

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

Unedited transcript

643rd Meeting

Monday, 4 April 2001, 10 a.m.

Vienna

Chairman: Mr. Kopal (Czech Republic)

The meeting was called to order at 10.17 a.m.

**Agenda item 4, status and application of the five
United Nations treaties on outer space**

The CHAIRMAN: I declare open the 643rd meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

Distinguished delegates, we shall now continue our consideration of agenda item 4, status and application of the five United Nations treaties on outer space. The first, and so far the only, speaker on my list of speakers on this item is the distinguished, and I would say charming, representative of Australia, Ms. Coles. I give her the floor.

Ms. S. COLES (Australia): Thank you Mr. Chairman for your kind introduction. The Australian Government supports the work of the Legal Subcommittee, particularly in this task of reviewing the status and application of the five international instruments governing outer space. As we indicated in our general statement, Australia has some concern that the commercialization of space activities and the increasing proportion of space activity being undertaken by private, non-government entities, does present substantial challenges for the existing regime.

Australia has also some concerns that there may be different understandings as to the extent of the rights, obligations and liabilities of State Parties under the agreements. Australia notes that this uncertainty may be difficult to resolve in the short term, given the language of the instruments, but is concerned that this

may also be acting as an impediment to universal accession to the instruments.

In our general statement, we indicated our particular interest in the Moon Agreement. This Agreement outlines the obligations of States Parties in respect of activities on the Moon and other celestial bodies and the allocation of proprietary rights and interests arising from those activities. Some have interpreted this Treaty as denying proprietary rights over objects found in outer space that did not originate from the Earth, going beyond the Moon, for example, minerals from meteorites as well as the Moon.

There has been widespread, but not universal, accession to the first four treaties including all of the main spacefaring nations. However, there has been, it must be said, only minor accession to the Moon Treaty, nine ratifications and five signatories so far and you, Mr. Chairman, went through these statistics in relation to the five treaties in our opening session.

It is true to say that none of the major spacefaring nations has so far ratified the Moon Treaty although the interest in activity of some of the Parties, including Australia, has been increasing of late, increased activity and interest in space activities.

Our distinguished colleague, the Austrian Ambassador, Ambassador Winkler, who was himself involved in the drafting of the Moon Treaty, spoke on this subject briefly yesterday and we are indeed privileged to have the benefit of his input, given his early involvement with the Moon Treaty. He suggested that we may need to ask a question which we, the Australian delegation,

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are happy to pose. Why are there so few ratifications for the Moon Treaty?

We ventured to suggest that, at this stage in the new Millennium, it may be a general question of relevance. Since the time when this Treaty was negotiated, it may certainly be said that humankind has looked well beyond the Moon to other planets, even other galaxies, for exploration and related activities. As technology and space travel advances, this trend may only continue. It may alternatively or additionally be a question of issues in the Treaty itself. In light of the commercialization and increasing privatization of space activities to which we have earlier referred, it could be that commitments to non-appropriation of territory of the Moon and in particular of the natural resources of the surface or sub-surface, contained in Article XI of the Treaty, caused concern to potential ratifying States. We have even heard from the Director of the Office for Outer Space Affairs that there is some activity in terms of selling real estate on the Moon. Perhaps this has caught the attention of potential ratifying States. Who is to say?

The Moon Treaty does go even further declaring that the Moon and its natural resources are the common heritage of mankind. It may be that this additional and broad element is posing a key obstacle to ratifying States.

In his intervention yesterday, Ambassador Winkler posed a second question, in addition to that of why so few ratifies. He wondered if it might be possible to make this Treaty more attractive to potential ratifying States.

In relation to the Moon Treaty, we ask other delegations to reflect on these questions, i.e., why so few ratifications and what could be done to address that and to bring their views to this continuing discussion on item 4, next year and/or at the COPUOS main session. Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of Australia for your statement. I do not see any other name on my list of speakers on this point but I would like to know if there is any other delegation wishing to speak on this particular item at this stage and I believe that this is probably the last opportunity because I intend to close the discussion on item 4.

Yes, I recognize the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you very much Mr. Chairman. As I said yesterday, we expressed our concern, our specific concern, concerning the subject of how important it is to have as universal a participation as possible in the five United Treaties relating to space and we are extremely interested in following through that particular item on the agenda. We are interested, I was saying, in following the way in which national legislation of the Member States of the United Nations is evolving and is changing and developing as regards the space activities.

As you know, there are no fewer than 10 countries that have already introduced ad hoc legislation covering national space activities but I think that it is safe to say that this is thanks to the treaties themselves because, of course, the texts of the treaties, as soon as they are ratified, become an integral part of the legislation of the countries having ratified them but it is the implementation of space law in the national framework that we are really focusing on. So I think that it would be really crucial to introduce some information under this agenda item because we are really looking only at the current status of the five space-related treaties. So what I am saying is to perhaps introduce something there that would be additional to what is already there because we have to inform the Members of the Committee and also the other Member States of the United Nations, we have to inform them about what is going on in the various countries in terms of their space-related legislation, if any.

And when we come back to item 10 of the agenda, perhaps I could make this point again, we could come back to it, but I wish, at this point, to reiterate the proposal that I made to have a working group, an ad hoc working group set up specifically to discuss the various problems associated with the applicability of the treaties and the number of countries joining these, acceding to them or adhering to them because if we limit ourselves merely to a small list of ratifications and if we only look at that and we do not go into some depth, as our distinguished colleague from Australia has said, to look at the why behind, the reason why there is such a small number because otherwise if we do not do that, it would really be a sort of a dialogue of the deaf. The only way to go into any depth in this matter is to re-create, re-establish the working group that we did set up, in fact, about two years ago. Thank you.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative of Greece. I think that other delegations have heard your

suggestion to consider the possibility of setting up a working group on that item of our agenda.

(Continued in English) Ladies and gentlemen, I do not have any other speaker on my list. Yes, I recognize the distinguished Ambassador of Egypt.

Mr. K. EL-HUSSAINY (Egypt): Thank you Mr. Chairman and good morning ladies and gentlemen. We made a statement concerning this particular item the day before yesterday and we mentioned that one of the problems that the _____ Convention High Commission(?) (aviation conventions?) did not receive wider acceptance is a problem of transfer of technology to the developing countries particularly in the field of outer space and to make comparisons between the aviation conventions which met very wide acceptance exceeding in most cases 100 States. So I hope that this particular statement will be reflected under this item in our case because we mentioned it the day before yesterday and we kept jumping from one item to another, so I hope it will be noticed somewhere in this process. Thank you.

The CHAIRMAN: Thank you distinguished representative of Egypt and we will take care of mentioning this point in the proceedings. Thank you.

Any other delegations? I recognize the distinguished Ambassador of Chile to whom I give the floor.

Mr. R. GONZÁLEZ (Chile) *(interpretation from Spanish)*: Thank you very much Mr. Chairman. I have taken the floor just to support what was said by Greece just now, the distinguished delegate of Greece, about the need to have a working group on this topic.

I would say that such a working group should be convened very soon, promptly, otherwise we run the risk of turning ourselves into a sort of an academic meeting or forum which could very well be useful within an academic framework but we are here to negotiate and that is the main reason why we have the United Nations negotiation.

When we talk about the five United Nations treaties, I do not think we can forget the principles that have already been adopted by this Committee and then afterwards subsequently by the General Assembly of the United Nations. So they cannot be left outside the review of such a working group. I think that we need now to take a decision on this especially if we look at the very low rate of legal participation expressed by a lack of ratification of any of the treaties. This makes it

all the more important to convene a working group on this subject.

