration and peaceful use of outer space.

One particular aspect of this strategy relates to the promotion of international cooperation, including the status and future development of international space law. Clearly, this Subcommittee should be guided by the principles elaborated within this

In its resolution 50/27 of 16 February 1996, 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.

strategy in the course of its work at current and future sessions.

I would therefore refer all delegations to the report of the Conference (document A/CONF.184/6), and in particular paragraphs 361 to 376, which specifically relate to international space law, as well as paragraphs 405 to 408, which deal with intellectual property rights. In addition, delegates will find annexed to the report of the Conference the conclusions and proposals emanating from the activities of the Technical Forum (document A/CONF.184/6, Annex III), including those from the workshops on Space Law in the Twenty-first Century and Intellectual Property Rights in Space. I have also been informed that copies of the Proceedings of the Workshop on Space Law in the Twenty-first Century (document ST/SPACE/2) will be distributed to delegations in due course.

Another significant development was the agreement reached at last year's session of the Committee on the Peaceful Uses of Outer Space on a new agenda structure for the Legal Subcommittee. This agreement was subsequently endorsed by the General Assembly in resolution 54/67 of 6 December 1999. As delegations are no doubt aware, the new agenda structure contains:

- (i) regular items,
- (ii) single issues/items for discussion, which are discussed only for one year in the plenary unless renewed;
- (iii) items considered under multi-year plans and discussed in working groups, which should have been previously discussed as single issues; and
- (iv) an item on future issues to be dealt with in the Legal Subcommittee, under which the Subcommittee would agree on proposals to the Committee for new single issues/items for discussion and items for consideration under workplans.

It is my belief that this new agenda structure represents a welcome enrichment of the work of this Subcommittee. On the one hand, it provides an opportunity for the Subcommittee to explore with flexibility the nature and scope of possible new legal issues which might be relevant to activities in outer space, without necessarily implying a commitment by Member States to the elaboration of principles and rules governing such activities. On the other hand, the new agenda structure ensures the continuation of

substantive discussions of new and existing issues of importance to Member States of the Subcommittee. I am confident that the flexibility of the new agenda structure and the spirit of mutual accommodation, respect and compromise that has always guided the deliberations of this Subcommittee will ensure the continued productivity of our future work.

I would be remiss if I did not also draw attention to the successful finalization of the Scientific and Technical Subcommittee's *Technical Report on Space Debris* (document A/AC.105/720). I would recall for the benefit of delegations that at its forty-second session last year, the Committee recommended that this Technical Report should be widely distributed, including being made available to the Legal Subcommittee at its thirty-ninth session this year.

Accordingly, delegates will note that copies of the *Technical Report on Space Debris* have been made available to them at this session, and I would urge all to study its contents closely and to familiarize themselves with the valuable information and technical principles contained therein.

Participation of non-Members in the session

Before inviting delegates to consider the Subcommittee's programme of work and other organizational matters, I would like to inform you that I have received communications from Bolivia, Saudi Arabia, Slovak Republic and Sri Lanka requesting participation in our meetings.

Inasmuch as the granting of observer status is a prerogative of our parent Committee, I feel that we should not take any formal decision on the matter. However, if there is no objection, I would suggest that the representatives of Bolivia, Saudi Arabia, Slovak Republic and Sri Lanka might attend the formal meetings of the Subcommittee, and might direct to the Chair a request for the floor if they wish to make a statement.

This is the practice we have observed in past years when States which are not Members of the Subcommittee have communicated with the Subcommittee requesting participation in its meetings.

If I hear no objections, *it is so decided*.

Adoption of the agenda

You have before you in document A/AC.105/C.2/L.218 the provisional agenda prepared

by the Secretariat in accordance with the new agenda structure endorsed by the General Assembly in resolution 54/67. In addition, an indicative schedule of work is set out on pages 3 and 4 of the document. I intend to deal with this schedule shortly. Let us first proceed with the adoption of the agenda.

