

Committee on the Peaceful Uses of Outer Space

Legal Subcommittee

Unedited transcript

629th Meeting

Thursday, 30 March 2000, 3 p.m.
Vienna

Chairman: Mr. KOPAL (Czech Republic)

The meeting was called to order at 3.20 p.m.

The CHAIRMAN: I declare open the 629th Meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

Before continuing with our discussions this afternoon, I would like to make a brief announcement. There will be an informal ESA/IRC meeting in Room C0713 following the adjournment of this afternoon's meeting.

Participation of non-Members in the session

The CHAIRMAN: I would like to inform the Subcommittee that I have received communications from Costa Rica and Panama, 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, we will proceed as we have before with regard to other applicants. If there is no objection, I would suggest that the representatives of Costa Rica and Panama 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.*

We will now continue our consideration of the regular agenda item 6.

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

The CHAIRMAN: Are there any delegations wishing to make a statement on this item in the plenary of the Subcommittee at this time? I have no delegation or observer on my list of speakers. I recognize the distinguished representative of Romania, to whom I give the floor.

Mr. C. DINESCU (Romania): My delegation wishes to make some brief comments on this agenda item. However, as this is the first time we have taken the floor, we would like to express our satisfaction at seeing you chairing the Subcommittee again. We are confident that having you in this capacity will mean that the Subcommittee will have a successful meeting. Your solid knowledge of international law, your experience and good sense are well known to all here.

At the same time, my delegation would like to congratulate Ms. Othman, the new Director of the Office for Outer Space Affairs, and also the distinguished representative of Argentina, Mr. Pelaez,

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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.

on his election as chairman of the working group on this agenda item, and wish him every success.

As you know, this item has been on the Subcommittee's agenda for a long time. Bearing in mind the principles relevant to this matter, as well as the well-established role of the ITU in this area, my delegation welcomes the efforts made by many delegations aimed at achieving progress on this issue. We therefore consider the paper submitted by the delegation of France to be a step in the right direction which could be used as a basis for making further progress.

Taking into account the importance of the problems dealt with under this agenda item, my delegation considers that this item should be maintained on the agenda of future sessions of the Subcommittee.

The CHAIRMAN: Thank you for your statement and for your kind words addressed to the Director of the Office for Outer Space Affairs, to the chairman of the working group and to myself.

Are there any other speakers on agenda item 6 at this time? I see none; we will therefore continue our consideration of agenda item 6 tomorrow morning. We will now continue our consideration of agenda item 8.

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

The CHAIRMAN: I have a number of speakers on my list under this item. I give the floor to the first of them, the distinguished representative of Brazil.

Mr. E. LUCERO (Brazil): My delegation would like to take this opportunity to present some thoughts on the reasons why the signature by Brazil of the 1975 Registration Convention is still pending.

During the negotiation phase of that legal instrument, Brazil had expressed a position that the data to be furnished for registration purposes should be sufficiently detailed to include the nature, objectives and risks associated with objects launched into outer space, for territories and people and third parties. The approved text set aside the Brazilian ideas. The registration procedure defined by the Convention was, and remains, generic. So the lack of a more detailed registration system can be viewed as one reason why Brazil, along with many other States, did not sign the Convention.

Since then, the international environment has changed substantially, and Brazilian participation in outer space activities (including a number of Brazilian satellites launched into outer space) increased significantly. Compared to 1975, the international scenario and the perspectives of international cooperation in the field of outer space are at present considerably more favourable.

Although we still believe that registration should be more complete and detailed than at present, under the new circumstances of the international environment the relevant Brazilian authorities have engaged in internal consultation, whose commencement I had the privilege to announce at the thirty-seventh session of the Legal Subcommittee. These consultations are being held with a view to considering the possible accession by Brazil to the Registration Convention. The consultations are not yet concluded, but they have reached an advanced stage and are signalling that we may be able to announce our accession to the Registration Convention in the near future.

