

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

*Unedited transcript*

659<sup>th</sup> Meeting

Wednesday, 3 April 2002, 3 p.m.

Vienna

*Chairman:* Mr. Kopal (Czech Republic)

*The meeting was called to order at 3.11 a.m.*

**The CHAIRMAN:** Distinguished delegates, the meeting is called to order. I declare open the 659<sup>th</sup> meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

**General Exchange of Views (Agenda Item 3)**

Distinguished delegates, we will now continue our consideration of item 3 on our agenda, General Exchange of Views. I would remind delegations that it is my intention to conclude the general exchange of views at this afternoon's session. Therefore, I would urge those delegations still wishing to make statements under this item to inscribe their names on the list of speakers with the Secretariat as soon as possible.

I have so far but one delegation on the list and it is the distinguished representative of Mexico. Mexico has the floor.

**Ms. M. T. R. JASSO** (Mexico) (*interpretation from Spanish*): Thank you Mr. Chairman. First of all, I would like to say that my delegation is pleased to see you once again in the Chair of this Subcommittee leading our work. This is an important contribution to the elaboration of legal principles and improvement thereof, as well as for the full implementation of existing legal instruments regulating peaceful uses of outer space. I would like to assure that you can count on my delegation's assistance for continuing making progress in the work at this session.

And I would also like to thank Ms. Mazlan Othman for the report she gave yesterday and I would like to congratulate her for the excellent work that she

has done together with the staff of the Office for Outer Space Affairs.

Before continuing, I would like to say that my delegation would like to endorse what was said by the distinguished Ambassador of Venezuela speaking on behalf of GRULAC yesterday.

Mr. Chairman, as in past years, my delegation feels that it is important to have universal implementation of the five space treaties and, accordingly, we believe that the Legal Subcommittee has a fundamental role to play with a detailed examination of what might be the barriers that have stood in the way of universal acceptance of these treaties, identifying incentives for participation of a greater number of States in the legal regime for space.

A strengthening of space law education through regional centres could give rise to a greater understanding of those benefits that arise from participation in the international regime, irrespectively of whether or not any country has space activities.

Regarding the examination of the concept of the launching State, my delegation would like to thank the Secretariat for the report in document A/AC.105/768 which looks at the practices of States in the application of the concept of the launching State. It also looks at recent events in space activities and possible element for inclusion in legislation as well as national licensing systems for space activities.

My delegation feels that the analysis of this question is a very useful one as, thus, States can share experiences on domestic legislation so as to be able to have a view of greater more elements to expand the

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regulation of private activities without jeopardizing the principle of State liability for any damage caused by space activities.

Mr. Chairman, in respect of the draft convention of the International Institute for Unification of Private Law, UNIDROIT, on international interests in mobile equipment and the preliminary draft protocol thereto on matters specific to space property, my delegation would like to give broad support so that the Legal Subcommittee can continue in its thorough examination of this draft in the light of existing law.

My delegation feels that it is important to assure fully respect of principles in the United Nations treaties on outer space. So the text of the protocol should include such principles. The implementation of it should not mean any block on activity in outer space but rather the regulation of such activity. Thank you.

**The CHAIRMAN:** Thank you distinguished representative of Mexico for your statement.

Ladies and gentlemen, I do not have any other application for the discussion on this particular item. Is there any other speaker who would like to speak on the general exchange of views this afternoon? And I repeat that this would be the last opportunity because we intend to close the discussion on this particular item.

No other speaker? I see none and, therefore, we have concluded our consideration of agenda item 3, General Exchange of Views, for this session, for the forty-first session.

#### **Status and Application of the Five United Nations Treaties on Outer Space (Agenda Item 4)**

Distinguished delegates, we shall now continue our consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space.

I have on my list two delegations who inscribed their names and the first one will be the distinguished representative, Ms. Fatima Hashim, of Malaysia, to whom I give the floor.

**Ms. F. Y. HASHIM (Malaysia):** Thank you Mr. Chairman. My delegation wishes to congratulate Professor Kopal for your chairmanship of this particular session of the Legal Subcommittee for UNCOPUOS. Your leadership of discussion will help this meeting to reach to a very successful ending. Our extended appreciation to the Director of the Office for

Outer Space Affairs, Professor Dr. Mazlan Othman, for the comprehensive and excellent report delivered yesterday morning. Also for the effort of her team to ensure that the session will be a successful one.