If I hear no objections, may I take it that the agenda is adopted? *It is so decided.*

Programme of work

I would now like to turn to a more detailed consideration of the programme of work for our present session. In accordance with the agenda which we have just adopted, the Legal Subcommittee at its present session, taking into account the concerns of all countries, particularly those of the developing countries, should consider the following items as regular agenda items:

- (i) General exchange of views
- (ii) Status of the international treaties governing the use of outer space

Delegates will note that this is a new item on the agenda which should not be confused with the "Review of the status of the five international legal instruments governing outer space" item to be considered under an existing three-year workplan. However, in addition we have this new item on (ii) treaties governing the use of outer space, through which we might learn of new signatures, new ratifications and new declarations by international organizations, and be informed about the actual status of signatures and ratifications of parties to the United Nations treaties

- (iii) Information on the activities of international organizations relating to space law

Delegates will note that this is also a new agenda item.

- (iv) Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit, without prejudice to the role of the International Telecommunication Union.

In accordance with paragraph 6 of General Assembly resolution 54/67, the Subcommittee will reconvene its working group to consider this item.

The Subcommittee should also continue its consideration of "The question of review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space", as a single issue and item for discussion. That would imply that this item would only continue to be discussed by the Subcommittee for this year, unless renewed by consensus. Delegations should therefore consider, inter alia, the future status of this item on our agenda.

Furthermore, the Subcommittee at this session should consider the following in accordance with the workplans adopted by the Committee:

- (i) Review of the status of the five international legal instruments governing outer space

This is the third year of the three-year workplan on this item (as it appears in document A/AC.105/674, Annex II(B)). Accordingly, this year the Subcommittee will, on the basis of the recommendations of the working group convened last year, consider and implement as appropriate the measures considered adequate to achieve the objectives established under the workplan.

As this is the final year of the scheduled workplan, the Subcommittee will also be required to consider whether this item should be retained on the agenda, and if so, in which format.

- (ii) Review of the concept of the "launching State"

Delegates will recall that this is a new item on our agenda, agreed upon at last year's session of the Committee. The workplan (contained in document A/54/20, para. 114) calls for its consideration by a working group over a three-year period, beginning in the year 2000 with special presentations on new launch systems and ventures.

Finally, the Subcommittee should consider its proposals for submission to the Committee regarding new items for consideration under workplans or as single issues/items for discussion at the Legal Subcommittee's fortieth session in 2001.

You have heard that we will renew the activities of some of our working groups, and we will therefore now address this issue.

Establishment of Working Groups

You will recall that in paragraph 7 of resolution 54/67, the General Assembly endorsed the recommendation of the Committee that the Legal

Subcommittee at its thirty-ninth session should suspend consideration in its Working Group of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, pending the results of the work in the Scientific and Technical Subcommittee. This is without prejudice to the possibility of reconvening its Working Group on this item if, in the opinion of the Subcommittee, sufficient progress was made in the Scientific and Technical Subcommittee at its session in 2000 to warrant the reconvening of the Working Group.

I would also inform delegations that at its thirty-seventh session in February 2000 the Scientific and Technical Subcommittee agreed that, at the present time, revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space was not warranted. It also agreed that until a firm scientific and technical consensus had been reached on the revision of the Principles, it would be inappropriate to pass the topic on to the Legal Subcommittee (document A/AC.195/736, para. 79).

Therefore, if there are no objections, I proposed that we do not reconvene the Working Group on agenda item 3 at this session. Is there any objection to proceeding in this manner, i.e. that discussion of this item in the Subcommittee remains open but that the working group will not be reconvened?

I see no objection. *It is so decided.*

As I have already mentioned, in accordance with paragraph 6 of General Assembly resolution 54/67, the Subcommittee should reconvene its Working Group to consider item 6, "Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union".

May I therefore propose that we re-establish the Working Group on this item of our agenda, i.e. that we decide to reconvene the Working Group as such?

I see no objection. *It is so decided.*

Finally, as already mentioned, the three-year workplan adopted for agenda item 9, "Review of the concept of the 'launching State'", calls for consideration of the item by a working group during the three-year period beginning in the year 2000.

Therefore, may I propose that we establish a new Working Group on item 9 of our agenda, "Review of the concept of the 'launching State'"?

I see no objection. *It is so decided.*

We will now turn to the chairmanship of the respective Working Groups.

