

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

Unedited transcript

673rd Meeting

Friday, 12 April 2002, 3 p.m.

Vienna

Chairman: Mr. Kopal (Czech Republic)

The meeting was called to order at 3.15 p.m.

The CHAIRMAN: The meeting is called to order. Distinguished delegates, I declare open the 673rd meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

Adoption of the report of the Subcommittee

Distinguished delegates, we will first continue our consideration of the L.235/Addendum.2, part V. If I may remind you, we stopped at paragraph 17 on page 3 of the L.235/Addendum.2 and we will now continue part V, Matters relating to the definition and delimitation and the geostationary orbit.

So first let us talk about paragraph 18 on page 3. Are there any comments to this particular paragraph?

I see none. *Adopted.*

Paragraph 19. The Legal Subcommittee had before it the following documents.

It is just a chapeau and then subparagraph (a) of paragraph 19.

Subparagraph (b) of paragraph 19.

Subparagraph (c) of paragraph 19.

Subparagraph (d) and subparagraph (e). This is just the enumeration of the documents so I do not believe that there should be any problems.

Paragraph 19 as a whole. Nothing? *It is adopted.*

Paragraph 20. Any comments? None. *Adopted.*

Paragraph 21. It is just one view. *Adopted.*

Paragraph 22. Again one view or the view of one delegation. *Adopted.*

Paragraph 23. Again the view of one delegation. *Adopted.*

Paragraph 24. No comments? The view of one delegation. *Adopted.*

Paragraph 25. Again the view of one delegation. *Adopted.*

Paragraph 26. Again the view of one delegation. *Adopted.*

Paragraph 27. The same. No comments? *Adopted.*

Paragraph 28. Now the whole Legal Subcommittee welcomed. No comments? *Adopted.*

Paragraph 29. It is again the view of one delegation. *Adopted.*

Paragraph 30. The view of one delegation. No comments? *Adopted.*

Paragraph 31. Some delegations. No comments? *Adopted.*

Paragraph 32. No comments? *Adopted.*

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.

Paragraph 33. No comments? *Adopted.*

Paragraph 34. No comments? *Adopted.*

Paragraph 35. This will be, of course, completed by the Secretariat. *Adopted.*

And the final clause about unedited verbatim transcripts. *Adopted.*

So that we have finished now consideration of L.235/Addendum.2. It is complete. Good news.

Now Addendum 3, L.235/Addendum.3.

VII, Consideration of the Convention on International Interests in Mobile Equipment and the Preliminary Draft Protocol on Matters Specific to Space Assets.

Paragraph 1. No comments? *Adopted.*

Paragraph 2. No problem. *Adopted.*

Paragraph 3. It is again the enumeration of documents that were before the Subcommittee, A and B on the next page. No comments. *Adopted.*

Paragraph 4. Again reference to documents. *Adopted.*

Paragraph 5. This is just the expression of the view of one delegation. *Adopted.*

Paragraph 6. Other delegations. No comments. *Adopted.*

Paragraph 7. Yes, *Adopted.*

Paragraph 8. Again a statement of facts. *Adopted.*

Paragraph 9. No comments? *Adopted.*

Paragraph 10. *Adopted.*

Paragraph 11. *Adopted.*

Paragraph 12. The view of one delegation. *Adopted.*

Paragraph 13. Some delegations. *Adopted.*

Paragraph 14. Again the view of one delegation. No comments? *Adopted.*

Paragraph 15. Other delegations. No comments? *Adopted.*

Paragraph 16. The view of one delegation. No comments? *Adopted.*

Paragraph 17. Also the view of one delegation. No comments? *Adopted.*

Paragraph 18. The view of one delegation. No comments? *Adopted.*

Paragraph 19. Some delegations. No comments? *Adopted.*

Paragraph 20. *Adopted.*

Paragraph 21. The view of one delegation. No comments? *Adopted.*

Paragraph 22. No comments? *Adopted.*

Paragraph 23. No comments? *Adopted.*

Paragraph 24. No comments? *Adopted.*

Paragraph 25. The view of one delegation. France has the floor.

Mr. D. WIBAUX(?) (France) (*interpretation from French*): Thank you Mr. Chairman. I just wanted to bring the French text in line with the English version. It seems like there is a question mark at the end of paragraph 25 in French. "The view was expressed that issues related to domestic regulatory practice would also require further consideration, particularly those relating to the licensing of any transfers of satellite operations and the export control implications of possible transfers contemplated under the Convention and the Preliminary Draft Protocol". The end of the French version does not correspond to the English and it is confusing and it would suffice in the French version at the end of the third line, quite at the end of the French version, to move the word on "for all transfers by satellite and incidences of regulations of exports or the impact of regulations on the Convention". And that way, we would have a French text which corresponds more to the English version and which would be more meaningful. Thank you.

The CHAIRMAN (*interpretation from French*): Thank you to the representative of France. Would you be so kind as to work with the Secretariat to give them more specific wording than what is in the French version currently.

(Continued in English) With this comment, we will take care of it, of course. So paragraph 25 approved? *It is so decided.*

Paragraph 26. No comments. *Adopted.*

Paragraph 27. This is again the view of one delegation. No comments? *Adopted.*

Paragraph 28. Again the view of one delegation. No comments? *Adopted.*

Paragraph 29. Some delegations expressed the view. No comments? *Adopted.*

Paragraph 30. Some delegations. No comments? *Adopted.*

Paragraph 31. Some delegations. The Russian Federation.