We also would like to express our gratitude to the Committee Members of COPUOS for accepting Malaysia as a full member of this Committee.

Mr. Chairman, with regard to the United Nations treaties on outer space, one of the obstacles preventing Malaysia from ratifying the treaties is the lack of expertise on matters related to space law.

Malaysia fully recognizes that with ratification, there should also be domestic legal regimes that will ensure compliance to the United Nations treaties at the national level. All of this requires deep and intense study of all related matters.

We are, thus, particularly pleased to note that the Office for Outer Space Affairs will embark on a capacity-building programme on space law that will help build up the expertise in developing countries.

We are pleased to inform the Subcommittee that, even though Malaysia has not ratified any of the treaties, the Government has established a National Register on Space Objects and has taken steps to report to the United Nations, the launching of the country's space objects as required in the Registration Convention.

With that, Mr. Chairman, I thank you.

**The CHAIRMAN:** Thank you distinguished representative of Malaysia for your statement and I would like to thank you for the kind words that you addressed to the Chair and to the Director of the Office, Professor Dr. Mazlan Othman. I also would like to thank for the foregoing speaker, I forgot it. It means the distinguished representative of Mexico for the same. At the same time, I address again you, distinguished representative of Malaysia. I would like to congratulate your country and, of course, to yourself as representative of this country, to the status that your country has received by being elected a full member without rotation of this particular body. Thank you very much.

The next speaker on my list of speakers is the distinguished representative of the United States of America, Mr. Mathias.

**Mr. S. MATHIAS (United States of America):** Thank you Mr. Chairman. Mr. Chairman,

under this standing item on the Legal Subcommittee agenda, each of us has the opportunity to comment in a general way on the status of the space law treaties. I would like to touch upon two issues.

First, I would like to address the general issue of the status of the four core space law treaties. I have consulted with the State Department's Treaty Office regarding three of the space law instruments, the Outer Space Treaty, the Agreement on the Rescue and Return of Astronauts and the Liability Convention, for which the United States has the honour to serve as one of the depositaries. Since the Legal Subcommittee's last meeting in April 2001, our Treaty Office has received no new notices of action. We are likewise not aware of any new actions with respect to the Registration Convention, for which the United States is not a depositary. If other depositaries have received notices of actions since this Subcommittee's last meeting, we would be interested in hearing of them.

In any event, as several important States, including some members of COPUOS, have not accepted key treaties, we do hope that the coming year will see some new State actions taken with respect to the treaties. My Government firmly believes that the outer space treaties continue to function well in today's increasingly complex environment. They provide a valuable framework that has facilitated the growth in both governmental and private activities in outer space. This Subcommittee should continue to encourage all States to consider seriously adhering to each of the four core treaties.

As a second point, I would like to touch upon the issue of domestic implementation of the treaties. During last year's Legal Subcommittee meeting, I emphasized the United States' view that we must all focus on our domestic implementation. As you are aware, the Registration Convention provides that a launching State shall register a space object on its registry. In that regard, I would like to share with you some steps that the United States is taking with respect to the Registration Convention. During the past year, the United States has been engaged in a process of upgrading the United States National Registry of Space Objects so that it is accessible via the Internet and can be updated electronically, to enhance the utility of our National Registry. As part of that process, we have undertaken to clarify the domestic criteria for including objects on the United States Registry. This is intended to ensure that United States owners and operators of space objects and non-United States entities have a clear understanding as to the circumstances under which space objects are and are not registered by the United States. We intend to include on the United

States Registry, all space objects that are owned or operated by United States private or governmental entities and launched from inside or outside United States territory. In general, the United States will not include on its registry, non-United States payloads that are launched from United States territory or facilities. It is our view that such non-United States payloads should be included on the Registry of the State of the payload's owner/operator because that State is best positioned to exercise continuing supervision. In addition, we will continue our practice of including certain non-functional objects on the United States Registry.

We are also carefully reviewing those objects brought to our attention by the Office for Outer Space Affairs, based on its search of the United Nations online database, that represent potential United States objects that have not been registered or objects that have been registered by the United States and another State, to determine whether revisions to the Registry are required and how to avoid such problems in the future.