Chairmanship of Working Groups

Working Group on the Definition/Delimitation of Outer Space and the Utilization of the Geostationary Orbit

Concerning the chairmanship of the Working Group on the Definition of Outer Space and the Utilization of the Geostationary Orbit, I have been informed that Mr. Daniel Eduardo Amigo, the distinguished representative of Argentina, who chaired the meetings of the Working Group at our last session, will be unable to do so at the present session.

May I propose that, unless there is any delegation wishing to propose an immediate candidate to chair this Working Group, we postpone election of such Chairman to allow for consultations among interested delegations?

Is there any objection to proceeding in this manner? I see none. *It is so decided.*

Working Group on the review of the concept of the "launching State"

Concerning the chairmanship of the Working Group on the review of the status of the concept of the "launching State", I have not heard what conclusions were reached at the consultations on this particular question. I have heard a proposal of one group of delegations in the Subcommittee, but not from any others. May I therefore propose to proceed in a similar way to that for the chairmanship of the first Working Group.

Therefore, concerning the chairmanship of the Working Group on the review of the concept of the "launching State", I propose that unless there is any delegation wishing to propose an immediate candidate to chair this Working Group, we postpone election of such Chairman to allow for consultations among interested delegations.

Is there any objection to proceeding in this manner, as we did in relation to the previous Working Group? I see none. *It is so decided.*

However, I would appreciate it if you could advise me of the outcome of these consultations before the end of the consideration of the points dealing with "General exchange of views". I would like to have this information in order to be able to appoint the respective Chairmen of the Working Groups.

Utilization of conference services

I would now like to say a few words concerning the utilization of the conference services made available to the Subcommittee. As you are all aware, the question of how conference services are utilized by United Nations bodies is of great concern to the General Assembly due to the high cost of these services and the current financial constraints faced by the entire organization.

In this connection I am pleased to draw your attention to the fact that for a number of years, our Subcommittee has worked to achieve real and constant savings in this area. We have been able to achieve these savings by adopting certain measures to ensure that the Subcommittee effectively utilizes the conference resources put at its disposal.

At its last session the Subcommittee adopted such measures by consensus and they are reflected in paragraph 12 of the Subcommittee's latest report (document A/AC.105/721).

You will recall that last year the Subcommittee agreed that a similar flexible organization of work, as agreed upon at its 1999 session, would serve as the basis for organizing the work of the Subcommittee at its thirty-ninth session. This agreement is reflected in paragraph 13 of the Subcommittee's report.

That being said, and bearing in mind the new agenda structure of the Legal Subcommittee which was endorsed by the General Assembly in resolution 54/67, I would like to propose that the Subcommittee adopt a similar flexible organization of work based upon the measures agreed at the thirty-eighth session to serve as the basis for organizing the work of the present session. I do not think it is necessary to read again these measures, which are contained in the Subcommittee's previous report.

Are there any objections to proceeding in this manner? I see none. *It is so decided.*

Schedule of meetings

The period scheduled for this session of the Subcommittee is back to two weeks. As usual, and unless otherwise agreed, we will meet in this conference room every day and begin our work promptly at 10 a.m. and 3 p.m.

With regard to the schedule of meetings and the allocation of time between the substantive agenda items, I would now like to draw your attention to the indicative schedule of work set out in the annex to document A/AC.105/C.2/L.218.

A two-week schedule on pages 3 and 4 of this document has been provided to assist the Subcommittee in its planning. In view of the newness of the agenda structure and certain items within the agenda, it would seem somewhat difficult to predict accurately the schedule of meetings for this session. I would therefore request the cooperation of delegations in adopting as flexible an approach as possible to this indicative schedule and urge that close attention be paid to the announcement of the Chairman, and the daily journal that is published in this regard.

I would also like to request that in order to facilitate the optimal utilization of our meetings, those delegations that plan to schedule speakers or presentations on particular items for specific meetings should coordinate their plans with the Secretariat.

That being said, I would like to outline a tentative schedule for the next three meetings. This morning, we will shortly proceed with the "General exchange of views". Time permitting, we may begin our consideration of agenda item 4, "Status of the international treaties governing the uses of outer space". This afternoon, we will continue with the "General exchange of views" and consideration of agenda item 4.

At approximately 3.50 p.m., we will end our deliberations in order to allow for the commencement of the International Institute of Space Law/European Centre on Space Law (IISL/ECSL) symposium, a symposium organized jointly by these two non-governmental organizations on the legal aspects of the commercialization of space activities, which will start at 4 p.m.