My delegation would also like to inform the Subcommittee that even without signing it, the Government of Brazil has already started to abide by the provisions contained in the Registration Convention, by registering its spacecraft in conformity with that legal instrument. The Convention is therefore being applied *de facto* by Brazil. The most recent examples of registrations notified in accordance with the Convention are Siberus 1 and SACI 1.

Turning to the conclusion of the workplan under agenda item 8, as this is the last year of the approved workplan to deal with this item, which was proposed by the delegation of Mexico, on behalf of my delegation, I would like to express our appreciation for the debate that had taken place during this three-year period. The debate itself, which turned into a useful exchange of ideas among States and was perhaps the main purpose of the Mexican initiative should be considered as a positive and concrete result of our work.

Discussions have been held on States' intentions and understanding of the status of the five treaties has helped to revitalize the discussion and to clarify possible misconceptions in the attitudes of States towards these legal instruments. The introduction, which started this year, of a permanent agenda item on the status of the international treaties governing the uses of outer space is also to be viewed as a natural consequence of the work developed under the three-year workplan. This has in turn called the

attention of the Subcommittee to the treaties that represent the pillars of international space law.

The CHAIRMAN: Thank you for your statement. The next speaker on my list is the distinguished representative of Australia, to whom I give the floor.

Mr. C. CANNAN (Australia): This morning several comments were made about the interlinked nature of the “big five” international space law treaties. Australia appreciates that among certain delegations there may be some discomfort at any suggestion that any of the treaties be considered by the Subcommittee on an individual basis and that there may be some wariness about the Subcommittee taking a piecemeal approach.

However, the reality is that the States represented here have already taken a piecemeal approach to the five treaties, as evidenced by the vast differences in the levels of ratification. Such vast differences, particularly in relation to the Moon Agreement, suggest that it is appropriate and perhaps even essential that the Subcommittee should differentiate between the treaties in any analysis it undertakes, and such differentiation has of course already entered our parlance. This morning reference has already been made to the four core space treaties – that is, excluding the Moon Agreement.

In this vein, Australia endorses the comments made under this agenda item yesterday by the distinguished representative of Italy. Delegates will recall that he suggested that the Legal Subcommittee seek to address the reasons why so many States have not ratified the Moon Agreement; that it take a look at which elements of the Moon Agreement have prevented States from doing so; and that it consider whether there is anything that can be undertaken to address the problem. Australia echoes these sentiments.

Australia has ratified the Moon Agreement along with only eight other States: Austria, Chile, Mexico, Morocco, Netherlands, Pakistan, Philippines and Uruguay. Another five States are signatories. It is important to highlight here, however, that unlike the other four Conventions, the majority of the key players – those space-faring nations with strong commercial interests – have not ratified the Moon Agreement. As we understand it, most do not intend to do so at least in the foreseeable future. So this makes the Moon Agreement unique among the five treaties. Being far from universal, the Moon Agreement cannot currently be considered to be a part of the international space law regime in any active sense, and without a clearly defined

international legal regime, exploitation of celestial bodies will be governed by uncertainty.

Indeed, the very low level of ratification of the Moon Agreement seems to indicate that the treaty does not embody a set of principles common to most Member States. From Australia’s perspective, we consider that provisions in the Agreement relating to the rights and obligations of States Parties to the Moon Agreement may be interpreted in a number of ways. Non-States Parties and their related agencies may be reluctant to cooperate in ventures with States Parties and entities thereof while such uncertainty exists. Australia considers that industry operating within the territory of a State Party may therefore be commercially disadvantaged.

While commercial exploitation of celestial resources, including the Moon, may be a longer-term goal, technology can be subject to rapid and often unpredictable development. As our distinguished colleague from the United States mentioned on the first day of the Subcommittee’s meeting, albeit in a slightly different context, “in space matters the future is now”.

