

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

Unedited transcript

656th Meeting

Tuesday, 2 April 2002, 10 a.m.

Vienna

Chairman: Mr. Kopal (Czech Republic)

The meeting was called to order at 10.47 a.m.

The CHAIRMAN: Good morning distinguished delegates. I am pleased and indeed honoured to welcome you all to the Vienna International Centre and now declare open the forty-first session and the 656th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

Before continuing with our work this morning, I would take a moment to note that, although that this is our forty-first session, it also marks the fortieth anniversary of the establishment of the Legal Subcommittee. Those familiar with the history of the Subcommittee will recall that two sessions were held in 1967. It was in conjunction with the negotiations on the 1967 Outer Space Treaty and this session resulted in the discrepancy between the number of sessions and number of years. Nonetheless, I believe that nobody would dispute that this session of the Legal Subcommittee represents a landmark event. It was on 28th May 1962 when, for the first time, both Subcommittees of the Committee on the Peaceful Uses of Outer Space met in Geneva and the Legal Subcommittee started its work in Conference Room No. VI of the Geneva Office of the United Nations and started immediately with important proposals concerning the formulation of principles to governments, space activities and also to an instrument that would govern the assistance and rescue of astronauts and the liability for damage.

As you may know, the first Chairman of the first Legal Subcommittee in 1962 was Professor Manfred Lachs of Poland, an outstanding diplomatic who then played an important role in the finalization of

the draft International Treaty on Outer Space in 1967. Later on, he was elected judge of the International Court of Justice and became also its Vice-President and President of this main judicial organ of the United Nations.

I look forward with eagerness to the continuation of the fine tradition of achievement of the Legal Subcommittee during the forty-first session, as well as in those sessions yet to come.

Participation of Non-Members in the Session

Distinguished delegates, I should like to inform the Subcommittee that I have received communications from Algeria and the Republic of Yemen requesting participation in our meetings.

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

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.

Adoption of Agenda

Distinguished delegates, you have before you, in document A/AC.105/C.2/L.230, the provisional agenda prepared by the Secretariat in accordance with

In its resolution 50/27 of 6 December 1995, the General Assembly endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that, beginning with its thirty-ninth session, the Committee would be provided with unedited transcripts in lieu of verbatim records. This record contains the texts of speeches delivered in English and interpretations of speeches delivered in the other languages as transcribed from taped recordings. The transcripts have not been edited or revised.

Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, within one week of the date of publication, to the Chief, 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.

the recommendations of the Committee on the Peaceful Uses of Outer Space which were endorsed by General Assembly resolution 56/51. In addition, an indicative schedule of work is set out on pages 5 and 6 of the document. I intend to deal with this schedule in a few minutes. Let us first proceed with the adoption of the agenda.

In this regard, I would like to submit a proposal for a slight amendment to the provisional agenda which appears in document A/AC.105/C.2/L.230. Specifically, I would like to draw your attention to the title of item 8 of the provisional agenda, which reads:

“Consideration of the draft Convention of the International Institute for the Unification of Private Law (UNIDROIT) on international interests in mobile equipment and the preliminary draft protocol thereto on matters specific to space property.”

I would note that this title is fully consistent with the relevant recommendation of the Committee on the Peaceful Uses of Outer Spaces which was subsequently endorsed by the General Assembly.

However, I would also note, as many delegations are no doubt aware, that during the inter-sessional period between the last session of the Committee on the Peaceful Uses of Outer Space and the current session of this Legal Subcommittee, two events of significance to this title have occurred.

First, a Diplomatic Conference to Adopt a Mobile Equipment Convention and Aircraft Protocol was held under the joint auspices of the International Civil Aviation Organization and the International Institute for the Unification of Private Law (UNIDROIT) at Cape Town, South Africa, from 29 October to 16 November 2001. As a result of the Diplomatic Conference, the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, were opened to signature in Cape Town on 16 November 2001.

Second, the preliminary draft protocol on matters specific to space property has been re-titled, “Convention on International Interests in Mobile Equipment (opened to signature in Cape Town on 16 November 2001) - and Preliminary Draft Protocol on Matters Specific to Space Assets”. The last word has been changed, no longer the property but now asset.

Therefore, I would propose that the title of item 8 be amended to reflect these recent developments and it would thus read:

“Consideration of the Convention on International Interests in Mobile Equipment (opened to signature in Cape Town on 16 November 2001) – and the Preliminary Draft Protocol on Matters Specific to Space Assets.”

This proposed amendment would not represent a change in substance of the provisional agenda for this Subcommittee reflected in the decisions of COPUOS and the General Assembly. It would simply be a re-wording of the title of the item in question to reflect recent developments.

I recognize the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you very much Mr. Chairman and good morning. I followed this in French and the term “assets” was interpreted into “bien”. It should be “avoir” in French instead of “bien”. In the documentation it refers to “avoir” for assets”. So the word “bien” should be replaced with “avoir spatial”. Thank you.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative of Greece for that comment.

In this room, we probably have the most qualified delegation for the French language and that would be the French delegation. Could I ask the representatives on that delegation if they could advise us if we need to change this and have it read “avoir”? I do not feel too sure about that myself. France, you have the floor.