Tomorrow morning, we will resume the "General exchange of views" and thereafter continue our work on agenda item 4. Time permitting, we could also begin our consideration of agenda item 5, "Information on the activities of international organizations relating to space law".

Are there any questions or comments regarding the schedule of work that I have just outlined? I see none. We will proceed accordingly.

This is the end of my formal statement. I apologize that it was a little long, and I read it slowly in order to make myself clearly understood.

Before we begin the "General exchange of views", I would like to inform you that I have received a request from the Director of the Office for Outer Space Affairs for the opportunity to briefly address the Legal Subcommittee at this morning's meeting. Therefore, if there are no objections, I would like to give the floor to the Director of the Office for Outer Space Affairs, and on behalf of the Legal Subcommittee, invite her to deliver her statement.

I see no objections and I therefore give the floor to the Director of the Office for Outer Space Affairs, Ms. Mazlan Othman.

Ms. M. OTHMAN (Director, Office for Outer Space Affairs): Thank you for extending me the privilege of addressing this Legal Subcommittee. It is indeed an honour for me to do so for the first time as Director of the Office for Outer Space Affairs, and I would like to express my gratitude for the kind words of welcome and good wishes that I have received. I have requested this opportunity to address the Legal Subcommittee in order to review briefly the role and work of the Office for Outer Space Affairs (OOSA) relating to international space law.

As many will recall, until 1993 space law-related activities of OOSA were primarily focused on the discharging of certain responsibilities assigned to the Secretary-General under the outer space treaties, while the provision of secretariat services to the Legal Subcommittee was the responsibility of the Office for Legal Affairs in New York. However, during its relocation to Vienna, and with the addition of two legal officer posts, OOSA took over this secretariat function and has discharged it ever since. Furthermore, while limited by the extent of resources available to it, the Office has experienced a gradual increase in its role and work relating to international space law.

Over the last year the Office has continued to discharge the responsibilities of the Secretary-General under the 1976 Convention on Registration of Objects Launched into Outer Space by maintaining the United Nations Registry and transmitting to Member States information provided by States Parties in accordance with that Convention. The registry of information so provided appears in the document series ST/SG/SER.E/1-370.

In addition, the Office has continued to maintain and transmit to the Committee on the Peaceful Uses of Outer Space registration information furnished by Member States on a voluntary basis and in accordance with General Assembly resolution 1721(XVI)B of 20 December 1961. Such information appears in document series A/AC.105/INF.1/404. An electronic database containing all the information received by the Office pertaining to the registration of launched space objects has also been established and is continually updated. In the light of a request made during the thirty-seventh session of the Scientific and Technical Subcommittee, the Office will, during the coming year, prepare a sample of an index to the United Nations Register of objects launched into outer space with a view to further increasing the accessibility of information contained therein.

The Office has also discharged other responsibilities entrusted to the Secretary-General under the legal regime governing activities in outer space, in particular disseminating information provided by Member States in accordance with the provisions of the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, and the Principles Relevant to the Use of Nuclear Power Sources in Outer Space adopted in 1992.

As in previous years, the Office has continued to produce an annual report on the current status of signatures, ratifications and accessions to the various multilateral international agreements relating to activities in outer space. Such report is produced on the basis of information provided to the Office by the various States and international organizations designated as depositories for such agreements, and appears as a table included within the regular publication *United Nations Treaties and Principles on Outer Space* or its respective inserts.

The Office has also produced a number of space law-related documents and publications during the past year, including *International agreements and other available legal documents relevant*

to space-related activities; Highlights in Space 1999; United Nations Treaties and Principles on Outer Space - A Commemorative Edition; and Proceedings of the Workshop on Space Law in the Twenty-first Century, organized at the UNISPACE III Conference.

Additional space law-related activities for the UNISPACE III Conference by the Office included assisting in the organization and coordination of the IISL "Workshop on Space law in the Twenty-first Century", and substantively contributing to the preliminary texts of the section on international space law of the draft report of the Conference and the report of the Chairman of the Legal Subcommittee to the Conference.

