

# Committee on the Peaceful Uses of Outer Space

## Legal Subcommittee

*Unedited transcript*

**636**th Meeting

Wednesday, 5 April 2000, 10 a.m.

Vienna

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*Chairman:* Mr. KOPAL (Czech Republic)

*The meeting was called to order at 10.15 a.m.*

**The CHAIRMAN:** I now declare open the 636th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. We will now continue and conclude our substantive consideration of agenda item 9.

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

**The CHAIRMAN:** I have no names inscribed on my list of speakers. Does any delegation wish to take the floor? I recognize the distinguished representative of the United States, to whom I give the floor.

**Mr. K. HODGKINS** (United States of America): My delegation may have something to add on this item later this morning. With your permission, would it be possible to keep this item open for the rest of the morning, to allow us to prepare certain specific ideas we have, as we still need to consult on this.

**The CHAIRMAN:** You can certainly do so later during this meeting. We will probably then suspend this meeting and reopen it later, as there are consultations which will continue. This would allow your delegation to make your statement during the second part of the Subcommittee’s meeting.

I give the floor to the distinguished observer for the European Space Agency.

**Mr. G. LAFFERRANDERIE** (Observer, European Space Agency (ESA)) (*interpretation from French*): Thank you for giving me the floor. I hesitated on taking the floor yesterday during the deliberations of the working group, presided over by Mr. Schrogl. However, having reconsidered, I feel it would be a good idea for me to make some comments on this subject.

As you know, my organization has accepted the Liability and Registration Conventions. It is not something that will be new to the Subcommittee when I say that this Liability Convention states that an organization that has made such a statement accepting this is considered, for certain articles of that Convention, to be a State Party to that Convention. This means that for both these Conventions, ESA, having made such a statement, is also considered to be a launching State.

It is not only States per se that are Parties to such Conventions and are interested in these discussions. This will likewise concern organizations, as indeed ESA, which is considered to be a launching State, as I have just explained.

Looking at the elements of a definition of the launching State, which are the same in these two Conventions, there are common elements that

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are in essence applicable to States. But some of these elements cannot apply to international organizations or intergovernmental bodies. We have no territory per se; we have no citizens who have ESA nationality; in essence, we are concerned because we have ways and means such as launch pads. Ours is located in a French district of Guyana, and we are able to prepare satellites and to control and monitor the launch vehicle.

These means are not located merely on the territory of a Member State of the Agency (i.e. France), but likewise on territories of non-Member States. I tend to believe – and I regret not speaking on the issue yesterday – that these considerations must be borne in mind in the deliberations in future on the launching State. ESA might prepare a working document on this subject to bring together all the comments that are specific to international intergovernmental organizations.

**The CHAIRMAN** (*interpretation from French*): Thank you for your statement. I believe that the chairperson of the working group has taken note of your statement and will bear it in mind.

(*continues in English*) Are there any other speakers on this item? I see none. We have thus concluded our substantive consideration of agenda item 7, “Review of the concept of the ‘launching State’”. We will now continue our consideration of agenda item 10 in the plenary of the Subcommittee.

**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** (*cont.*) (agenda item 10)

**The CHAIRMAN**: I have no names on my list of speakers, but does any delegation wish to

speaking on agenda item 10? I see none. I have been informed that additional progress was made in the informal consultations on proposals for new agenda items that took place yesterday afternoon. I would therefore propose that perhaps one further session of such informal discussions might be useful this morning. If I hear no objections, we will now suspend the meeting of the Subcommittee. Thereafter the working group on the definition of outer space and utilization of the geostationary orbit will convene to adopt its report.

Following the completion of that meeting, informal consultations could continue with a view to reaching further agreement on proposals for new agenda items for the fortieth session of the Subcommittee. Depending on the progress of those informal discussions, we could reconvene the Subcommittee either later this morning or this afternoon, to finalize discussions in the plenary on agenda item 10.

Before suspending this meeting of the Subcommittee, I would like to ask the distinguished representative of the United States if he wishes to speak on agenda item 9 at this meeting.

**Mr. K. HODGKINS** (United States of America): My delegation would like to speak on this item; perhaps we could do this later this morning, following the meeting of the working group.

**The CHAIRMAN**: Thank you; we will therefore proceed in the manner I have just outlined. This meeting is now suspended until later this morning.

*The sitting adjourned at 10.25 a.m.*