Our goal in suggesting that the Subcommittee revisit the Moon Agreement is the development of an appropriate, predictable and inclusive international space law framework which is universally acceptable. This goal is of course consistent with the Subcommittee’s objective of achieving a consensus in relation to a workable legal regime that protects legitimate interests in the use of space resources. We are still interested in exploring (under agenda item 10) the possibility of proposing a new single issue agenda item for the fortieth session of the Legal Subcommittee in 2001 to discuss the particular and unique circumstances of the Moon Agreement. Our thoughts on the topic have been set out in an Australian non-paper and we will discuss this matter again under the appropriate agenda item.

The CHAIRMAN: Thank you for your statement. I appreciate that you are aware that the point you have currently raised under this agenda item does also refer to agenda item 10, and so you will certainly have a further opportunity to elaborate on this issue when the Subcommittee discusses possible new items for its agenda.

The next speaker on my list is the distinguished representative of Mexico, to whom I give the floor.

Mr. J. HIDALGO (Mexico) (*interpretation from Spanish*): My delegation’s contribution will be extremely brief. Firstly, we would like to express our

appreciation for the debates that have taken place at our two earlier sessions, as well as at the current one. In view of the fact that this is the third opportunity we have had to examine and discuss this topic, my delegation would like to express once again, as it did at the thirty-eighth session, that we should take into account the contents the report of the working group on the status of the five international legal instruments governing outer space and the contribution of Mexico.

The comments made by my delegation were handed in to the Secretariat so that if it considers it appropriate, they can be circulated among delegations to allow them to study the points we raised with a view to them being taken into account in the drafting of the report at the end of the current session of the Subcommittee.

The CHAIRMAN: Thank you for your statement. I believe that as you have requested, the non-paper has been distributed to all delegations. I now give the floor to the distinguished representative of the Republic of Korea.

Mr. C. HYUNG-SUK: My delegation has a brief statement to make under this agenda item. We greatly appreciate the contributions of the Legal Subcommittee, since its inception, in drafting international legal instruments in the field of outer space. We also recognize the major implications of these instruments for carrying out space-related activities.

In general, law has a tendency to follow reality, and when the need it arises it has to regular certain phenomena and situations. The field of space law is no exception. As many delegations have pointed out at previous sessions, deliberations on certain issues in this Subcommittee can only take place on the basis of data and evidence established by the Scientific and Technical Subcommittee.

The international space law system already has basic and essential elements of outer space law, namely basic principles, the rescue and return of astronauts and space objects, registration of space objects and liability resulting from space activities. At present, achieving universal acceptance and implementation of these instruments at the national level must remain our major objective. Only then can we hope to form a consensus among members of the Subcommittee on the need to improve the space law regime. However, we should approach this matter in a comprehensive manner.

Finally, my delegation is aware of the problems relating to the lack of universal adherence

to the 1979 Moon Treaty. We hope the Subcommittee will play a leading role in analysing the causes of this problem and improving the Moon Treaty at its forthcoming sessions.

The CHAIRMAN: Thank you for your statement. The list of speakers is now exhausted, but is there any other delegation wishing to take the floor at the present time? I recognize the distinguished representative of the Russian Federation, to whom I give the floor.

Mr. Y. KOLOSSOV (Russian Federation) (*interpretation from Russian*): My delegation has listened with interest to what was said by the distinguished representative of Australia. If a decision were to be taken that the Subcommittee should study the causes for the low number of acceptances of the Moon Agreement, then at the next session my delegation would be happy to take part in such a discussion.

At present, we wanted to take the floor to say that despite the fact that, as mentioned by the distinguished representative of Australia, the Moon Treaty cannot be properly considered as being a true part of existing international law on outer space, the status of the Moon and other celestial bodies is not in a total legal vacuum. The basic parameters of the legal status of the Moon and the other celestial bodies are determined by the 1967 Outer Space Treaty, to which 97 States are Party.

Given the fact that the legal status of the Moon does exist for many States, this can be duly considered and can be discussed again when we return to the Moon Treaty and seek to better understand why it does not seem to be too popular.

The CHAIRMAN (*interpretation from Russian*): Thank you for your contribution. The next speaker is the distinguished representative of Indonesia, to whom I give the floor.