Apart from producing the publications already mentioned, the Office for Outer Space Affairs has increasingly been called upon to serve as a source of information and substantive advice on international space law and legal issues relating to activities in outer space. During the last year the Office has fulfilled this role, within the limits of its capacity, in response to various requests and queries from United Nations divisions and specialized agencies, representatives of Member States, intergovernmental and non-governmental international organizations, private companies with space-related activities, academic and educational institutions, representatives of the press, and the general public.

Furthermore, in light of discussions at the UNISPACE III Conference, the Office has begun to increase its contact and interaction with policy- and law-making bodies in other disciplines of international law, with a view to promoting a more coordinated approach to the possible regulation of space-related activities. As has been the case in the past, the Office was again invited this year to provide contributions on developments in international space law and policy to published legal journals, and to deliver presentations on space law and the work of the Office to numerous groups visiting the Vienna International Centre from within and outside the host country.

One of the most useful resources for disseminating space law-related information to an extremely wide audience is the internet and the Office's home page. Over the last year, the Office has added to the space law content of this home page with the inclusion of additional information on the status of the international agreements relating to activities in outer space, the list of international agreements and other available legal documents relevant to space-related activities and where they might be accessed, and a section entitled "Space law: Frequently asked

questions". We are currently in the process of developing a new design and structure for the OOSA home page and it is anticipated that this will include a consolidated section on space law, as well as links to various other space law-related websites.

Finally, as a follow-up activity to the list of international agreements and other available legal documents relevant to space-related activities which was presented to the Legal Subcommittee as a reference document at its last session, the Office is in the process of developing a database of publicly available national legislation and laws relating to space activities. It is anticipated that this database might be made available as a reference source to Member States to assist them, as appropriate and inter alia, in the development of their own domestic space-related laws and policies. The database might also be made available on the OOSA home page.

In my statement to the thirty-seventh session of the Scientific and Technical Subcommittee earlier this year, I was pleased to announce that the Government of France had decided to support the Office through the provision of a legally trained associate expert. This welcome addition will increase to four the number of OOSA's international Professional staff with advanced legal qualifications and experience.

As a result, while the Office continues to operate within limited resources, I believe we may be able to attempt further modest increases in our activities relating to space law. Such activities could possibly include increasing the role of the Office as a source of advice and information on space law and related issues; promoting the increased inclusion of space law aspects within existing and future legal education programmes around the world; or the convening of an annual space law workshop, perhaps initially focused on the domestic implementation of the international space treaties. In any such activities the Office would seek to coordinate with, and not duplicate, existing efforts.

I would therefore like to conclude by taking this opportunity to invite the members of the Subcommittee to reflect on how the Office might provide additional legal services and more actively contribute to the future development, appreciation and understanding of the legal regime governing activities in outer space. We would welcome the opportunity to discuss with representatives of Member States any views or suggestions that they might have in this regard.

Thank you very much for your attention.

The CHAIRMAN: I thank the Director of the Office for Outer Space Affairs, on behalf of all of us, for her informative statement.

I now propose that in the time remaining during this morning's meeting, we begin our consideration of agenda item 3.

General exchange of views (agenda item 3)

The CHAIRMAN: As I advised you earlier, we presently have two speakers inscribed on the list. I therefore give the floor to the first speaker, the distinguished representative of Germany.

Mr. S. KEIL (Germany): On behalf of the German delegation I wish to congratulate you on assuming the chairmanship of this important Legal Subcommittee of COPUOS. Given your long diplomatic experience and your comprehensive knowledge of space law, we are fully convinced of the success of this meeting under your able leadership. My delegation assures you of its full support.

I would also like to take the opportunity to welcome the new Director of the Office for Outer Space Affairs and wish her all the best in discharging the duties of this office.

This thirty-ninth session of the Legal Subcommittee is the first meeting after UNISPACE III last year. I think we are duty-bound to transform the impetus and momentum which UNISPACE has generated for space law into concrete and tangible results. In this context, the new agenda decided upon by COPUOS last year will be instrumental in allowing for flexible work.

Let me now touch upon some of the issues we have before us this year according to our agenda. The issue of the definition and delimitation of outer space and the character and utilization of the geostationary orbit has been figuring on the agenda for quite some time. Germany made an effort to conclude this item at the 1997 session of the Legal Subcommittee, by proposing to transfer the issue of equitable access to the geostationary satellite orbit and the distribution of frequencies to the International Telecommunication Union.