Ms. S. CALLARI (France) (*interpretation from French*): I think what we need to do is check the official translation proposed by UNIDROIT. These are indeed two words that are different. I would be in favour of using the official UNIDROIT translation but I am looking through the text here to try and find it.

The CHAIRMAN: (*interpretation from French*): Thank you very much Madam for your assistance on this very important point. I see the distinguished representative of Greece has asked for the floor.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Mr.

Chairman. I just wanted to say the exact same thing as was just said by the representative of France. We should go by as the official UNIDROIT text and I believe they have “avoir” but we can check. Thank you.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative who just spoke and I am not sure myself. I do not have the exact text of the Convention before me or the draft protocol but our friend and colleague is checking the French language version and might be able to inform us of what he finds.

Ms. S. CALLARI (France) (*interpretation from French*): We are checking the text and will let you know. Perhaps you might continue while we search.

The CHAIRMAN (*interpretation from French*): If you agree then we can continue with the statement I was making and then we will hear once again from the French delegation.

Ms. S. CALLARI (France) (*interpretation from French*): It says “bien spatial” in French. That was the entire title in French.

The CHAIRMAN (*interpretation from French*): We can discuss this later when we discuss this specific item on the agenda which will most likely be next week.

I thank the distinguished representatives of France and I thank the distinguished representative of Greece as well for contributions on this.

(*Continued in English*) May I return now to the statement? Perhaps we could still approve officially the agenda as amended. Are there any other comments or objections against this agenda? I see none so I believe that this has been adopted. *It is so decided.*

Programme of Work

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

I. General exchange of views.

II. Status and application of the five United Nations treaties on outer space.

So first I will explain a little bit of these two first points of our agenda, items of our agenda which are regular items. Delegates will recall that at its fortieth session in 2001 the Subcommittee agreed that a working group on this item would be established for a period of three years starting with the current session, and that its terms of reference would include the status of the treaties, review of their implementation and obstacles to their universal acceptance, as well as promotion of space law, especially through the United Nations Programme on Space Applications.

III. Information on the activities of international organizations relating to space law.

Delegates will recall that last year under this item, it means item number 3 that now follows, information on the activities of international organizations relating to space law, the Subcommittee received various written and oral reports from international invited by the Secretariat on their activities relating to space law. The Subcommittee agreed that the Secretariat should again invite such reports from international organizations for the current session. So this was explanation of point III of our agenda, information on the activities of international organizations relating to space law.

Now item 4.

IV. Matters relating to:

- (a) The definition and delimitation of outer space;
- (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 the International Telecommunication Union.

Delegations will recall that, in accordance with the agreement reached by the Legal Subcommittee at its thirty-ninth session in 2000 on the question of the character and utilization of the geostationary orbit, the Legal Subcommittee will this year reconvene its working group on this item only to consider matters relating to the definition and delimitation of outer space. So a working group will

consider only questions relating to the definition and delimitation of outer space.

The Subcommittee should also consider the following two single issues/items for discussion.

- I. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
- II. Consideration of the Convention on International Interests in Mobile Equipment (opened to signature in Cape Town on 16 November 2001) and the Preliminary Draft Protocol on Matters Specific to Space Assets.

Delegations will recall that at its fortieth session, the Subcommittee agreed to the establishment of an ad hoc consultative mechanism to review the issues relating to the UNIDROIT Convention and the preliminary draft protocol thereto on matters specific to space assets. The mechanism was intended to make it possible to undertake preparatory work and to hold informal consultations during the forty-fourth session of the Committee on the Peaceful Uses of Outer Space, in June 2001, and, if necessary, inter-sessional consultations at the convenience of interested Member States with a view to facilitating the work of the Subcommittee in examining in detail the numerous issues relating to the topic within a time frame appropriate to the importance of this initiative. It was also agreed that the mechanism would operate under the aegis of the Legal Subcommittee.

The Subcommittee will have before it at the current session the results of consultations undertaken through the mechanism for its consideration and endorsement, as it deems appropriate.

I would further remind delegations that as single issues/items for discussion, the items on the UNIDROIT Convention and preliminary draft protocol and the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, will only continue to be discussed by the Subcommittee for this year, unless renewed by consensus. So it is a single issue/item for discussion for this year only, as of now, but subject to consideration whether or not it should be still extended but for this purpose we would need a renewed consensus. Delegations should, therefore, consider *inter alia*, the future status of these two items on our agenda. It means both the Principles Relevant to the Use of Nuclear Power Sources in Outer Space and the UNIDROIT Convention and preliminary draft space protocol.

Furthermore, the Subcommittee at this session should consider the item, Review of the Concept of the Launching State, in accordance with the Work Plan adopted by the Committee on the Peaceful Uses of Outer Space at its forty-second session in 1999. This is the third and final year of the Work Plan and the Subcommittee should accordingly, through its working group, conduct a review of measures to increase adherence to and promote the full application of the Convention on International Liability for Damage Caused by Space Objects and the Convention on Registration of Objects Launched into Outer Space, and, of course, agree on any conclusions or recommendations that it deems appropriate in this regard. So the last year of our Work Plan.