Mr. SUBANDIPARTO (Indonesia): My delegation wishes to comment that clarification on some of the terminology pertaining to the five international legal instruments governing outer space is needed to strengthen the legal basis of the obligations. Therefore, in order to avoid causing difficulties for the position of some States Parties who have already ratified them, my delegation proposes that the clarification of the terminology be added to each individual treaty as an annex, or in another manner that conforms with international law.

The CHAIRMAN: Thank you for your contribution. Are there any other speakers on this

particular item at this time? I see none. We will therefore continue our consideration of this agenda item tomorrow morning. We will now begin our consideration of agenda item 9.

Review of the concept of the “launching State”
(agenda item 9)

The CHAIRMAN: Delegations will recall that this is a new item on the Subcommittee’s 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. Delegations will also recall that we established the working group for this item at the opening meeting of this session of the Subcommittee. The decision on the establishment of the working group has already been made.

The Subcommittee has already been informed of the proposed candidature of Mr. Kai-Uwe Schrogl of Germany as chairman of this new working group. I would now like to formally present his candidature to the Subcommittee for a decision. If I see no objections, may I take it that the Subcommittee would wish to appoint Mr. Kai-Uwe Schrogl as chairman of the working group on the review of the concept of the “launching State” at the present session? I see no objections.

Mr. Kai-Uwe Schrogl of Germany is appointed chairman of the working group on the review of the concept of the “launching State”. *It is so decided.*

I extend to Mr. Schrogl my warmest congratulations. It is my understanding that the working group on this item could convene its first meeting tomorrow afternoon, following the adjournment of the meeting of the Subcommittee.

However, I would now like to open the floor to those delegations wishing to make a statement in the plenary of the Subcommittee on this item. I already have a speaker on my list, the distinguished representative of Belgium, to whom I give the floor.

Mr. J. MAYENCE (Belgium) (*interpretation from French*): As this is the first time my delegation has taken the floor, we would like to take this opportunity to sincerely congratulate you on behalf of Belgium on your election to the chairmanship of this Subcommittee. We also welcome Ms. Othman as the new Director of the Office for Outer Space Affairs.

The issue of the concept of the launching State is of great interest to other delegations as well as our own. We take note of the Subcommittee’s interest in this concept, which is certainly rapidly evolving where international space activities are concerned. The definition given in Article 1 of the Liability Convention is a broad definition, which comprises the State which launches or procures the launching of the space object, and the State from whose territory the space object is launched.

Today, it is the last two criteria of this definition which are the main focus of our attention. Operators and launch methods are no longer the same as they were in the 1960s and 1970s. Out of the four criteria, only one – “territory” – falls exclusively within international public law. In certain situations, where the objective link between the launching activity of the State that is liable is weakened because of the many agents who are involved, that objective link does remain. Where traditional launching involves one or two States, and new techniques such as mobile launching allow the possibility of envisaging the liability of five or six States, even more if we widely interpret the concept used in Article 1. On the contrary, a restrictive interpretation of this provision results in a total absence of any liable State within the context of the Liability Convention.

The concept of international liability, as defined by the 1972 Convention, is a *sui generis* concept which has a purpose in itself. Belgium believes that States should be liable for the activities they conduct, support or allow. More than ever before, international space liability is the guarantor of the observance of the principles which govern the use made of outer space. This is what ensures the focused attention on the part of States which otherwise might lose interest in this particular aspect of the universe; States were interested in the conquest of space but they now have a duty to control it.

This liability is the best possible way to foster development and reinforce national legislation, which this Subcommittee wants to foster and encourage. We must be aware that fortunately the world has never had a major space catastrophe. However, simply calculating the probability of this happening on Earth and even more so in space is to be feared in the foreseeable future. We hope that such an event will never take place, but we would hope this would trigger a collective awareness by States and space agencies of the rights and obligations whose existence they may have forgotten, legal lacunae which States have never seen the need to fill.

Belgium has a constructive attitude towards the work of the Subcommittee and the working group on this agenda item. We would be happy to participate in these discussions, which we hope will lead to a true perception and recognition of international obligations of States involved in space-faring activities. It must certainly involve a proper perception of registering States and launching States.