For my delegation, this is a matter of serious concern, namely that, on the one hand, we have countries in the Subcommittee who actually participate very little, practically do not even participate as the Members of the Committee but they do not participate at all and I am sure that they could contribute to an enormous amount of points and they could help us very much. And there are others who do not ratify the treaties yet are Members of the Subcommittee.

I do not know, it may not be a bad thing to have some sort of an evaluation or assessment. I am not saying now but at some point, within the Secretariat, taking into account the practice followed by other United Nations organizations where one cannot participate if one does not pay the assessed contributions. UNIDO, I understand that it is the case as well for the International Atomic Energy Agency, that countries cannot actually participate if they do not pay their assessed contributions. So I think that the assessed contribution for the Legal Subcommittee is the ratification of the treaties.

I do not want to open up any big discussion on this but it would appear odd, I think, strange that countries that make declarations and have all sorts of suggestions to be able to guide the work of this Subcommittee, are doing this but they have not actually ratified the treaties. Now, one way of finding a solution to this problem is to have a working group where those countries are also going to say "well, we have not ratified this and treaty for the following reasons". Perhaps this will make us all reach the conclusion that it is important.

And here I would like to come to a point that is very key, I think, that we should perhaps focus our attention on what I consider to be a very positive proposal which was made by the distinguished delegate of the Russian Federation. We, in fact, supported it specifically when we made our statement earlier and we wish to reiterate that. There are many elements that are at play here that are all involved right now and these elements deserve to be examined in a working group. I am not saying that we should adopt any specific measures or get some sort of consensus or go to a vote, anything like that, that is not what I am saying. It is just that we have a situation which is somewhat bizarre because we are looking at the treaties yet many countries are examining these treaties but, in fact, have not signed or ratified those treaties. I do not want to pass judgement on that. They might have the best possible reasons in the world to do this. I just

want to say that there has to really be a working group to be able to determine, to be able to know, what are the reasons why specifically these countries are not ratifying and one way out of this might be through a new approach which would bring together the five treaties and we would have the adoption of a comprehensive single convention, as was the case for the adoption of the Law of the Sea Convention, for example, and I think that that might be the most wisest, most intelligent, most appropriate way of dealing with this.

I am sure that the countries that have not ratified the treaties could quite probably, in such a framework, give us many details, much information which would help us all to have a much more specific idea of what is going on.

I apologize for spending a few extra minutes on this. Well, we, in fact, have a number of days ahead of us and it looks like we are going to finish before we were due to finish, so as we say in my country, I do not think it is going to be a burden on anyone if I spend a few extra minutes on this.

Let us look at the evolution. What has happened with the principles, the application of the principles. They were adopted in 1996, the Secretariat can correct me if I am wrong but I believe they were adopted in 1996. What is the situation with international cooperation, that principle. The principle that was afterwards named the International Cooperation Principle. Has there really been cooperation based on those principles or is it a case where cooperation has occurred in a bilateral way from country to country. In the case of Latin America, we have made a significant effort, a very important effort. We have had three space-related conferences in Latin America with very effective support of the United States and Canada and we would like to have a fourth one very soon.

But what about remote sensing. That principle. There are two or three clauses that are very important in remote sensing that turn on the definition of the data, for example, the untreated, unprocessed data, processed data, analyzed information and all that, first of all. Then the cost of these data. There is supposed to be a reasonable cost. So what is a reasonable cost? I would like to know today, for example. We have a specific case of a very small university in Chile which cannot purchase data because it turns out that these data are incredibly expensive for that small university to be able to afford. It is in an area of the country, located in an area of the country where there are natural disasters occurring regularly.

And I do not know if we are still in the Decade of Natural Disasters but the United Nations General Assembly declared that there should be a Decade on Natural Disasters and we are doing everything we can, pooling our efforts with other countries to mitigate this type of problem.

However, there are very large areas of my country. Unfortunately, it is a country that is affected very often by natural disasters by droughts, by earthquakes, by forest fires as well and the only technological help or fix for this sort of thing will involve instruments or tools that are made available by satellites. So having access to this type of information, given the cost of the information, is a problem.

There are a number of other elements which require a regulatory framework consistent with the fundamental principles, the basic principles. The principles were adopted by consensus, yes, so we cannot say here that there are some countries that have not fulfilled their responsibilities about these principles. Remote sensing, that negotiation took 11 years and finally it was adopted. Of course, there were a number of reservations from all countries because when you have something adopted by consensus, then there have to be reservations.

And here I will conclude. I think that we have to look at the lack of ratification. We have to look at the fact that the lack failing to ratify treaties has meant that it is almost a virtual treating of this subject. We are covering it in a virtual way only. Now if we were purely embarking on something academic, that is fine, but you cannot really deal with the subject if you do not actually have a ratification of the treaty which reveals what your political will is. Perhaps we are now in front of the door and that door is the proposal that was made to us by the distinguished delegate of the Russian Federation. We just have to open that door. Thank you.

The CHAIRMAN: Thank you distinguished Ambassador of Chile and Chairman of the Committee on the Peaceful Uses of Outer Space for your contribution. Certainly it was not necessary to apologize for your intervention and for spending some time because this is just the purpose of our meeting here and we have to discuss all impending questions including that that was raised by the distinguished representative of Greece and supported by you. Thank you very much.

I wanted still to say that it is my intention to reserve some time, either during this meeting and earlier for informal consultations on this and other

suggestions that have been made so far in order to use the time that is available for us and perhaps, if necessary, also the interpretations. This will be possible.

On the other hand, I have some doubt whether we could establish a working group immediately unless clear consensus on this item is reached but the usual procedure is that the Main Committee must endorse such a recommendation if made by the Subcommittee and then the General Assembly will decide on establishment of a working group but this can be still discussed.

Ladies and gentlemen, I have additional names on my list of speakers and I give the floor to the distinguished representative of Ecuador.

Mr. P. PALACIOS (Ecuador) (*interpretation from Spanish*): Thank you. My delegation would merely like to support the proposal made by the delegation of Greece. It is a very positive thing and it is a very necessary thing to set up this working group. Now I know that this is not something which happens automatically. We have to follow a procedure, a process, but if we really want to carry this forward, we will have to follow that procedure. So I would like to endorse the Greek proposal. Thank you.

The CHAIRMAN: Thank you distinguished Ambassador for your contribution to our discussion. The next speaker on my list is the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Mr. Chairman. I would like to thank my dear friends, the Ambassador of Chile and the Ambassador of Ecuador for their support of my proposal.

I would like to refer to what His Excellency, the Ambassador of Egypt has just said with regard to the transfer of technology of know-how which could, in effect, be an obstacle to the extension of ratifications to these treaties. Our dear Reverend who is a representative of a civilization which is at least 5,000 years old, is quite right to emphasize this because it is not the transfer of technological know-how but also of practices which is involved here. And because of the dissemination of applications of space technologies specifically, the countries which are very often termed as developing, I do not indeed accept that qualification for these peoples. I think that these nations must know, not only how we apply international space law but also should be fully aware of their rights as well as their obligations, especially their rights, in the plural. Their

rights to participate in the spin-offs deriving from space science and technology.

So possibly within and under the agenda item, we could refer to an information campaign for this purpose. That would be yet another reason for the advisability of such a working group as has been proposed.