We believe that we should approach this item this year with a constructive attitude in order to solve this issue by taking into account the various interests concerned.

The consideration of the review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space should remain suspended in accordance with paragraph 7 of General Assembly resolution 54/67, as we decided just a few minutes ago. In this connection I would also like to remind delegates that a working group was re-established in the Scientific and Technical Subcommittee this year in order to consider the use of nuclear power sources in outer space from a technical point of view, in accordance with the three-year workplan. Therefore we should await the results of this working group before we touch upon this issue again in a legal sense.

The consideration of the agenda item "Review of the status of the five international legal instruments governing outer space" is to be concluded this year. The Legal Subcommittee has to consider and implement, as appropriate, the recommendations which the working group elaborated last year, under the chairmanship of Greece. The German delegation will actively contribute to bringing this agenda item to a successful conclusion.

The agenda item "Review of the concept of the 'launching State'" is new on our agenda and dear to our hearts, since this goes back to a European initiative. According to the workplan for this agenda item a working group will be established, beginning with special presentations on new launch systems and ventures. These presentations will lay the technical foundations for the legal considerations and implications. I am pleased to confirm that a representative of Eurockot will make a presentation. Eurockot is a private German-Russian commercial launch services provider.

In this context I would also like to inform the Subcommittee that the like-minded group has presented Dr. Schrogl as a candidate for the chairmanship of the Working Group on the review of the concept of the "launching State". Dr. Schrogl is a renowned expert in space affairs. He has been an adviser to the German delegation in COPUOS and its two Subcommittees for some 10 years. We are convinced that the deliberations in the Working Group would benefit immensely from his chairmanship.

These were the comments my delegation wished to make on some of our agenda items.

The CHAIRMAN: Thank you for your statement and for your kind words addressed to the Chair and to the Director of the Office.

The next speaker on my list is the distinguished representative of Guatemala, who will speak on behalf of GRULAC.

Mr. F. URRUELA PRADO (Guatemala, on behalf of GRULAC) (*interpretation from Spanish*): First of all I would like to congratulate you on your appointment and I am sure the work at this session will be greatly helped by your talent and skill. I also welcome the new Director of the Officer for Outer Space Affairs, who has the full support of all the delegations I represent.

I would like to make some comments on the agenda items before us, on behalf of GRULAC, at the present session. GRULAC would like to emphasize the importance it attaches to the work of this Legal Subcommittee. We believe that the consolidation of the legal regime governing outer space is the best guarantee for all States in regard to the peaceful uses of space.

GRULAC would like to take this opportunity to reaffirm that the exploration and use of outer space must be carried out on the basis of respect for the United Nations Charter, General Assembly declarations and resolutions and the pertinent Principles for this particular sphere, in particular the declaration on international cooperation in the exploration and use of outer space for the benefit and in the interests of all States, taking into particular account the needs of the developing countries, adopted by the United Nations General Assembly in resolution 51/122.

The Latin American and Caribbean Group has taken note of the progress made in understanding the theme of the geostationary satellite orbit and would like to encourage an agreement among all parties, both within this Subcommittee and the Scientific and Technical Subcommittee. This agreement should guarantee equitable access by all countries to this natural resource which is limited and which has *sui generis* characteristics, especially the developing countries. In this respect we would urge the appropriateness of achieving progress in coordinating all decisions and recommendations of COPUOS and those of the International Telecommunications Union.

In conclusion, GRULAC welcomes the inclusion of item 4 on the Subcommittee's agenda and we hope that the exchange of information under that item will lead to more accessions to those treaties regulating the use of outer space under the auspices of the United Nations.

The CHAIRMAN: Thank you for your statement on behalf of GRULAC. I also thank you for your kind words addressed to the Chair. The next speaker on my list is the distinguished representative of Argentina.

Mr. M. VERGARA (Argentina) (*interpretation from Spanish*): First of all I would like to say how pleased my delegation is to see you chairing the work of the Subcommittee once again. You have the full support of my delegation during your conduct of the current session. We also associate ourselves with the statement just made by the distinguished representative of Guatemala on behalf of GRULAC.