The CHAIRMAN (*interpretation from French*): Thank you for your statement and for your kind words addressed to the Director of the Office of Outer Space Affairs and to myself. I now give the floor to the distinguished representative of the Russian Federation.

Mr. Y. KOLOSSOV (Russian Federation) (*interpretation from Russian*): My delegation will be participating in the deliberations in the working group. We would like to congratulate the distinguished representative of Germany who has been elected as its chairman.

My delegation understands that the reason for the occurrence of this problem is due to the process of privatization currently taking place. A large number of independent legal entities have ventured into the arena of outer space and they are not governmental organizations. It behoves us to state, however, that this problem is not entirely new. Even when we were working on the 1967 Outer Space Treaty, there were two approaches at the time: the approach of the Soviet Union, which considered that only States themselves should be involved in outer space activities, to the exclusion of any other entity. There was then the approach of other delegations, and the United States was at the forefront of that approach, according to which it was suggested that the Treaty should recognize the right of both States and independent legal entities to engage in outer space activities.

The problem then was one of the most confrontational issues, if we can use this term. The compromise that was identified is contained in Article 6 of the Treaty. It was considered that there was no actual concise definition as to who had the right to engage in space activities. But indirectly, in Article 6, which concerned international responsibility for activities in outer space, is concerned not with liability but responsibility. Such international responsibility must be borne by States Parties for all national activities, irrespective of whether such activities are conducted by State organizations or bodies, or by non-governmental legal entities.

The authors of the Treaty were wise when they were working in the way they found to resolve this

issue. Given the fact that there are many entities other than States involved in the outer space arena, if we consider that we can take away from States their responsibility for all national space activities, then we doubt whether such considerations are properly directed. No one intends to change the 1967 Outer Space Treaty, to which there are almost 100 States Parties, including all the basic active space-faring nations. Furthermore, as contained in Article 6 of the Treaty, the activities of non-governmental entities in outer space requires the *authorization* of the State Party; without its authorization non-governmental entities are not entitled to engage in such activities. If a legal entity starts to conduct outer space activities without the agreement of the State of which it is a national, that is to be construed as a strict violation of Article 6 by the State whose national entity conducts such space activities.

In the same Article, it indicates that activities of non-governmental entities shall be placed under the continuing supervision of the appropriate State Party to the Treaty. So there is no legal vacuum there whatsoever in the concept of launching State.

What exactly is meant by “authorization” of the State Party? We can envisage that when the State issues licences to the legal entity, after official registration of such a legal entity which declares itself to be as such, according to national legislation, this is a form of authorization. Thus the authorized legal entity is given the licence to pursue such launching activities, and this is what happens. According to the legislation on outer space activities in the Russian Federation, our Government supervises this, and an unregistered legal entity is not able to conduct space activities: there is no question of such entity being able to conduct space activities.

As concerns the Liability Convention, in Article 1 there is a definition of the launching State. In particular, the launching State is considered to be that State which organizes the launch, which procures the launch. The authorization for the launch and the registration of the legal entity, as well as the issuing of a licence, is one of the ways of procuring such a launch.

Is this not a way of ensuring proper legal coverage of that? The State issues a licence to launch and this is certainly a way of organizing or procuring the launch. If the launching State is the one that procures the launch, then there is no problem in determining which State is the launching State: it is the one that procures and authorizes the launch.

All this does relate to Article 1 of the Liability Convention; that self-same mechanism is used there.

Of course, if there is some moot point or some misunderstanding as to the fact that the registration of a legal entity and issue of a licence is not a way to procure the launch of the space object, then we must look at the interpretation of this in greater depth.

It is not necessary to in any way break the text of the existing treaty. We can have an official interpretative note to this end. It should be borne in mind that, pursuant to the law of international treaties and in particular the Vienna Convention of 1969 on the law of treaties, an authentic interpretation, i.e. one with legal significance, can only be entered into by the States Parties to the treaty collectively. Therefore any interpretation which we may make or develop in this Subcommittee can, according to treaty law, have a doctrinal value only. It may only be used in an auxiliary manner in relation to international law.