Finally, the Subcommittee should consider its proposals for submission to the Committee regarding new items for consideration under work plans or as single issues/items for discussion at the Legal Subcommittee's forty-second session in 2003.

Establishment of Working Groups

Distinguished delegates, I have already mentioned, in accordance with the agreement reached by the Subcommittee at its last session, we should this year establish a new working group under item 4, Status and Application of the Five United Nations Treaties on Outer Space. The terms of reference of this working group would include the status of the treaties, review of their implementation and obstacles to their universal acceptance, as well as promotion of space law, especially through the United Nations Programme on Space Applications.

May I, therefore, propose that we now establish this working group with the agreed terms of reference?

I recognize the distinguished representative of the United States. No, it was probably a mistake. I saw your hand, Dr. Steptoe, so I wanted to meet your request.

I now recognize no longer any delegation wishing to speak on this item. There have been no objections. *It is so decided.*

As concerns the chairmanship of this working group, might I suggest that, unless there are any objections, of course, we postpone a final decision in this regard until interested delegations have had an opportunity to consult one another informally. This would be on the understanding that every effort would be made to identify a suitable candidate who would

enjoy the consensus of the Subcommittee as soon as possible, particularly in light of the fact that the working group should ideally begin its deliberations tomorrow.

Again, I see no objections. *It is so decided.*

In addition, in accordance with the agreement reached at its session in 2000, the Legal Subcommittee will this year reconvene its working group on item 6 only to consider matters relating to the definition and delimitation of outer space.

May I propose that we re-establish the working group for this purpose?

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

As concerns the chairmanship of this working group, it means the working group on the definition and delimitation of outer space, I have been informed that Ms. Socorro Flores Liera of Mexico, who chaired this working group at the Legal Subcommittee's fortieth session in 2001, will unfortunately not be in a position to do so at this year's session. Therefore, the Subcommittee will need to elect a new Chairman or, if you wish, chairperson, for this working group.

Might I suggest that, unless there are any objections, we also postpone a final decision in this regard until interested delegations have had an opportunity to consult one another informally. This would be on the understanding that every effort would be made to identify a suitable candidate who would enjoy the consensus of the Subcommittee as soon as possible.

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

Distinguished delegates, the work plan adopted for agenda item 9, Review of the Concept of the Launching State, calls for consideration of the item by a working group during each of the three years of the Work Plan.

Therefore, may I propose that we re-establish the working group on item 9 of our agenda, under the chairmanship of Mr. Kai-Uwe Schrogl of Germany, who so ably led the work of this working group last year?

Seeing no objections, *it is so decided.* Dr. Kai-Uwe Schrogl of Germany will continue as Chairman of the Working Group on item 9, Review of the Concept of the Launching State.

I extend to Mr. Schrogl my congratulations and warm wishes for another successful session of work this year.

Utilization of Conference Services

Distinguished delegates, I would now like to say, and I have to say it, a few words concerning the utilization of the Conference Services made available to our Subcommittee.

As you are all aware, the question of how Conference Services are utilized by the United Nations and its bodies is of great concern to the General Assembly due to the high cost of these services and the current financial constraints faced by the entire Organization. In this connection, I am happy to draw your attention to the fact that for a number of years our Subcommittee has worked to achieve real and constant savings in this area. We have been able to achieve these savings by adopting certain measures to ensure that the Subcommittee effectively utilizes the conference resources put at our disposal.

You will recall that last year the Subcommittee agreed that a flexible organization of work based upon these measures should continue to serve as a basis for organizing the work of the Subcommittee. I would once again like to propose that the Subcommittee adopt a similar flexible organization of work to serve as the basis for organizing the work of this present session.

Are there any objections to proceeding in this manner?

Seeing none, *it is so decided.*

Schedule of Meetings

Distinguished delegates, as has been the case in previous years, and unless agreed otherwise, we shall meet each day in this Conference Room and begin our work promptly at 10 a.m. in the morning and at 3 p.m. in the afternoon.

As has been the case in previous years, and unless agreed otherwise, we shall meet each day in this Conference Room and begin our work as indicated.

With regard to the schedule of meetings and the allocation of time among the substantive agenda items, I would now like to draw your attention to the indicative schedule of work set out in the Annex to document A/AC.105/C.2/L.230. The last part of document of L.230 Annex.

A two-week schedule has been provided on pages 5 and 6 of the document L.230 to assist the Subcommittee in its planning. I would request the cooperation of delegations in adopting as flexible an approach as possible to this indicative schedule and urge that close attention be paid to the announcements of the Chairman and published daily journal in this regard. I would also request that, in order to facilitate the optimal utilization of our meetings, those delegations who plan to schedule speakers or presentations on particular items for specific meetings coordinate their plans with the Secretariat.

Having said that, perhaps I might outline a tentative schedule for the next three meetings. This morning we shall shortly proceed with a general exchange of views, and I have already some applications for this particular purpose. This afternoon, we would continue with the general exchange of views and, time permitting, begin consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space. At approximately 3.50 p.m. we would end our deliberations in order to allow for the commencement of the IISL/ECSL symposium on "Prospects for Space Traffic Management" at 4.00 p.m. It means a symposium held for our benefit by the International Institute of Space Law of the International Astronautical Federation and the European Centre for Space Law of the European Space Agency.