I would like to emphasize a very useful contribution of OOSA. When it comes to disseminating such information, such knowledge, just two months ago in Greece, the Faculty of Law, together with the United Nations Information Centre for Greece, Cyprus and Israel devoted a day to telecommunications in space and thanks to the documents and support of Ms. Othman and her colleagues, the Deputy-Secretary, other colleagues from OOSA, we were able to distribute to the students and the public involved in this eight-hour seminar, various documents. So I think that there certainly is a need to promote this aspect. I would like to thank Ms. Othman and Ms. Maria-Luisa Chavez, who is the Director of the Information Centre of the United Nations that I have just mentioned as well.

Third point. This is a procedural point and it is to whether or not our Subcommittee can set up subsidiary bodies within the Committee, we are lawyers, but I have my doubts on this point. I think that anybody, be it subsidiary or principle may set up groups and sub-groups in a flexible fashion without it being necessary to get prior approval of the supreme body, I believe. Thank you for your patience Mr. Chairman.

The CHAIRMAN (*interpretation from French*): Thank you Greece. As concerns your assessment of the Secretariat's work under the aegis of Ms. Othman, thank you very much on their behalf. On your last point, I am not really sure because there are certain procedures and we have an agreement on the way in which our agenda is put together and you know that there are some items which are accompanied by certain rules regarding the creation of working groups and this is pursuant to the United Nations General Assembly decisions. So I think that this might be a problem indeed but thanks for your proposals certainly and your views as expressed on this point.

(*Continued in English*) On my list of speakers, the name of the distinguished representative of Colombia, to whom I give the floor.

Mr. C. ARÉVALO YEPES (Colombia) (*interpretation from Spanish*): Thank you very much

Mr. Chairman. As a delegation we had already made various points when we spoken in the general debate, comments which are perfectly relevant to the debate that is going on at present.

The delegations which have just spoken to me, I believe, have referred to various points which they are re-stressing. There are, indeed, topics here which are of concern to many delegations. These are horizontal topics having to do with international space law and ever so many of these questions have not really emerged but nevertheless do nourish to concerns of various countries in various fields, for example, the delegation of Egypt has referred to one of these with regard to the dissemination of space technologies. This is one of the major obstacles, one of the major challenges with which we are confronted. We are facing a stage of commercialization in which the participation of private companies is on the upswing and it is profit-oriented, something which I would not object to but this certainly does mean that international cooperation is a topic that must be brought to more cautiously. UNISPACE-III has made various very clear proposals and recommendations to ensure that the dissemination of science and technology which is space-based should be exploited by all countries.

There is a causal effect here. Various proposals have been made and we have to see how we could promote application of the treaties. We could envisage various alternatives in this regard. We could envisage the drafting of one single convention which could codify a whole series of new situations which exist at present.

These, Mr. Chairman, were the considerations we wish to share on this matter. We believe that there is much that remains to be done and we certainly are ready to cooperate to that end. Thank you.

The CHAIRMAN: Thank you distinguished representative of Colombia for your contribution to our discussion. Is there any other delegation wishing to intervene at this very moment. I recognize the distinguished representative of Peru.

Mr. M. A. ESPINAL (Peru) (*interpretation from Spanish*): Thank you very much Mr. Chairman. I will not be speaking at length. I just wanted to share the following points with you. Out of these five United Nations treaties, Peru has ratified three. The Treaty on the Principles Governing the Use of Outer Space as well the Convention on Registration.

In the statement made yesterday by my delegation, we stated that the Congress of our Republic

should have the ratification on Liability for Damage Caused by Space Objects brought before it and I would like to inform colleagues present that yesterday the Convention on the Moon and Other Celestial Bodies has also been submitted for ratification. So these two instruments are presently up for ratification, and once ratified, Peru possibly will be joining the countries having ratified the five space treaties. That is all I wish to say. Thank you.

The CHAIRMAN: Thank you distinguished representative of Peru for your contribution. I now recognize the distinguished representative of the Islamic Republic of Iran.

Mr. A. H. SARYAZDI (Islamic Republic of Iran): Thank you Mr. Chairman. Mr. Chairman, as this is the first time my delegation takes the floor, I would like to join those delegations, everybody who congratulated you on your election as the Chairman of this Committee.

Mr. Chairman, I will try to be very brief. I just want to recall what was said by the distinguished representatives of Egypt and Greece about the first disseminating of space technology to developing countries and second the importance of establishing a working group on the Moon Agreement. Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of the Islamic Republic of Iran for your contribution. I recognize that Egypt requires to take the floor again.

Mr. K. EL-HUSSAINY (Egypt): Thank you Mr. Chairman. I asked for the floor to thank the distinguished representatives of Greece and Iran for supporting the idea I put forward before. And with that Mr. Chairman, I would like to elaborate on a certain idea concerning the dissemination and transfer of outer space technology. In aviation, in fact, the big powers in the field of outer space technology like the United States, Europe and Japan, they have started already to use this modern technology that is satellites and the air navigation, that is to say, directing the aircraft and their operation in different parts of the world. This is quite a modern technology and only the big powers in this field are using this technology in directing their aircraft all over the world and very soon, the developing countries in the different parts of the world will be using this modern technology in the air navigation in their particular regions.

I mention this to demonstrate that very soon the developing countries will enter this modern

technology of using satellites and other establishing things. And, in fact, in certain regions of the world they have started already trying to put in action this new idea that is using the satellites in the field of air navigation. There are certain a group of States called the COMMISAR(?) States, they are African States, some of them from the North like Egypt and from Eastern Africa and Southern Africa, the South is part of Africa.

Those 20 States they are now studying the idea of putting together their efforts in order to launch a satellite into outer space and try to use it to solve their problems in air navigation of the different aircraft in their own region. The main idea also were now studied by a regional organization called the Arab Civil Aviation Organization which also they started already to study the idea of launching also satellites into outer space and try to use it for the air navigation of the aircraft of those States, which are almost 25 Arab States. So the dissemination of outer space technology soon will spread in the developing countries. I want to assure my colleagues on that because already many States in different parts of the world, there are many regional organizations of civil aviation. They are studying the idea of using satellites for modern technology and this will lead them to prepare the technicians on all this and to enter this new field of modern technology which is, up to now, a monopoly of certain groups of States, a very limited number of States, the Big Brothers.

Also Mr. Chairman, I think ICAO also started to get itself ready for this global utilization of using the satellites in air navigation and I think the representative yesterday demonstrated the effort exerted by ICAO in this direction.

I, myself, was the Chairman of the ICAO Legal Committee from 1994 up till the end of 2000 and we were instructed by the Council of ICAO to formulate a legal framework for the use of satellites in the global air navigation and as Chairman of the Legal Committee at that time, we composed sub-legal committees, composed of technicians in the field of outer space and legal experts in order to formulate the legal framework for this new use of satellites in air navigation all over the world.

So I assure my colleagues here that very soon the developing countries as well will enter this new field of outer space technology because of this need to use satellites even for the Third World countries or developing countries to use this new modern technology in the field of air navigation. Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of Egypt for your valuable contribution to our discussion, particularly for your information about the initiatives within the Arab Region and particularly for your information about the activities of ICAO in this respect during your period of chairmanship of its Legal Committee. Thank you once again.