If the States Party to the Convention wish to explore the interpretation, they can convene a conference and give any text submitted by us an authentic context on the concept of the launching State. If the legal entities of several States Parties launch jointly, then the launching State will in fact be several States, and that is a problem which is addressed in Article 5 of the Liability Convention. That Article notes that there is joint and several liability.

As concerns registration, the registration of objects, and of the satellite itself, must be ensured by the State. The registration of a space object which is launched into outer space must be undertaken by the State Party which has registered it as a legal personality. This is in accordance with Article 6 of the Outer Space Treaty, according to which a State authorizes a legal entity to perform the launch.

If a new concept of the launching State is concerned, it will not be easy to take on board as active partners legal entities or personalities, because these entities, be they national or transnational, are not subjects of international public law. My delegation does not believe that recognition of such partners as subjects of international law arose from the sector of international law [*sense?*]; I doubt that this is the case.

The CHAIRMAN (*interpretation from Russian*): Thank you very much for your statement.

(*continues in English*) I have no other names on my list of speakers, but does any other delegation wish to take the floor on item 9 at this time? I see none. We will therefore continue our consideration of this item tomorrow morning.

As there is still some time remaining to the Subcommittee this afternoon, I propose we begin a preliminary consideration of agenda item 10.

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

The CHAIRMAN: Delegations will recall that in the past, the Subcommittee has engaged in informal consultations on new items for its agenda. However, with the new agenda structure agreed upon at the 1999 session of the Committee, this process has been formalized into a specific agenda item.

As I have already mentioned, it should be noted that in addition to deciding on new items for consideration under workplans or as single issue items for discussion at the fortieth session of the Legal Subcommittee in 2001, this Subcommittee will need to consider whether agenda items 7 and 8 should remain on the agenda and, if so, in what format.

I would like to briefly remind delegations of the various proposals for new agenda item tabled in past years that remain before the Subcommittee for consideration:

- (1) Commercial aspects of space activities (for example, property rights, insurance and liability), proposed by the delegation of Argentina;
- (2) Review of existing norms of international law applicable to space debris, proposed by the delegation of the Czech Republic;
- (3) Legal aspects of space debris, proposed by the delegations of Brazil and the Czech Republic;
- (4) Comparative review of the principles of international space law and international environmental law, proposed by the delegation of Chile;
- (5) Review of the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting and the Principles relating to Remote Sensing of the Earth from Outer Space, with a view to possibly transforming those texts into treaties in the future, proposed by the delegation of Greece;

- (6) Examination of the Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea, of 10 December 1982, as a model to encourage wider accession to the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies, proposed by the delegation of the Netherlands.

I would remind delegations that at the thirty-seventh session of the Subcommittee (in 1998), Brazil, Greece and the Netherlands had announced that their proposals could be considered at a later stage, as other items being considered at the time could be given higher priority. At that same session, both Argentina and Chile announced that a workplan would be submitted with regard to their respective proposals. At the thirty-eighth session of the Legal Subcommittee, the delegation of Argentina presented a working paper on their proposal (document A/AC.105/C.2/L.215).

I would also note that during the course of the “General exchange of views” at the present session, some States indicated their intention to propose other specific items for the agenda of the Legal Subcommittee at its session in 2001.

I would now like to open the floor wishing to make initial statements on this item. The first speaker on this item is the distinguished representative of Greece, to whom I give the floor.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): My delegation would like to begin by asking you to make a minor correction to paragraph 46 of the report of the Subcommittee for 1999 (document A/AC.105/721). In that paragraph, where instead of “the fifty-second session of COPUOS”, it actually say “the fortieth ...”, although the footnote gives the correct reference, i.e. A/52/20 (page 11). The fortieth session of COPUOS was in fact held many years ago!