Tomorrow morning, we would again take up the general exchange of views and thereafter continue our work on item 4. Time permitting, and dependent upon the identification of an appropriate Chairman or Chairperson, the working group on item 4 might convene its first meeting.

Distinguished delegates, are there any questions or comments regarding the schedule of work that I have just outlined?

I see none. *It is so decided.* We will proceed accordingly.

Statement by the Director of the Office for Outer Space Affairs

Distinguished delegates, before we commence with the general exchange of views in accordance with our agenda as adopted, I would like to inform you that I have received a request from the Director of the Office for Outer Space Affairs for the opportunity to address the Legal Subcommittee at this morning's meeting. Therefore, if there are no objections, I would

like to give the floor at this time to the Director of the Office for Outer Space Affairs and, on behalf of the Legal Subcommittee, invite her to deliver her statement.

Seeing no objections, I give the floor to the Director of the Office for Outer Space Affairs, Ms. Mazlan Othman. You have the floor Madame.

Ms. M. OTHMAN (Director, Office for Outer Space Affairs): Mr. Chairman, distinguished delegates, thank you for extending to me the privilege of addressing this Legal Subcommittee. I have requested the opportunity to address the Subcommittee this morning in order to review briefly the role and work of the Office for Outer Space Affairs relating to international space law over the last year and for the future.

As most delegations are aware, since its relocation to Vienna in 1993, the Office for Outer Space Affairs has continued to serve as the Secretariat for the Legal Subcommittee, a role formerly mandated to the Office for Legal Affairs. During the last year, pursuant to an agreement of the Subcommittee, our Office's Secretariat role was expanded further to also include two sessions of working meetings hosted away from Vienna, that is, in Paris and Rome, within the context of an ad hoc consultative mechanism of the Subcommittee.

The challenge of providing the organizational and parliamentary support necessary for these additional activities was heightened by the fact that no additional resources were made available to the Office for this purpose. Our Office, therefore, would particularly like to express thanks to the Governments of France and Italy, the staff provided by those governments as well as the European Space Agency and the Institute of International Legal Studies of the Italian National Research Council, without whose support and financial contributions the servicing of the working meetings would not have been possible.

During the last year, the Office has continued to discharge the responsibilities of the Secretary-General under the 1976 Convention on Registration of Objects Launched into Outer Space by maintaining the United Nations Registry and transmitting to Member States information provided by States Parties in accordance with that Convention. In addition, the Office has continued to maintain and transmit to the Committee on the Peaceful Uses of Outer Space, registration information furnished by Member States on a voluntary basis in accordance with General

Assembly resolution 1721 (XVI) B of 20 December 1961.

The Office has also discharged other responsibilities entrusted to the Secretary-General under the legal regime governing activities in outer space, in particular disseminating information provided by Member States in accordance with the general duty of the Secretary-General under Article XI of the 1967 Outer Space Treaty. With a view to giving full effect to the concept of immediate and effective dissemination of information provided by States in accordance with the 1992 Principles Relevant to the Use of Nuclear Power Sources in Outer Space, and seeking to maximize cooperation with other entities within the United Nations family, our Office recently agreed to co-sponsor the Joint Radiation Emergency Plan of the International Organizations. This Joint Plan is further co-sponsored by the International Atomic Energy Agency (IAEA), the Food and Agriculture Organization (FAO), the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the World Health Organization (WHO), the World Meteorological Organization (WMO), and the Nuclear Energy Agency of the Organization for Economic Co-operation and Development (OECD). The Joint Plan, Mr. Chairman and distinguished delegates, describes the coordination and respective arrangements of the relevant international organizations in preparing for and responding to nuclear accidents and radiological emergencies. Our Office's role and its coordination with other agencies is cast within the context of a specific category of radiological emergency, i.e. the possible or actual re-entry of a space object with nuclear power sources on board. The Joint Plan is in the course of being revised and will be published by the IAEA in the second half of 2002.

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

The Office has also produced a number of space-related documents and publications during the past year and I shall read them.

- *Highlights in Space 2001*, produced in cooperation with COSPAR, IAF and the IISL;
- a historical summary of the consideration of the question on the definition and delimitation of outer space; and
- a report on the review of the concept of the launching State, including a synthesis of State practice in applying the concept; questions regarding the application of the concept arising from State practice and from new developments in space activities; and elements that could be included in national space legislation and licensing regimes.

The Office was again this year invited to provide contributions on developments in international space law and policy to published legal journals and to deliver presentations on space law and the work of the Office to numerous groups visiting the Vienna International Centre from within and outside the host country, as well as at events conducted by organizations other than the United Nations.

Apart from producing the publications already mentioned, the Office for Outer Space Affairs continues to be called upon to serve as a source of information and substantive advice on international space law and legal issues relating to activities in outer space. During the last year, the Office has fulfilled this role, within the limits of its capacity, in response to various requests and queries from United Nations divisions and specialized agencies, representatives of Member States, intergovernmental and non-governmental international organizations, private companies, with space-related activities, academic and educational institutions, representatives of the press, and the general public. A recent example of this kind of activity was the participation by a representative of the Office in the deliberations of the UNIDROIT Space Working Group and Steering and Revisions Committee earlier this year.