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

Mr. M. G. OMOTOSHO (Nigeria): Thank you very much Mr. Chairman Sir. We have followed carefully the trend of discussion and we are particularly very happy in the way the discussion is going but our main concern is this. We all realize that the world is not being globalized seriously and the terms(?) of these treaties is we are being prepared, many of the developing countries like my country Nigeria do not have the skills when we are talking about outer space but these are now growing very fast. We are now developing very fast and we do not want to be left alone. We are not finding it difficult to say we are supporting the working group but what we want the working group to look at is, is it possible for the working group to go back and look at some of the reasons why some of these treaties were not fully supported and we should also bear in mind that, take, for example, in 1963, Nigeria was only three years independent then, we had only just been liberated three years, and there is not much you could not have done then but we are also very much interested in the activities of outer space.

We would appreciate that let the working group particularly go back to the reasons why these treaties were not fully accepted by some of the countries. That is one Sir.

We are also of the view, our concern is this. The proposal by our other colleagues from Bulgaria, China and Colombia talking about this single document like the Law of the Sea. In terms of that of outer space, we are having a problem with that because what are we going to say in the single document? What do we mean by single document? Is this single document going to contain all the five treaties? So we would like them to explain that better because that is where we have a problem whether we are going to go along with them or not. I thank you Mr. Chairman.

The CHAIRMAN: Thank you very much distinguished representative of Nigeria for your contribution. As to the last question that you have just

raised concerning the single document on outer space activities, single treaty or convention, I think this question should be still clarified and discussed in some greater detail between the delegations in their informal consultations.

The next speaker on my list is the distinguished representative of Chile to whom I give the floor once again.

Mr. R. GONZÁLEZ (Chile) (*interpretation from Spanish*): Thank you very much. I will be very brief Mr. Chairman. I merely wanted to support the proposal we have just heard from the distinguished delegate of Nigeria that the working group, and I am sure that it will, in fact, be established, that its purpose, among other things, should be an assessment, a review about why the existing treaties have not received the necessary or appropriate level of ratifications. I think that that is an extremely critical topic. Thank you.

The CHAIRMAN: Thank you distinguished Ambassador of Chile for your second contribution to our discussion and I now recognize the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Mr. Chairman. If I may, I would like to offer two points. First of all, the subject that our colleague from Nigeria has just touched upon. That could fall under agenda item which is called "new agenda items" within the context of which we will also be examining the proposal from the Russian Federation.

That was my first point. The second point I would like to touch upon is the following. If it turns out that the exchange of views that we will have had by that time, when we finish this exchange of views, would lead to the establishment of a working group on item 4 is much broader than the ad hoc group for a single treaty which is item 10. For the time being, I think that these are two very different things. But if things work out well, we can very well now without awaiting the approval of the General Assembly of the proposal in October next, we could right now constitute an informal working group. We have done this before whenever a problem crops up, we always have the possibility of beginning immediately a discussion on the substance of the issue of the problem. So as a first step, we could set up an informal group to discuss item 4 of the agenda. Thank you very much.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative of Greece. We will discuss this in detail a little bit later

perhaps but it is, indeed, a matter that has to be looked at very carefully.

(*Continued in English*) The distinguished representative of Egypt.

Mr. K. EL-HUSSAINY (Egypt): Thank you Mr. Chairman. I find difficulty, in fact, to follow the discussion here to the procedure we are trying to adopt concerning the formation of a working group. Concerning this particular working group, its terms of reference will be, first of all, to discuss the pros and cons of the advisability of having those five conventions put together in one international instrument or what is the case here? Is it decided already to have one international instrument comprising the five outer space treaties or conventions or it is only for the purpose of trying to sort out the pros and cons of having one, or reading the case as they exist now. I hope you will assist me on that Mr. Chairman. Thank you.

The CHAIRMAN: Thank you distinguished representative of Egypt for your contribution and at the same time for your point of view on this particular problem.

I recognize the distinguished representative of Argentina.

Mr. M. VERGARA (Argentina) (*interpretation from Spanish*): Thank you Sir. I just wanted to say that the delegation of Argentina supports what was said by the delegation of Nigeria about asking the Russian Federation for more details about the contents of its proposal and specifically what aspects of space law it intends to refer to in the proposal.

We would also like to express our support for what was said by Chile in the sense that we really have to find out why, establish reasons why States have not ratified these five treaties. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of Argentina. It is my intention, of course, to listen to all proposals that would be made on the agenda item 10, "new items to be included in the agenda of the next session of the Legal Subcommittee". But in the meantime, perhaps, the co-sponsors of this particular proposal on the advisability of negotiating a single space law treaty or convention or document, might, in informal discussions and informal consultations that I intend to encourage, make clear, may clarify their proposal and

the purpose of this proposal and all additional aspects involved.

Any other speaker for item 4? I see none at this particularly stage. Sorry, I recognize the representative of the Russian Federation.

Mr. V. TITUSHKIN (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. We did foresee that our proposal to draft a universal comprehensive convention on international space law would, indeed, elicit quite a few questions in the Legal Subcommittee and this is precisely why we suggested that during our meeting, we should set up an ad hoc informal open-ended working group so that on a preliminary basis we could talk more about the concepts dealt with in this document and its possible contents.

The CHAIRMAN (*interpretation from Russian*): Thank you very much distinguished representative of the Russian Federation but the Secretary has just said to me that apparently there was no translation into Spanish while you were speaking. Could this be possibly double-checked. Is the Spanish booth now working? Yes. Could you say that once again please?

Mr. V. TITUSHKIN (Russian Federation) (*interpretation from Russian*): Yes, of course, with pleasure Mr. Chairman. It is, indeed, for the purpose of clarifying to delegations of the Legal Subcommittee the substance and the thrust of the proposal made by the co-sponsor countries about the appropriateness and desirability of having a universal comprehensive convention on international space law that we suggested an ad hoc informal open-ended working group be called during this meeting to talk about these points. We would be ready to fill delegations in as to the concept and the contents of such a convention. So, if possible, we would like to make a _____ (*interpretation broken off*) (*speaker continued in English*) ... in the Russian Federation co-sponsors of the working paper A/AC.105/C.2/L.226 on the proposal to convene an ad hoc informal open-ended working group to consider the appropriateness and desirability of developing a universal comprehensive convention on international space law, intends to have consultations on that issue. The consultations will be held on Thursday, 5 April at 2.00 p.m. and as for the room, we kindly request you, Mr. Chairman, to allocate a room for us. Participation of representatives from other delegations is most welcome.

The CHAIRMAN (*interpretation from Russian*): Thank you very much distinguished

representative of the Russian Federation for that statement and your proposal as well. It goes without saying that it will be possible to call such a consultation. You have said yourself that it would be Thursday at 2.00 p.m. We will be giving more information as to exactly in which room this consultation will be called.

(*Continued in English*) The next speaker on my list of speakers is the distinguished Ambassador of Chile.

Mr. R. GONZÁLEZ (Chile) (*interpretation from Spanish*): Thank you very much. At this stage, I cannot promise that I will be able to be here all of the time but I think that the proposal made by the distinguished representative of the Russian Federation is so important and so interesting that I would like to take the liberty of suggesting that, as has been the tradition that we had established at the end of the 1980s in this Commission and the Committee and then the respective Subcommittees, that the informal consultations should be with interpreters, with interpretation. We do not wish to participate on Thursday at 2.00 p.m. in the afternoon, 2.00 p.m. is a little bit difficult because very often we are involved in working lunches at that time so 1400 hours is not really a very good time.