We invite other States to undertake a similar clarification of their registration practice. As States clarify and improve their domestic practice, overall international practice will be enhanced and all of us and all nations will benefit. The promotion of increased international cooperation in the registration area may be an appropriate activity for this Subcommittee and for the United Nations Office for Outer Space Affairs.

Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of the United States for your statement on agenda item 4, Status of the International Treaties Governing the Use of Outer Space. If I may say something relating to the point that you have mentioned here, it is a number of new States, and perhaps also international organizations, which have adhered to the United Nations Space Treaty. I received the recent paper. It means document number A/AC.105/572/Rev.3/Amendment 1 and this document includes Status of International Agreements Relating to Activities in Outer Space, as at 1 January 2002, and I counted the number of parties to the main Space Treaty of 1967, Outer Space Treaty, and if my mathematical exercise was correct, I ascertained that there have been now 98 ratifications of this Treaty and 26 signatures of this Treaty. Of course, no international organization declared anything about this Treaty because it was at the time not yet provided for international organizations. So there has been a slight increase in

the number of ratifications because I remember that when we were starting this exercise on point 4 of our agenda, there used to be 93 ratifications only. So there was a slight increase during the last four or five years, of five new ratifications. The report that during the last year there has been no other ratification has been rather, for me, disappointing but we should perhaps do our best in order to reach the magical number of 100 because only two ratifications are missing to this noble goal, I would say.

I also checked the names of the countries that have not ratified this Treaty yet and among them, there are a number of countries which might be willing to do so. Perhaps we might make another appear in this respect included again in the resolution of the General Assembly and at least to recruit two more, if not more, countries that might ratify the 1967 Treaty and thus become parties to this Treaty.

I would also appreciate that perhaps the Secretariat, under the discussion of the activities of international organizations, if the Secretariat could distribute a simple paper advising us about the State of Parties to all these treaties that are included in this status report so that we might have a clear idea about what is the present number of parties to each of these treaties.

This was only my modest note in relation to the last statement and, of course, in relation to the point of our agenda that we are now considering.

Ladies and gentlemen, I have no more speakers that would have applied for the discussion on this particular item, item 4, Status and Application of the Five United Nations Treaties on Outer Space. Is there any other delegation wishing to speak on this item this afternoon?

I see none. We will continue our consideration of item 4, Status and Application of the Five United Nations Treaties on Outer Space, tomorrow morning.

**Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (Agenda Item 7)**

Distinguished delegates, we shall now commence consideration of item 7 of our agenda, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

I do not have yet any application for the discussion. Is there any delegation wishing to speak on this item, item 7, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space?

I see none. We will continue our consideration of item 7 tomorrow morning.

**Review of the concept of “launching State” (Agenda Item 9)**

Distinguished delegates, we shall now commence consideration of item 9 of our agenda, Review of the Concept of “Launching State”.

Again, I do not see any delegation inscribed in the list of speakers on this particular item during this afternoon’s meeting. Is there any speaker wishing to contribute to the discussion on this particular item, Review of the Concept of “Launching State”?

Once again, I see none. We will continue our consideration of item 9, Review of the Concept of “Launching State”, tomorrow morning.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee to allow for the convening of the second meeting of the new Working Group on Item 4, Status and Application of the Five United Nations Treaties on Outer Space. Time permitting, following the meeting of the Working Group on Item 4 this afternoon, the Working Group on Item 9, Review of the Concept of “Launching State” might also convene its first meeting. I see both Chairmen here so that you might be ready to open the meetings of the your Working Groups.

Before adjourning the Subcommittee, I would like, however, to inform delegates of our schedule of work for tomorrow morning. Tomorrow morning we shall continue our consideration of agenda items 4, 7 and 9. It is Status and Application of the Five United Nations Treaties on Outer Space, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, and 9, Review of the Concept of “Launching State”.

Following adjournment of the Subcommittee’s meeting tomorrow morning, the Working Groups on items 4 and 9 might convene their third and second meetings respectively.

Are there any questions or comments on this proposed schedule?

If not, so I adjourn this meeting.

*The meeting closed at 3.30 p.m.*