Delegations will recall that in my statement to the Legal Subcommittee last year, I was forced to report that certain proposed actions of the Office to fulfil the UNISPACE III recommendations of promoting the fullest understanding, acceptance and further development of space law would have to be effectively postponed because of a lack of necessary resources. However, I also informed the Subcommittee that until such resource became

available, we would investigate the possibility of working together with interested non-governmental organizations with a view to our actively contributing within our existing resources to the successful convening of a workshop or seminar on international space law during 2001.

I am, therefore, pleased, Mr. Chairman, to be able to report that our Office was able to make such an active contribution. Following participation by various members of our legal staff in a number of the individual working group sessions, our Office was very pleased to be invited to deliver a report to the International Colloquium on conclusions of "Project 2001" in Köln, Germany, in May 2001. In addition, our Office was able to join the American Astronautical Society, the European Centre of Space Law, the International Institute of Space Law, and the National Space Society in co-sponsoring a Workshop on International Legal Regimes Governing Space Activities which was held in Scottsdale, Arizona, USA, in December 2001. I understand that a report on the results of this Workshop will be presented to the Subcommittee on Thursday of next week.

I am also pleased to inform delegations that later this year our Office anticipates being able to organize the first of a series of annual United Nations workshops on space law. The focus of our attention in these workshops will be on promoting the fullest understanding, acceptance and further development of space law. We hope to approach this at various levels including examination of existing international space law instruments; the implementation at a national level of States obligations under international space law through the development of appropriate legislation, regulations and licensing procedures; and the promotion and further development existing and new space law educational programmes and courses at universities and centres around the world. We are currently engaged in discussions with a number of potential hosts for the space law workshops in 2002, 2003 and 2004, and hope to be able to make a formal announcement concerning the first of these in the very near future.

Mr. Chairman, distinguished delegates, the year 2000 marked the development of an Action Plan which was approved by the Secretary-General of the United Nations as part of the Strategy for an Era of Application of International Law. In accordance with this Action Plan, every office, department, programme, fund and agency of the United Nations was requested to review its current activities and consider what else it might do, within its existing mandate and existing resources, to promote the application of international

law, and to provide technical assistance to help governments implement their commitments under the treaties to which they are or might wish to become parties.

In the context of this request, our Office has re-structured its website with a consolidated space law section which is oriented towards providing increased legal technical assistance and related resources and information. This new space law section has also been linked and is accessible through a centralized access page established by the Office for Legal Affairs (OLA) for international law technical assistance on the main United Nations website. Over the last year our Office has endeavoured, within the resources available to it, to significantly add to the content of this space law section so that it might serve as a useful resource for Member States, space-related organizations, researchers and other interested parties. Visitors to the site may now access, *inter alia*, the texts of the five United Nations treaties on outer space, as well as the General Assembly resolutions adopting these texts, including such things as the paragraph dealing with voluntary State declarations binding themselves on a reciprocal basis to decisions of Claims Commissions established under the Liability Convention.

Also you can assess the texts of the five sets of United Nations principles relating to the peaceful uses of outer space. The texts of national space laws and regulations from 16 different States. The texts of various bilateral and multilateral agreements on space-related matters ranging from launch liability to the processes and criteria for selection, assignment, training and certification of International Space Station crewmembers.

Also the texts of space law-related studies prepared by our Office. Links to the websites of national space licensing and regulating authorities or agencies which are already known to our Office. In this regard, Mr. Chairman, we would invite Member States to inform us of other such websites of national authorities or agencies to which we can provide similar links.

And lastly, links to the websites of space-related non-governmental organizations from around the world.

Our Office would invite delegations to visit this website and make use of the space law section, if they have not done so already. We will certainly continue to seek to improve this resource in the future, of course, to the extent that our resources allow.

Mr. Chairman, distinguished delegates, I would like to conclude by taking this opportunity to reaffirm our Office's commitment to serving the interests of Member States in the area of space law. I would once again invite the Members of the Subcommittee to reflect on how the Office might provide additional legal services and more actively contribute to meeting the future needs of Member States on matters of space law and regulation. We would be pleased to discuss with representatives of Member States any views or suggestions that they might have in this regard.

Thank you very much for your attention.

The CHAIRMAN: I thank the Director of the Office for Outer Space Affairs, Dr. Mazlan Othman, for her informative statement which, as I understand, has been available in writing and will be distributed. Thank you very much.

General Exchange of Views (Agenda Item 3)

Distinguished delegates, I would now suggest that in the time remaining for this morning's meeting, we begin with item 3 on our agenda, General Exchange of Views, and the first speaker on my list of speakers for this morning is the distinguished representative of Venezuela, who will speak on behalf of GRULAC. The distinguished representative of Venezuela has the floor.

Mr. G. M. MARIN (Venezuela) (*interpretation from Spanish*): First of all, Mr. Chairman, GRULAC would like to greet you in the conviction that under your leadership work will be successful at this session.

Mr. Chairman, GRULAC would like to once again give its firm support to the development of international space law and we would like to reiterate our commitment with any initiatives that can put into practice universal accession to the five United Nations treaties on peaceful exploration and utilization of outer space.