Secondly, because we want to have constructive participation in this group and because we wish to be able to cooperate modestly, I know that cooperating with Professor Kolosov is very difficult because he knows so much. He is such a font of knowledge but we would like to offer a moderate contribution and taking into account the fact that meetings up until now have not actually lasted three hours, for example, until six in the evening. We could ask our interpreters. They are, in addition to being kind, they are very efficient. There is not going to be any kind of discrimination. All booths work well and we can ask the interpreters to stay on and to make it possible for us to have consultations with the appropriate tools and methods that we would like to have.

There was a decision taken, the distinguished delegate of Peru will be able to correct me, but very recently there was a declaration by GRULAC which stressed that we really wished to have the Spanish language represented, on a par with the other official languages of the United Nations. This was a statement made by GRULAC but there are also practical reasons because I must admit I am simply not able to be able to participate if I am not able to do this through interpreters. And, in addition, all the more reason for

this, we could say, for example, if we are able to say now that the meetings are going to end before the appointed date, we could very well extend our time a little bit to deal with a matter which is as transcendental as this. We are talking about the future of space law. After all, it is a very important matter. Thank you very much.

The CHAIRMAN: Thank you very much. I would like to say only a few words before giving the floor to the other delegations that have already demonstrated interest in speaking. While certainly we will try to get the interpreters for this consultation, as a matter of fact it was our intention to reserve one full afternoon for this kind of consultation on all points that have been raised here. Perhaps this consultation could take place here in this room. Originally we were thinking about Friday afternoon for this purpose but we can still think about another time that would be available and we will certainly inform all delegations about the result of our exploration.

But I now have a number of speakers applying for the discussion and I think the order that has been recorded by our Secretariat is first the distinguished representative of Colombia.

Mr. C. ARÉVALO YEPES (Colombia) (*interpretation from Spanish*): Thank you Mr. Chairman. I think that, once again, the distinguished Ambassador of Chile, with his years of experience, has given us some helpful tips about the practical way in which we deal with this matter. He is entirely right in terms of the importance of the use of the official languages of the United Nations, regardless of what language talking about specifically. This is an important matter, a very basic matter, and under no circumstances would we be able to do this in circumstances which would not make it possible to have a flow of ideas. So I would like to support what the Chilean Ambassador has said about this and we would be very happy to participate in such a meeting. Thank you.

The CHAIRMAN: Thank you distinguished representative of Colombia. The next speaker is the distinguished representative of Morocco to whom I give the floor.

Mr. A. SAADI (Morocco) (*interpretation from French*): Thank you Mr. Chairman. I in turn would like to join what has been said by the Chairman of COPUOS regarding the circumstances of our participation. I think that if we cannot straightaway have a working group according to the procedures established in the United Nations, we should be able at

least to have informal consultations which could be sound and effective and enable us to clarify our stances and move them closer together. Given the pace of our work, I think we will have ample time, certainly, to set aside meeting time with interpretation for this purpose. Thank you.

The CHAIRMAN (*interpretation from French*): Thank you representative of the Kingdom of Morocco. (*Continued in English*) The next speaker on my list is the distinguished representative of Ecuador.

Mr. P. PALACIOS (Ecuador) (*interpretation from Spanish*): Thank you very much. We would like to say that we are very interested in participating in these informal consultations as suggested by the distinguished delegate of the Russian Federation and, in order for this to be practical, be effective and to have the content that we are all interested in, we really have to have the conditions as described by the Ambassador of Chile in order to make all this possible. So I support what was said by the Chilean Ambassador. Thank you.

The CHAIRMAN: Thank you very much distinguished Ambassador of Ecuador for your contribution to our debate and I assured you, we will arrange for translation in all official languages of the United Nations for these particularly consultations.

The distinguished Secretary of our Subcommittee has just informed me that very probably Thursday afternoon, the whole of Thursday afternoon will be available for these consultations but we will still confirm it.

Any other delegations want to speak at this stage of our discussion on item 4? The distinguished representative of the United States of America has the floor.

Mr. S. MATHIAS (United States of America): Thank you Mr. Chairman. I just wanted to clarify our view that the informal consultations on Thursday afternoon would be on agenda item 10 generally on the subject of new items for next year's agenda and would not constitute the creation of an ad hoc informal working group on any particular proposal with respect to a new agenda item.

The CHAIRMAN: Thank you very much distinguished representative of the United States of America. This was my intention that it should concern all suggestions for new items on the agenda but, of course, including this particular suggestion. Yes, the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Mr. Chairman, thank you very much. I would like to confirm what you have just said about specifically the work that will be done in that informal group. It will be to discuss all of the topics that we have discussed this morning about both item 4 of the agenda and allow me to press that point a little bit, and also on item 10 of the agenda, especially the Russian Federation proposal, as supported by other Members of the Committee.

So in my view, it is really quite clear that we will be discussing all of those matters that we discussed this morning. Thank you very much.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative of Greece. I was actually responding directly to the question that was put by the distinguished delegate of the United States and that question was on item 10 of the agenda. But earlier, when I replied to your proposal and suggestion, I said that it could be discussed in detail during our informal consultations that we would be organizing. So there is no contradiction as far as I see it. It means that all of the suggestions which have been made, all of the proposals which have been made, can be discussed during those informal consultations and, of course, it goes without saying, that they would be open to all delegations who would be interested in participating in these informal consultations.

(*Continued in English*) Unless I do not see any other speaker on point 4 of our agenda, I will inform the delegations that it is my intention to conclude the discussion on this particular item, status and application of the five United Nations treaties on outer space and then to defer further discussions in greater detail to the informal consultations. Of course, we should be then informed about the conclusions or points raised during these consultations and inform the Subcommittee and, of course, to reflect it in our report from this session of the Subcommittee. Yes please?

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Mr. Chairman. I agree fully with what you said with, if I could take the liberty of making a very minor point. We are not against the idea of closing the debate on item 4 of the agenda so long as, on condition that the results of our efforts in the informal consultation group should not lead to re-opening of the debate but at least a conclusion. In other words, from a procedural point of view. If we were to come back to this before the conclusions in order for the conclusions themselves to be officially taken into account by the Subcommittee

within the framework of the review of item 4, unfortunately, we would have to come back to it. So if you wish, we could say that the debate is temporarily closed or it is closed with that minor reservation. In other words, if we have to come back to it and re-open it, we should not exclude the possibility of taking a formal decision within the framework of the discussion of item 4 of the agenda.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative of Greece and that is exactly what I thought we could do. In other words, we would conclude this formal discussion at the level of the Subcommittee. We leave these matters open for discussion in the consultations and then we come back to the Subcommittee to supplement the discussion on item 4 of our agenda. (*Continued in English*) It is so decided.

Distinguished delegates, we shall now continue our consideration of item 5 of our agenda, information on the activities of international organizations relating to space law. Do we have, Mr. Secretary, any speakers? I recognize the distinguished representative of the United States of America.

Agenda item 5, information on the activities of international organizations relating to space law

Mr. S. MATHIAS (United States of America): Thank you Mr. Chairman. We listened with interest to the presentations made by international organizations yesterday under this agenda item. I would like to take the opportunity this morning to reiterate the main point my predecessor made last year with respect to this item. My Government called for members of international organizations to consider steps that they could take to encourage wider adherence to the Outer Space Treaty and to the Liability and Registration Conventions so as to make it possible for the international organizations to accept the principles of the Conventions.

International organizations that carry on space activities have the opportunity to accept the principles of the Liability and Registration Conventions. Unlike the 1967 Outer Space Treaty and the 1968 Agreement of the Rescue and Return of Astronauts which are, by their terms, limited to States, the core articles of the Liability and registration Conventions can be deemed to apply to an international intergovernmental organization which conducts space activities.