The aim of my country is to continue to support the development of a legal regime to regulate the peaceful uses of outer space and we see that there are two substantive goals in this respect: to accompany the advance in science and technology, and to see progressive development of international law in all space activities.

This ordering should continue to be based on certain basic presuppositions: the development of principles and legal standards to regulate activities in outer space far beyond the scientific and technical competence that certain countries have in access to that area; the exploration and use of outer space for the benefit of all people, whatever their state of development; international cooperation in regard to legal and scientific aspects in the exploration of outer space for peaceful purposes, which should be carried out in a non-discriminatory and unrestricted manner.

We also have a duty to support the full responsibility of States and international organizations for damage caused by their spatial experiments, whether carried out by physical persons or legal entities under their jurisdiction, and the commitment to follow both the letter and spirit that emanate from both the 1967 Outer Space Treaty and the principles and objectives of the United Nations Charter.

Given the rapid development of space technology and science, it is necessary to act in a preventive manner in designing and setting up legal standards. In particular, my delegation believes that it is becoming increasingly necessary to carry out concertation and harmonization activities in order to set up a basis for the commitment which will lead to the effective conclusion of all the items which are before the Subcommittee.

My country traditionally has actively participated in the work of the Subcommittee, given its interest in codifying and progressively developing outer space law. This shows the value which Argentina attaches to the work of the Subcommittee, which constitutes the only specific legal forum in this field and the appropriate place where international proposals are formulated to guarantee the interests of the entire international community in the area of outer space.

Finally, I would like my delegation's opinion to be noted with regard to the results of the debates, conclusions and recommendations of UNISPACE III. We must take note of this work because these were developed in order to improve the quality of life of human beings, ensuring that they have the benefits which derive from the use of science and space technology within a legal framework which guarantees respect for the rights of all those in the international community in the area of outer space.

The CHAIRMAN: Thank you for your statement and also for your kind words addressed to the Chair.

The list of speakers under this item seems to be exhausted at present. Are there any other speakers who wish to take the floor under this item at this time? I see none. We will therefore continue our discussion on this item this afternoon, and I would urge delegations to inscribe their names on the list with the Secretariat so that we can proceed smoothly to the other items before us.

We will now begin our consideration of agenda item 4.

Status of the international treaties governing the use of outer space (agenda item 4)

The CHAIRMAN: I would like to say a few words to introduce this agenda item.

We still have some time remaining and I thus believe it is appropriate to begin our discussion of this point. As I mentioned earlier, this is a new regular item on the agenda which was agreed upon at the 1999 session of the Committee on the Peaceful Uses of Outer Space. Delegates should not confuse this item with agenda item 8, which I mentioned in my introductory statement. Agenda item 8 has been carried over from the previous agenda structure and will continue to be considered under its existing three-year workplan.

Delegates will recall that the purpose of this new item 4, as reflected in the report of the Committee's 1999 session is to provide an opportunity for reports on any additional signature or ratification as well as application of the treaties, and also on statements of international organizations about their possible acceptance of these treaties.

I would draw the attention of delegates, in advance, to an updated table prepared by the Secretariat which will be distributed tomorrow as an insert to the book *United Nations Treaties and Principles on Outer Space* (document A/AC.105/722/Add.1). This table reflects the current status of signatures and ratifications of international treaties governing the uses of outer space in accordance with information provided to the Secretariat by the depositaries of those treaties as of February 2000.

Concerning the status of the five United Nations treaties governing outer space, I have been provided with the following information.

With the succession of St. Vincent and the Grenadines on 13 May 1999, the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies (the 1967 Outer Space Treaty) now has 96 States Parties, and has been signed by 27 other States.

With the accession by Indonesia on 11 March 1999 and of St. Vincent and the Grenadines on 13 May 1999, the Agreement on the Rescue of Astronauts, the Return of Astronauts, and the Return of Objects Launched into Outer Space (the 1968 Rescue Agreement) has 87 States Parties and has been signed by 26 other States. In addition, one international intergovernmental organization has declared its acceptance of the rights and obligations provided for in this Agreement.

With the succession of St. Vincent and the Grenadines on 13 May 1999, the Convention on International Liability for Damage Caused by Space objects (the 1972 Liability Convention) now has 81 States Parties and has been signed by 26 other States. In addition, two international intergovernmental organizations have declared their acceptance of the rights and obligations provided for in this Convention.