And, furthermore, GRULAC believes that it is essential to look at reforms to complement and expand the regime established under the five treaties so that the legal framework regulating activities in outer space can fully and universally correspond to the needs of the international community in a more complete and effective way.

And GRULAC believes that regional space conferences periodically held are an efficient

mechanism for seeking convergent views on questions of common interest for space matters and are a manner to seek ways and means to improve the international regime regulating peaceful use of outer space.

In that context, we would like to express our satisfaction with the efforts made and progress achieved hitherto pointing to the success of the Fourth Conference on Space of the Americas to be held in Cartagena, Colombia, 14 to 17 May. One of these specific points of progress is the Preparatory Meeting of Experts being held this week in Santiago in Chile, and that alongside the International Air and Space Fair (FIDAE 2).

Mr. Chairman, on the question of the geostationary orbit, GRULAC would like to repeat its position in that the use of this limited natural resource should be rational and it should also be extended to include all countries, irrespective of current technical capability, providing to these countries the possibility of having access to the geostationary orbit with equitable conditions, taking into account the particular needs and interests of developing countries as well as the geographical position of specific countries.

GRULAC also expresses its satisfaction with the consensus arrived at in the Legal Subcommittee at the thirty-ninth session with it being understood that when it is necessary to coordinate among countries on the use of the geostationary orbit, the countries concerned should take into account that access to this orbit should be equitable in conformity with the Radiocommunications Regulation of the ITU, as established in the coordination mechanism agreed at the Subcommittee in 1999, document A/AC.105/738, Annex III, adopted in the COPUOS Report at the Forty-Third Session, document A/55/20, and approved by the General Assembly in resolution 55/122.

GRULAC believes that this agreement is an important basis to further international cooperation on space technology with a view to providing to all States free access to the geostationary orbit.

And finally, GRULAC would like to thank the Secretariat for document A/AC.105/769, a historical summary on the consideration of the question on the definition and delimitation of outer space, which will be most useful in our work when examining this question. Thank you.

The CHAIRMAN: I thank the distinguished representative of Venezuela who was speaking on behalf of GRULAC. I now give the floor to the

distinguished Ambassador of Austria, Dr. Hans Winkler. You have the floor Sir.

Mr. H. WINKLER (Austria): Thank you very much Mr. Chairman. It is with great personal and my delegation's pleasure that we see you chairing the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space once again. I am convinced that, as it has always been the case during the last years, our work on this year's agenda will again greatly benefit from your long experience in this subject, your commitment and your skills.

Let me also use this opportunity to extend very warm thanks to the Director of the Office for Outer Space Affairs, Dr. Mazlan Othman, and her excellent and hard-working and dedicated team for their thorough preparation of this session. We are aware of the increasing number of tasks and demands that the Office has to meet with existing resources and would like to stress that it has always been handling them in a most efficient and exemplary manner. The Office, therefore, deserves all our appreciation and support and we shall continue to contribute our share in this respect.

Mr. Chairman, the United Nations General Assembly agreed at its fifty-sixth session last December to the establishment of a working group on item 4 of our agenda, Status and Application of the Five United Nations Treaties on Outer Space, to be convened for a period of three years. Austria welcomes this decision and would like to express the hope that the work to be undertaken in the framework of this group will, *inter alia*, contribute to explore the reasons for the low numbers of ratification of certain treaties.

While not underestimating the role of non-binding international norms for the development of international space law, we still believe that treaty law remains the cornerstone and foundation of the application and the development of rules and norms in this field.

As one of those States that have ratified all of the five United Nations treaties on outer space, Austria would also be ready to think about possible amendments of these treaties if this meets with the consensus of States assembled here in order to make it more attractive for other States to become contracting parties, while at the same time preserving the basic legal concepts governing the activities of States on the Moon and other celestial bodies.

Mr. Chairman, Austria would like to commend the European Space Agency and the European Centre for Space Law for its decision to elaborate a legal study on space debris and to present it at this session of the Legal Subcommittee under agenda item 5, Information on the Activities of International Organizations Relating to Space Law. We regard this as a very useful initiative and are awaiting the results of this study with great interest. In our view, it should certainly not be excluded, that this study could be a starting-point for further discussion on the legal aspects of space debris in the framework of the Legal Subcommittee.

Mr. Chairman, at the present session of the Legal Subcommittee, the Legal Subcommittee will continue its consideration of the UNIDROIT Convention on international interests in mobile equipment and the draft protocol thereto on matters specific to space property as a single issue on its agenda. We take the view that the elaboration of these legal instruments by UNIDROIT is a visible expression as well as a reaction to the steadily growing importance of the commercial use of outer space and thus for the large-scale changes that we are confronted with.

This item represents at the same time an indication of the complexity of the issues, including legal issues involved in the area of the use of outer space.

Austria welcomes the fact that the Legal Subcommittee as the only body responsible for the drawing up of the legal framework for human activities in outer space has demonstrated its readiness to stay abreast of these challenges by deciding to establish an ad hoc consultative mechanism to review the relevant legal issues and report to the Legal Subcommittee.