Two requirements must be met and, of course, here I refer to the Liability Convention, Article XXII, paragraph 1 and the Registration Convention, Article

VII, paragraph 1. The organization must declare its acceptance of rights and obligations under the Convention and the majority of the members of the organization must have adhered to both the Outer Space Treaty and to either the Liability or Registration Convention, as the case may be.

As a result of the latter condition, several extremely important intergovernmental organizations conducting space activities remain unable to elect to bring those activities into the frameworks of the Liability and Registration Conventions because not enough of their members have adhered to both the Outer Space Treaty and either the Liability or Registration Convention. The result is a potentially significant gap in the coverage of key treaties.

Therefore, Mr. Chairman, we again encourage any organizations that may be in this position and their members, to consider taking steps to remedy this problem. We believe that doing so could produce a useful improvement in the coverage and effectiveness of two of the most important space law treaties. We would welcome clarification as to what steps these organizations are taking to address this problem. Thank you Mr. Chairman.

The CHAIRMAN: Thank you very much distinguished representative of the United States of America for your contribution and by which you drew the attention of the Subcommittee and particularly of representatives of international organizations to an important point which deserves attention and which should be taken into account in our efforts to increase the number of, not only of States, but also of international organizations to adhere to the space treaties particularly to the Liability and Registration Conventions. Thank you very much.

I recognize the distinguished representative of Colombia.

Mr. C. ARÉVALO YEPES (Colombia) (*interpretation from Spanish*): Thank you. I will be very brief. I would not want to miss this opportunity to state on behalf of the delegation of Colombia our support for the core elements that were made yesterday in the French statement about the world ethics and technology of UNESCO. I think that the points that were made by France deserve our most deep respect, especially when they refer to ethics in technological and scientific knowledge, as has been indicated in the topic of international cooperation, for example, which said was in the interest and benefit of all States, regardless of their economic, social or technological stage of development and which should be considered,

in particular, for the case of the developing countries. I am making this specific reference or comment because one of the very basic criteria of this particular perception is the one which is associated with the principle of equity. And it is through the principle of equity that after many years of discussions in the Subcommittee, we were able to achieve, strike a compromise, an agreement about the access to the GOS for satellites.

So for those of us who also work with the delegation of France on this topic, we simply could not miss this opportunity to express that we are satisfied about this situation. It does not talk about the past only, it also talks about the future important elements such as the humanitarian response which leads to what he called a humanism in space, the human dimension of space and I think that that was important to mention in the topic, when we are talking about the topic, that is of vital importance for us all. Thank you.

The CHAIRMAN: Thank you distinguished representative of Colombia for your contribution. The next speaker is the distinguished representative of Nigeria.

Mr. M. G. OMOTOSHO (Nigeria): Thank you very much Sir. We would like to commend the Subcommittee for the activities that they have undertaken so far so good. At the same time, to a particular extent, we would like to associate ourselves with the view of the distinguished representative of the United States of America but our concern with that is this. We all know, like we have been saying, I am sorry to say because you can see that my region, Africa, is not fully represented in this Committee because this is a highly technical committee and these are grey areas to some of us who are developing in Africa. This is a very grey area.

For the Subcommittee to bring in more of my members on board, I would suggest that, I knew there would be some financial implications attached to it, but if the Subcommittee can have a look into it and see that a seminar or a programme be arranged in the region because we discovered there was a region(?) left out. And as I was saying that we would appreciate if the Subcommittee could have a look at it and as a provision for future activities, maybe in future activity, you can consider bringing a seminar to Africa. That would really bring a lot of African members on board because you need to synthesize(?) them to the roles of this Subcommittee on outer space. I thank you Sir.

The CHAIRMAN: Thank you distinguished representative of Nigeria for your contribution. The

next speaker on my list is the distinguished Ambassador of Chile.

Mr. R. GONZÁLEZ (Chile) (*interpretation from Spanish*): Thank you very much. I would like to associate myself very enthusiastically to the comment made by the delegation of Colombia in the sense that I would like to express our sincere gratitude for the contribution made by the distinguished delegate of France with this concept of the World Commission on Ethics of Scientific Knowledge and Technology.

Also the main point of this document, the main line of this document are very important. One is a procedural point. The other one is a substantive point. The procedural point is the following. It was agreed, and if my memory serves me right, and it is one of the operative paragraphs of the last resolution of the United Nations 55/22 adopted on Space Matters, adopted at the last General Assembly and it said there that in those fora where the topic of space is covered, there should be an interrelationship, interlinking, so that we can directly or indirectly become aware of what is going on. So I would like to propose that we should officially request the World Commission on Ethics of Scientific Knowledge and Technology of UNESCO that they should send to us an official request that they should send to us so that we can become familiar officially with the document that was mentioned so that it can be useful as a frame of reference for some type of negotiation.

I am not only referring to UNESCO documents because we have documents all the time coming out of other fora, State bodies, for example, or non-governmental bodies, organizations, which can sometimes have very important and useful discussions. The Office for Outer Space Affairs of the United Nations has done a fantastic piece of work involving compiling bilateral agreements, international agreements in general, but I think that in addition, it would be very good if on a regular basis we could receive this type of document which I was very happily surprised to receive.

Now on another point. I would like to fully agree with the distinguished delegate of Colombia that here the main concept which illustrates this type of presentation is the one specifically that refers to equity. There is a concept which is already included under international law general principles but it is a good idea now and again to have a little refresher to remind ourselves of this about how one conducts international cooperation in the area of space. Thank you very much.

The CHAIRMAN: Thank you very much distinguished Ambassador of Chile for your contribution. As to your particular suggestion relating to better information on the activities of UNESCO in this particular field in order to be well aware of all these activities here in this Subcommittee and in order to establish a closer cooperation in this relation. I can inform you that tomorrow we expect a statement by the representative of UNESCO at this Subcommittee and he certainly will speak in some greater detail about these activities in his statement.

I now recognize the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Mr. Chairman. On this matter, we spoke yesterday about the efforts made by ITU with regard to the re-organization of direct satellite broadcasting schedules and I wanted to thank France for its contribution, especially the CNES and ESA for its initiative along these lines.

We are referring to natural and man-made disasters and here I would like to, once again, appeal to governments to ratify the temporary convention of June 1999 on the ITU and United Nations High Commissioner for Refugees initiative on emergency telecommunication services. This is indeed something that all countries from our world should accede to because we never know when a natural or man-made disaster might occur.

Thirdly, I would like to ask our colleagues to participate as actively, or at least possible, on next June's Symposium under COPUOS on the human dimension in space activities. This Symposium, as you know, is the result of a compromise on a proposal which was French and Greek that we should incorporate an item on the agenda with precisely that heading.

Because of the events which have taken place since then, and especially thanks to the publication of this UNESCO document on ethics in space activities, we are, of course, going to be awaiting the results of the Symposium but I think that, as has already been proposed, it would be important to set up a standing ad hoc working group, either within the Legal Subcommittee or within the Plenary, on ethics because ethics and humanism go hand-in-hand and I think that it is time to re-read Aristotles and St. Thomas Aquinas. We are not talking with respect to functional humanism but true humanism and there, once again, Greece will

be taking the initiative to humanize space activities. Thank you.

The CHAIRMAN (*interpretation from French*): Thank you representative of Greece for your contribution. Thank you very much for your reference to ITU and High Commissioner activities in this field. As to your suggestion with regard to the possibility of setting up a working group, a standing working group, that, I think, is not possible within our Subcommittee because we have to abide by certain procedures which have been adopted by consensus and we cannot undermine that consensus but possibly a working group could be set up within the Committee *per se*.