The CHAIRMAN (*interpretation from French*): Could I ask the distinguished representative of Greece to indicate again exactly where this mistake has appeared.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): I am referring to paragraph 46 of the document which was the report of the Legal Subcommittee for 1999 (document A/AC.105/721). I have the English text in front of me, and it is on page 8, second column: paragraph 46. (*continues in English*) “... as recommended by it at its thirty-sixth session and endorsed by the

Committee on the Peaceful Use of Outer Space at its fortieth session”. This should read “fifty-second session”. Footnote 11 at the end of the main text, on page 11, contains the correct document reference, A/51/20.

Mr. P. LÁLA (Secretary): This reflects paragraph 46 of the report contained in document A/AC.105/721, where we are talking about the thirty-sixth session of the Legal Subcommittee and the fortieth session of the main Committee. This was the fortieth session of the main Committee. But the document reference, i.e. 52, reflects the numbering of the session of the General Assembly. It is our understanding therefore that this is therefore correct.

Mr. V. CASSAPOGLOU (Greece) [in English]: I am afraid that is not right, Mr. Secretary. For almost 55 year the code number of the report of the main Committee was the famous supplement 20. From the time that they began to put the number of the ordinary session of the General Assembly, it is A/54/20. That is correct and we endorsed it.

The document of the thirty-sixth session of the Legal Subcommittee is the session of 1997, and it was endorsed in June, in New York by the fifty-second General Assembly ordinary session. Otherwise there is a discrepancy: the fortieth session of the main Committee was 12 years before! I would not normally bother you with such a change but it is a matter of substance.

We are now speaking about the agenda items to be discussed now. As you may remember, Greece proposed the new agenda item concerning the review of the two sets of Principles you just mentioned. As a compromise, and in order to help the Subcommittee, at the time we said that we would not insist at that time. It was agreed that we would continue to examine the status of the five international legal instruments governing outer space. There were some problems, as the Subcommittee may recall, as to how to interpret the term “review”. But nevertheless, as there is a slight different between the English and French interpretation of “review”, it was decided within the framework of the three-year plan. This three-year plan expires this year, at the current session, and we propose to continue to discuss this very important issue. If this means combining the two agenda items, i.e. the status of the instruments and the review of them, then we may be able to make economies of time.

Greece does insist on the importance of this agenda item and our proposal is to produce a multi-

year plan of action or plan for discussion. That is the general introduction I made concerning the actual agenda item 8, for it to be a new agenda item or to continue to be an agenda item for at least the next three years.

The CHAIRMAN: Thank you. But is there any relation between your present suggestion, i.e. to merge points 4 and 8 of the agenda, with your informal proposal on the review of the Principles?

Mr. V. CASSAPOGLOU (Greece) [in English]: What I said was that Greece made this proposal in 1996, but in order to facilitate the tasks of the Subcommittee and not to block discussions etc., we said we would not insist at that time, on the condition that we would continue to review and discuss the status. This is not obligatory, just a process of amendment or other action concerning the validity of the five treaties. I just wanted to remind you what happened four years ago.

The CHAIRMAN: Thank you for your clarification. As far as the document reference is concerned, I would ask you to liaise with the Secretary so that you may explore this question in greater detail.

Does any other delegation wish to take the floor at the present time? I see none. We will therefore continue our consideration of agenda item 10 tomorrow morning. I will shortly adjourn this meeting of the Subcommittee. Before doing so, I would like to inform delegates of our schedule of work for tomorrow morning.

We will continue consideration in the plenary of the Subcommittee of agenda items 6, 8, 9 and 10. Thereafter, time permitting, the working group on the definition of outer space and the utilization of the geostationary orbit will convene its second meeting, under the chairmanship of Mr. Pelaez (Argentina). Are there any questions on this proposed schedule? I see none.

On a final note, I would like to remind delegates that there will be an informal ESA/IRC meeting in Room C0713 following the adjournment of the present meeting. In addition, tomorrow morning there will be a meeting of the Like-minded Group of countries in Room C0713, at 9 a.m.

This meeting is adjourned.

The sitting adjourned at 4.25 p.m.