As one of those States that have actively participated in the two informal working meetings held in Paris in September 2001 and in Rome in January 2002, Austria should like to take this opportunity to thank the Governments of France and Italy for having generously hosted these meetings. We should furthermore like to thank you, Mr. Chairman, very warmly, for having been at our disposal as Chairman also for these two meetings and for the dedicated manner in which you fulfilled this task.

Last but not least, we should like to commend Dr. Othman and her staff for all their commitment in preparing and supporting these meetings.

In Austria's view, the conclusions of the consultation mechanism that will be reported to the

Legal Subcommittee constitute a balanced intermediary result and would deserve endorsement by the Legal Subcommittee. We hope and expect that they will contribute to a structured and result-oriented consideration of this topic during this session and that they will enable the Subcommittee to respond to those questions that are still to be answered.

Mr. Chairman, let me also use this opportunity to inform all the delegations in this room that on Wednesday, 10 April 2002, at 7.00 p.m., there will be a Round Table Discussion on the issue of the need for a new legal framework for the commercial use of outer space at the Diplomatic Academy of Vienna. The event will be hosted by the Austrian Government and I should like to extend my cordial invitation to participate in this event, to you Mr. Chairman and to all the distinguished delegates to the Legal Subcommittee and members of the Office for Outer Space Affairs. More detailed information on the Round Table will be circulated.

Mr. Chairman, in conclusion, allow me to note that my delegation is ready to continue to provide strong support to the work of the Subcommittee as well as to the United Nations Office. In this spirit, we are looking forward to a productive and rewarding session of the Legal Subcommittee. Thank you very much Mr. Chairman.

The CHAIRMAN: Thank you very much Excellency for your statement on the general exchange of views and I would also like to thank you for your kind words addressed to the Chair and to the Office for Outer Space Affairs.

Ladies and gentlemen, the next speaker on my list of speakers is the distinguished representative of the United States of America to whom I give the floor.

Mr. K. BRILL (United States of America): Thank you very much Mr. Chairman. Let me first take this opportunity to thank you for your efforts in furthering the work of the Legal Subcommittee. As previous speakers have noted, under your leadership, the Subcommittee has continued to make important contributions to the refinement and development of outer space law. I would also like to join the other speakers in thanking Dr. Othman and the staff of the Office for Outer Space Affairs for the work they do throughout the year to support the work of this Subcommittee and others.

As an initial matter, Mr. Chairman, like you, I would like to recognize that the year 2002 marks the thirty-fifth anniversary of the entry into force of the

Treaty of the Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. This seminal treaty, known as the Outer Space Treaty, was in many ways the foundation of the now well-established field of space law and it set the framework and cooperative tone for significant technological progress in outer space activities. In no small part, these accomplishments can be attributed to the role of COPUOS and to this Subcommittee, which throughout its existence has been characterized by the process of consensus and the desire and interest of Member States to develop space law that promotes, not hinders, space exploration. Under this legal regime, space exploration by nations, international organizations and now private entities, has flourished. As a result, space technology and services contribute immeasurably to economic growth and improvements in the quality of life around the world. The Outer Space Treaty has truly stood the test of time. Its provisions remain as relevant and important today as they did at the inception of space exploration.

This thirty-fifth anniversary of the Outer Space Treaty is also an opportunity for us to address the fact that the world is far from general acceptance of the four core space law instruments: the Outer Space Treaty, the Rescue and Return Agreement, and the Liability and Registration Conventions. Several key States have not accepted these treaties, including some members of COPUOS. This Subcommittee should make a clear call for States to ratify and implement the four core space law instruments cited above. And, of course, it should encourage States that have accepted the core instruments to look at the sufficiency of their nation's laws to actually implement them. Parties ought to ensure that they are indeed doing what they have promised they will do.

The core space law instruments have established a framework that encourages the creation and sharing of benefits from the exploration and use of outer space. Articles 1 and 2 of the Outer Space Treaty set forth key principles: that the exploration and use of outer space is to be carried out for the benefit and in the interests of all peoples; that outer space exploration and use are open on a non-discriminatory basis; that there is freedom of scientific investigation in outer space; and that outer space is not subject to national appropriation. The United States fully supports these principles and remains highly engaged in activities that benefit non-space-faring nations as well as other space-faring ones. Data from United States meteorological satellites are routinely provided to users around the globe at no cost. These data are invaluable for weather forecast and disaster

mitigation. In addition, the United States Government continues to provide service from the Global Positioning System, or GPS, for peaceful civil, commercial and scientific use on a continuous worldwide basis, free of direct user fees. This is true today and will be equally true in the future. Let me stress, it is the United States' intention that GPS will remain a high quality and reliable service provided at no cost to users.

Finally, United States space and Earth science data are shared with the world scientific community through cooperative programmes or by making them available in accessible data archives, some at no cost and other data only at the cost of reproduction. These include data relevant for fundamental scientific research as well as data relevant for key applications, such as sustainable development, about which we expect to discuss more at the upcoming Summit in Johannesburg.