(*Continued in English*) The next speaker on my list is the distinguished Ambassador of Ecuador to whom I give the floor.

Mr. P. PALACIOS (Ecuador) (*interpretation from Spanish*): Thank you Mr. Chairman. I will be most brief. Since Chile and Colombia have already spoken on this matter, I would like to join the congratulations expressed to France for the contribution that it has made in this regard in a field which is not really necessarily space law proper but, indeed, the proposal that ethics be factored in and this arises also with reference of the use of the GSO. We have made constructive reference to that and France has indeed referred to this most usefully and most importantly here in this forum.

The CHAIRMAN: Thank you very much distinguished Ambassador of Ecuador. Any other speaker amongst the delegations? I see none so I now give the floor to the Observer for the International Organization of Space Communications, INTERSPUTNIK, Mr. Veshchunov.

Mr. V. VESHCHUNOV (International Organization of Space Communications – INTERSPUTNIK): Thank you Mr. Chairman. First of all, let me most cordially congratulate you, Mr. Chairman, on your election as Chairman of our Legal Subcommittee and for the privilege extended to me to make a statement on the activity of the INTERSPUTNIK International Organization of Space Communications.

INTERSPUTNIK is an international intergovernmental organization with its principle business in the field of satellite communications. The Organization was founded in 1971 for the purpose of establishing and developing an international satellite communication system on behalf of their member countries. At present, INTERSPUTNIK has 24

member countries. In the year 2000, the Government of the Republic of India completed the procedure of accession to INTERSPUTNIK and thus India became the 24th member of the Organization. The Organization was founded in accordance with the intergovernmental Agreement on the Establishment of INTERSPUTNIK International System and Organization of Space Communications signed on 15 November 1971. The legal status of INTERSPUTNIK was defined by the agreement on the Legal Capacity, Privileges and Immunities of the INTERSPUTNIK International Organization signed 20 September 1976, Agreement with the USSR Government on Regulating the Issues Connected with the Seat of the INTERSPUTNIK Organization of 15 September 1977 and by a number of other international and legal documents. Having a status of international intergovernmental organization operating its global satellite system, INTERSPUTNIK is a subject of international public law and benefits from the corresponding privileges and immunities. On the other hand, the transition of the Organization to the stage of commercial operation of its own satellite system and commercialization of its activities, make it possible to consider INTERSPUTNIK as a subject of international economic relations.

The transition of the Organization to the commercial operation of its satellite system and active competition in the world telecommunications market could not but result in drastic changes in the legal basis of INTERSPUTNIK activity. In this connection, new regulatory documents were developed from 1992 to 1996 in order to fundamentally change the legal structure of the Organization.

First of all, one should mention the Protocol on Amendments to the Agreement on the Establishment of the INTERSPUTNIK dated 15 November 1971 and INTERSPUTNIK's Operation Agreement. It was decided not to develop a new Basic Agreement but approve amendments to the 1971 Basic Agreement to be drawn up as a corresponding Protocol. According to international law regulations which stipulate that the amendments to an international agreement should have the same legal capacity as the agreement itself, the Protocol on Amendments retained its existing intergovernmental status. The Operation Agreement, in its turn, falls into the international interdepartmental agreement category, Operator's Agreement. This implies that the Operation Agreement shall be signed by duly licensed telecommunication entities, Signatories, appointed by the corresponding governments which are members of the Organization. This decision was of utmost importance, first of all, due to the fact that it conveyed

all the issues of financial interaction with the Organization such as contributions to the Share Capital, liabilities, etc., to the competence of the Signatories. A relevant statement was added into the Protocol on Amendments.

The revised Basic Agreement with amendments and modification introduced by the Protocol defines the main goals and activity principles of the Organization, settles its financial issues and elects its executive bodies. The Protocol on Amendments to the Agreement on the Establishment of INTERSPUTNIK and the Operation Agreement set qualitatively new principles of the Organization's existence.

As some of these innovation, one can mention the following. Establishment of the institution of the Signatories, it is duly licensed telecommunication entities empowered by their governments to sign the Operation Agreement; the redistribution of competence and liability between the Board Members and the Operation Committee Signatories; weighted voting when making decisions in executive bodies; changes in the Share Capital formation procedure.

The above modification of the INTERSPUTNIK legal foundation made it possible to start endeavours aimed at procuring INTERSPUTNIK own space segment. According to the resolution of the Board, the Organization procures it by, firstly, filing INTERSPUTNIK's own orbital slots in geostationary orbit and, secondly, manufacturing and operating the Organization's own communications satellites.

In view of the fact that in accordance with international law, the frequency-orbit resource can belong to States only but not to international organizations. It was decided to file orbital slots in two ways. Firstly, by asking the member countries to facilitate the filing, coordination and notification of possible INTERSPUTNIK orbital slots. And secondly, by using orbital slots, earlier notified by the member countries of the Organization which do not use them at present.

The Sixth Meeting of the Committee of Plenipotentiaries adopted and the Board subsequently approved "The Procedures of ITU Notification of Satellite Networks Planned by INTERSPUTNIK and their International Legal Protection". Under the above Procedures, the decision in principle to submit a filing for planned satellite networks to the ITU should be taken by the Committee of Plenipotentiaries. The terms and conditions application to the notification and international legal protection of a planned satellite

network shall be stipulated by agreement, concluded by the Director-General of INTERSPUTNIK and their notifying administration.

Financial terms and conditions shall be stipulated by additional protocols between their Director-General and their notifying administration. As of mid-2001, 20 geostationary orbital slots were allotted to the INTERSPUTNIK Organization.

Tougher competition in the international telecommunication markets, higher in generic environments(?) related to the existing satellite systems and intensified privatization and commercialization made the issue of acquiring INTERSPUTNIK's own satellites crucial. The corresponding resolution was adopted by the Board in 1993 which later resulted in the strategic partnership with one of the leading world manufacturers of satellite systems, Lockheed(?) Martin Corporation.

In April 1977, Lockheed(?) Martin and INTERSPUTNIK signed an agreement to establish a Lockheed(?) Martin-INTERSPUTNIK joint venture. This document was a unique one as it was the first attempt of a deal between an international organization and a transnational corporation. The specifics of the formation agreement resulted in a number of non-standard statements included into the formation agreement. The purpose of the joint venture is the implementation of the satellite communication project(?) including manufacture and launch of the satellite to the geostationary orbit to its long-term operation. The first satellite, LMI-1, was injected into 75 east orbital slots in September 1999 and successfully put into operation.

In the year 2000, INTERSPUTNIK announced a new concept of space segment based on a small satellite. This concept is founded on the tendency to establish regional and domestic satellite communications and broadcasting networks with medium or small traffic carrying capacity using relatively inexpensive small satellites. The new project radically changes the traditional approach to the use of geostationary satellite capacity, a role of satellite systems in the structure of telecommunication services and inevitably high cost associated with satellite communications.

In this context, one should note that the INTERSPUTNIK Small Sat Project provides for the use of relatively cheap launch by light rockets converted from intercontinental missiles to inject small communications satellites into the geostationary orbit.

A prospective satellite communications system of INTERSPUTNIK will be deployed using 15 geostationary orbital slots where INTERSPUTNIK filed with the ITU, 51 satellite networks through their notifying administrations members of the Organization.