With the accession by Liechtenstein on 26 February 1999 and the succession of St. Vincent and the Grenadines on 27 April 1999, the Convention on Registration of Objects Launched into Outer

Space (the 1976 Registration Convention) has 42 States Parties and has been signed by 4 other States. In addition, two international inter-governmental organizations have declared their acceptance of the rights and obligations provided for in this Convention.

The Agreement governing the Activities of States on the Moon and other Celestial Bodies (the 1979 Moon Agreement) has 9 States Parties and has been signed by 5 other States.

I will now open the floor to those delegations wishing to make a statement under this item at this morning's meeting. I give the floor to the distinguished representative of Spain.

Mr. A. TREJO (Spain) (*interpretation from Spanish*): First of all I would like to congratulate you on your election and wish you every success in your work. You may count on the full support of my delegation.

I would like to make a brief statement under this agenda item, "Status of the international treaties governing the use of outer space". Spain has ratified the 1967 Outer Space Treaty, the 1972 Liability Convention and the 1976 Registration Convention.

However, we have not yet signed the 1968 Rescue Agreement, which was approved by the General Assembly in 1967 and which came into force in December 1968. This Agreement, along with the 1967 Outer Space Treaty, has been signed by many States.

On 19 November 1999, the Council of Ministers of my country agreed to the accession of Spain to this Agreement, and for this Spanish legislation requires fulfilment of a series of procedures which I will briefly summarize.

First, what is requested is a decision by the Council of State, the supreme consultative body of the Spanish administration, and which must also define the procedures required for accession to that Agreement.

According to that decision, the Agreement must be proceeded with and handled under Article 94.1 of the Spanish Constitution; it must be made known and examined in both the foreign policy committee of the Congress and also of the Senate. Therefore it implies a rather slower procedure than other types of international agreements where the Government simply informs Parliament. In this case, it is Parliament that must approve it.

Once this parliamentary procedure has been completed, we move into the phase where it is affirmed and ratified, and then it proceeds to the preparation of the appropriate accession instrument, which will then be passed on to any of the three depository governments of the Agreement (that is, the United Kingdom, the United States and the Russian Federation as the successor to the former Soviet Union).

Finally, the complete text is published in the Official State Bulletin of Spain, and that concludes the procedure involved. In Spain there are general elections and therefore the Congress and the Senate would be dissolved at the elections. The Constitutions of both chambers will in fact take place on 5 April.

Although it is difficult to forecast when these legislative procedures will have been concluded, the permanent mission is sure that it will be before the end of the year. But in any event, the important thing is not so much the regulatory procedures, nor the questions of procedure in general, but the political decision adopted by my Government for Spain to accede to this 1968 Agreement.

The CHAIRMAN: Thank you for your statement and for your kind words addressed to the Chair, and particularly for the precise information concerning the process of Spain's accession to the Rescue Agreement.

Does any other delegation wish to take the floor under this item? I see none. I therefore thank you for the discussion that has taken place to date, and we will continue our consideration of this agenda item this afternoon.

I will now adjourn this meeting of the Subcommittee. Before doing so, I would like to inform delegates about this afternoon's schedule of work.

This afternoon we will resume our consideration of agenda item 3 "General exchange of views". Please inscribe your name on the list of speakers for this item. Thereafter, time permitting, we will resume consideration of agenda item 4, "Status of the international treaties governing the use of outer space". At approximately 3.50 p.m. we will end our deliberations in order to allow for the IISL/ECSL symposium on the legal aspects of the commercialization of space activities to begin at 4 p.m.

Are there any question or comments on the proposed schedule? I see none. Before adjourning the meeting, I would like to draw your attention to

an invitation to a cocktail tomorrow evening, 28 March, offered by the delegation of the Czech Republic. It is currently being distributed and I would ask you to be kind enough to wait until every delegation has received its invitation. I have been requested to advise you that all delegations, both Members of the Subcommittee and also delegations observing this session of the Subcommittee, as well as observers from inter-

-national governmental and non-governmental organizations are invited to attend this cocktail party, which will be held at the Permanent Mission of the Czech Republic (the address is on the invitation card).

The meeting is now adjourned.

The sitting adjourned at 12 noon.