During last year's meeting, several delegations referred to the Convention on the Law of the Sea as a possible model for the future development of outer space law. Such comparison is strained, in our view. Activities at sea and activities in outer space are factually distinct and their respective developments have raised different issues for the international community to address. The legal frameworks that have been established in the respective spheres are appropriately separate. Outer space law has been particularly influenced by the need to retain a broad and flexible structure to accommodate rapidly changing technology. We believe that the four core treaties, along with the numerous United Nations principles, continue to meet this need, while providing a framework within which outer space activities have flourished. A single comprehensive treaty in the outer space arena is neither necessary, nor, in our view, desirable, or feasible.

Mr. Chairman, as you noted earlier, this year marks the fortieth anniversary of the Legal Subcommittee, which first met in May 1962. As we proceed with our work at this session, I would like to mention the extraordinary record of success this Subcommittee has had in advancing the field of space law. It seems to me that much of the success is due to the Subcommittee's ability to focus on practical problems and to seek to address any such problems via a consensus-based and results-oriented process. We should aim in our discussions here over the next couple of weeks to continue that tradition and to avoid the temptation to focus on theoretical rather than practical issues. In addition, the Subcommittee's success may

be attributed to its avoidance of protracted debate on extraneous political issues.

One of the exciting developments that this Subcommittee is now considering is the possibility of a Space Assets Protocol to the UNIDROIT Convention on International Interests in Mobile Equipment. When this Subcommittee began its work 40 years ago, the issues under consideration primarily concerned State-conducted or State-procured outer space activities. Today the landscape is considerably different as the past decade has seen a tremendous rise in commercial use of outer space. The level of interest in a Space Assets Protocol is indicative of the importance that private activities now hold for the future development of outer space activities and the need to facilitate the establishment of adequate financing mechanisms for such activities. While the current legal framework continues to function extremely well and to foster both governmental and commercial outer space activity, we believe that a mechanism that takes into account national licensing policies and rules could help to enhance financing for private sector space activities.

Mr. Chairman, another recent and interesting development over the last year involved the flight of the first non-professional astronaut to the International Space Station, or ISS. Since that time, NASA and its ISS Partners developed through the Multilateral Crew Operations Panel and subsequently approved through the Multilateral Coordination Board, "Principles Regarding Processes and Criteria for Selection, Assignment, Training and Certification of ISS (Expedition and Visiting) Crewmembers". These principles are to be used by all ISS Partners when assigning their professional astronauts or cosmonauts or space flight participants as ISS expedition or visiting crewmembers. The partnership has already demonstrated the successful implementation of this new process, in approving the flight of a South African citizen, sponsored by Rosaviakosmos, the Russian Aviation and Space Agency, who will fly on a Soyuz vehicle to the ISS later this month.

In a related vein, I should note that both Russian and United States companies are involved in securing passengers for Soyuz taxi flights to the ISS, and entrepreneurs are proposing potential new vehicles for space tourism.

Thank you very much for your consideration of these comments. My delegation looks forward to a productive and collegial session in the next two weeks. Thank you.

The CHAIRMAN: Thank you very much distinguished Ambassador of the United States for your statement during the general exchange of views.

Ladies and gentlemen, this has been the last speaker who subscribed on our list of speakers for this morning's session. Are there any other speakers on the general exchange of views at this time? I recognize the distinguished representative of Brazil.

Mr. S. LEITE DA SILVA (Brazil): Thank you Mr. Chairman. We would like to express our appreciation to see you chairing again this session of the Legal Subcommittee of COPUOS. We share entirely the view expressed by the distinguished Ambassador of Venezuela on behalf of the Group of Latin American and Caribbean Countries, as well as the comments presented by other delegations in recognition of the need of strengthening space law as well as the importance of COPUOS.

We thank the Director of the Office for Outer Space Affairs, Ms. Mazlan Othman, for the important and effective work performed as well as for the comprehensive information provided to the present session of the Legal Subcommittee. Thank you.

Mr. Chairman, we reiterate the importance for the Brazilian Government of a strong and active Legal Subcommittee in such a way that can adequately respond to the legal aspects related to space activities.

Brazil has been taking part in the discussions related to the review of the concept of the launching State, item 9 of the present agenda, and wishes to contribute actively to a better clarification of some aspects related to the responsibility of States in the case of accidents with space objects, taking into account the different level of participation of each State in launching operations.

Concerning the comments presented by Ms. Mazlan Othman, the Brazilian Society of Aerospace Law has a site and the address will be informed afterward. Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of Brazil for your statement and I would also like to thank both the last speakers. It means that the distinguished Ambassador of the United States and to the distinguished representative of Brazil for their kind words addressed to the Chair and to the Office for Outer Space Affairs.

Are there any other delegations wishing to speak at this moment under the item, General

Exchange of Views? I see none. We will continue the general exchange of views this afternoon.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee. Before doing so, I would like to remind delegates of our schedule of work for this afternoon.

This afternoon we shall resume with agenda item 3, General Exchange of Views, and I have some speakers for this afternoon on my list. Thereafter, time permitting, we will begin consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space, it means in the plenary of the Subcommittee.

At approximately 3.50 p.m. we will end our deliberations in order to allow for the commencement of the IISL/ECSL symposium on "Prospects for Space Traffic Management" which will start at 4.00 p.m.

Are there any questions or comments on this propose schedule?

I see none and, therefore, this meeting is adjourned.

The meeting closed at 12.03 p.m.