With this considerable frequency orbital resource, INTERSPUTNIK can allocate geostationary orbital positions not only for communications or broadcasting but also to park the satellites, ready to fast re-allocation to any geostationary orbital slot. The number of slots in the given orbital position will depend on the coordination conditions and actual requirements of the customer.

Through the year 2000, INTERSPUTNIK was examining the possibility of a commercial manufacture of a small telecommunications satellite. INTERSPUTNIK assessed the capabilities of well-known satellite system manufacturers from Russia, India, the United Kingdom, the Ukraine and France. After analyzing their proposals, INTERSPUTNIK placed an order for the construction of the first series of INTERSPUTNIK-M small satellites with a production alliance consisting of one of the leading Russian manufacturers (satellite bus construction, launch arrangements, supply to the customer of a ground satellite monitoring and control station), and a Western company (payload manufacture). A contract for the manufacture and delivery to the geostationary orbit of the first series of small spacecraft was signed in late January 2001 between INTERSPUTNIK and Russia's Khruichev State Space Research and Production Centre and their industrial partner from Canada.

It is noteworthy that not only INTERSPUTNIK member countries but also the governments and private companies in Third countries show interest in cooperating with INTERSPUTNIK in the field of the small satellite project. Since last year, INTERSPUTNIK has been taking part in two international tenders announced by the Government of South Africa and the Government of the Islamic Republic of Iran, related to the development of a domestic satellite system. Promising discussions are under way with a number of companies in the United Kingdom, Germany, India and Nigeria and other countries.

INTERSPUTNIK's proposal is attractive to potential partners because this is a package proposal including the small satellite itself, the required orbital position for the satellite and the geostationary orbit injection.

It is quite symbolic that INTERSPUTNIK's new global satellite communication project, based on small satellites, starts at the turning point of two millennia. A successful implementation of this programme will make it possible for the Organization to shortly offer most advanced services of the twenty-first century and consolidate its position in the world telecommunication community. Thank you very much.

The CHAIRMAN: Thank you distinguished representative of INTERSPUTNIK International Organization of Space Communications for your substantive information about the activities of your organizations.

Ladies and gentlemen, I do not have any other speaker either from among the delegations or from among the observers for the discussion on this point of our agenda, information on the activities of international organizations relating to space law. Perhaps we will continue still this discussion during this afternoon's meeting and think about the possibility to intervene in the discussion.

Now we shall continue our consideration of item 6 on our agenda, matters relating to (a) the definition and delimitation of outer space and (b) the character and utilization of the geostationary orbit including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of International Telecommunication Union.

First of all, we have to give the opportunity to speakers from among the delegations here to discuss this point here in the Plenary. If not, I will inform you about our consultations on the establishment of a working group.

I have been informed that informal consultations have resulted positively and have been concluded in strong support for Ms. Socorro Flores Liera of Mexico to be appointed as Chairperson of the working group on this item during the current session of the Subcommittee. If I see no objections, may I take it that the Subcommittee would wish to appoint Ms. Socorro Flores Liera of Mexico as Chairperson of the Working Group on Agenda Item 6 at our session. I see no objections. Therefore, Ms. Socorro Flores Liera of Mexico is appointed Chairperson of the Working Group on Agenda Item 6. *It is so decided.*

I would like to extend to Ms. Flores Liera my warmest congratulations. I understand that the Working Group will be able to convene its first meeting this afternoon and take this opportunity to

wish Ms. Flores Liera every success in guiding the Working Group in its endeavours. I am very happy to say that this is also the contribution of our Subcommittee to full equality of men and women in the work of the United Nations bodies and particularly in this body in our Subcommittee because she is the first Chairperson who will guide the discussions in one of our working groups. Thank you once again. My sincere congratulations.

I ask once again if you wish to speak still on the level of the Plenary of our Subcommittee on item 6. I recognize the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you very much Mr. Chairman. I wanted to take the floor to congratulate our very dear colleague from Mexico. This is the first time that a woman has been elected to such an important post, and at the same time, an extremely difficult task when you look at the subject that will be handled by that working group and by her as the Chair of that working group. But I wanted to say to the representative of Mexico that I believe that she knows the Greek language very well and if you look at the world in general, aside from Greece, outside Greece, if there is something that is difficult, people say that it is Greek to me, to mean that something means nothing or is very difficult to understand. Of course, in Greece we say it is Chinese to me.

In addition to her other qualities, she knows the Greek language so she knows things that are very difficult for everybody else so I am absolutely certain that she will take on this task with an enormous amount of competence. I congratulate her and I wish her the very best in her endeavours.

The CHAIRMAN (*interpretation from French*): I thank the distinguished delegate from Greece and I now give the floor to the distinguished representative of Ecuador, in fact, it is the Ambassador of Ecuador.

Mr. P. PALACIOS (Ecuador) (*interpretation from Spanish*): Thank you very much. I wanted to congratulate the distinguished delegate of Mexico on her election as Chair of this Committee. She has the support of my delegation. She will have the support of my delegation and all of the members of GRULAC as well.

As far as the statement that was just made by the distinguished colleague from Greece, perhaps the Chair of the Committee when she finds it is difficult to resolve a problem, she can turn the whole discussion

into the Greek language and then we will all be certain that we will be able to solve the problem.

The CHAIRMAN: Thank you very much distinguished Ambassador of Ecuador for your contribution. Any other speaker on item 6 of our agenda? I see none. So we will continue our consideration of item 6 including the establishment of the working group and the beginning of its work this afternoon.

Distinguished delegates as we still have quite some time remaining this morning, 50 minutes or so, I would propose that we might begin a preliminary consideration of item 7 on our agenda, review and possible revision of the principles relevant to the use of nuclear power sources in outer space. I do not have any delegation inscribed on the list of speakers but I would ask is there any delegation wishing to take the floor on agenda item 7 at this time?

Since I see none, we will consider our consideration of item 7 this afternoon.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee. As there is still quite some time available this morning, I would urge delegations to use this time to engage in preliminary informal consultations. We will certainly have the opportunity to hold such consultations on Thursday afternoon and very probably in this room including the interpretation but perhaps some preliminary informal consultations could be held now for inclusion in the agenda of the Legal Subcommittee of new possible items for its session in 2002 and also on other points that have been raised during our discussion.

Before adjourning the meeting, however, I would like to inform delegates of our schedule of work for this afternoon. This afternoon we shall continue and hopefully conclude our consideration of agenda item 4. Perhaps if there still are some proposals or some observations, we can still give the opportunity to do so but otherwise I believe that the discussion has been practically exhausted, status and applications of the five United Nations treaties on outer space.

But thereafter, we shall continue our consideration in the Plenary of items 5, 6 and 7 and, time permitting, and I believe time will permit us to do so, the Working Group on Agenda Item 6 might also convene its first meeting under the guidance of Ms. Flores Liera of Mexico.

I recognize the distinguished representative of the Russian Federation.

Mr. V. TITUSHKIN (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. We had the understanding possibly we were not correct that if we had some time left over in the morning we could just switch into our delimitation working group. So I do not know whether other delegations could go along with this but that would be our suggestion.

The CHAIRMAN (*interpretation from Russian*): Thank you representative of the Russian Federation but I think that it would be rather useful to make it possible for delegations to consult each other on a preliminary basis on the items that we have just debated on and the work of definition and delimitation of space then could rev up after lunch.

(*Continued in English*) Are there any questions or comments on this proposed schedule? I see none. So this meeting is adjourned.

The meeting closed at 12.15 p.m.