Mr. Y. M. KOLOSOV(?) (Russian Federation): Either in paragraph 31 or as paragraph 31 *bis*, our view should be reflected regardless the insolvable problem of chicken and egg. We recognize that it does exist. And yet we would like that our view is reflected here. But in case the Secretary-General of the United Nations is entrusted this role of registrar, we would like that the Secretariat of this Subcommittee request the advice of the Legal Advisor of the Secretary-General whether such a possibility is feasible and what implications it may incur from the financial point of view and from the point of view of staff. This is important. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of the Russian Federation. I believe that if it should be included, and I know that you have raised this question, of course, it should be a new paragraph 31 *bis* because it is the view of one delegation while the 31 reflects the views of some delegations. So perhaps as 31 *bis*. You have the full text Mr. McDougall.

Mr. P. R. McDOUGALL (Deputy Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. We have a very comprehensive record of what has been stated by the Russian Federation in the past on this issue so, of course, it is up to the delegation of the Russian Federation but we could take it as read and insert something if they would like to look at it before the end of today, then that is somewhat of a slightly different matter. But it is up to you. Either you can leave it up to the Secretariat just to include something reflecting your view or alternatively I can

try and put a text together for you to have a look at. Thank you.

The CHAIRMAN: I understand the first alternative. Very good.

So it will be now paragraph 31 *bis* which will be reflected in the text.

Paragraph 32. Some delegations. France has the floor.

Mr. D. WIBAUX(?) (France) (*interpretation from French*): Thank you Mr. Chairman. We spoke with regard to inserting this issue for the agenda for the next session of the Subcommittee and, of course, instead of saying "some delegations expressed the view that the Secretariat, etc.", we could say "the Subcommittee has decided to ask the Secretariat ..." and so forth, because I think we achieved consensus on this matter within this Subcommittee. Thank you Mr. Chairman.

The CHAIRMAN: Mr. McDougall will make a clarification on this issue.

Mr. P. R. McDOUGALL (Deputy Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. The paragraph 32 was actually a reflection by the Secretariat of the discussions that took place under item 8 of consideration. The agreement that was finally reached by the Subcommittee was done so in the discussions on the new agenda items and I would refer you perhaps in advance to a little further on in the text, specifically paragraph 46, where you see set out the proposed new agenda for next year. And I would refer you to the listed item 8 and at the bottom of that paragraph, which on the English text is on page 8 as well, at the bottom of that item 8 you will see an expression of the fact that new working group should be established to consider sub-items 8(a) and 8(b) separately and then further "the Subcommittee requested the Secretariat to prepare a report, etc.". Of course, there is nothing stopping the Subcommittee now from modifying its report somewhat but, in fact, under the discussions on item 8, it was not(?) that consensus reached at that point and there was a slight variation in terms of what was initially proposed and perhaps what was agreed ultimately for the new agenda item, hence the discrepancy of the two within the report of the Secretariat which we presented for you today. Thank you.

The CHAIRMAN (*interpretation from French*): Would this be satisfactory to the French delegation?

Mr. D. WIBAUX(?) (France) (*interpretation from French*): Yes, thank you Mr. Chairman. It just seemed to us that this matter was not the subject of any objection or any opposition on behalf of the delegations who spoke here throughout the discussion on item 8. Since there was no opposition, there is no need to say “some delegations expressed the view” but will not insist on changing the text as proposed by the Secretariat. As long as this is indicated in the text.

The CHAIRMAN: Paragraph 32. *Adopted.*

Paragraph 33. Austria has the floor.

Ms. U. HIEBLER(?) (Austria): Thank you Mr. Chairman. I would just like to ask for clarification on this paragraph. Was it actually some delegations that expressed this view reflected in this paragraph or rather only one delegation, since, according to my notes, I had the impression that it was only one delegation that took this specific view but I may be mistaken.

The CHAIRMAN: Thank you very much for your question that you brought to our attention on paragraph 33. Would the Secretariat answer it?

Mr. P. LÁLA (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. According to the Secretariat’s notes, it was at least two delegation expressing this view. This is correct.

The CHAIRMAN: So paragraph 33 will remain as it stands. Any other comment? *Adopted.*

Paragraph 34. No comments. *Adopted.*

Paragraph 35. Any comments on 35? No comments? *Adopted.*

Paragraph 36. Any comments? None. *Adopted.*

Paragraph 37. *Adopted.*

Paragraph 38. *Adopted.*

Paragraph 39. The usual clause. *Adopted.*

IX, Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-second session.

Paragraph 40. Again a statement of facts. *Adopted.*

Paragraph 41. No comments? *Adopted.*

Paragraph 42. The view of one delegation. Please you have the floor Sir.

Mr. S. MATHIAS(?) (United States of America): Mr. Chairman, in the last line of the English text of paragraph 42, there is a reference to the validity of the existing legal regime, the notion that consideration of the desirability of a comprehensive treaty would cause confusion concerning the validity of the existing legal regime. I think that “validity” may not be precisely the best word there for what was intended to be conveyed by that delegation and perhaps “future viability” would be a better way of expressing the thought.

The CHAIRMAN: Yes, is this amendment acceptable? After all, it is the view of one delegation so I believe that it should be accepted. No other comments? *Paragraph 42 is adopted as amended.*

Paragraph 43. Some delegations. No comments? *Adopted.*

Paragraph 44. No comments? *Adopted.*

Paragraph 45. No comments? *Adopted.*

Paragraph 46. This is just the introduction to the draft agenda for the next session of the Legal Subcommittee, so we have discussed the whole proposal in detail, both in informal consultations and then at the level of the formal meeting of the Subcommittee. Are there any new aspect that you would wish to raise here. I see none. *Paragraph 46 as a whole is adopted.*

Mr. V. CASSAPOGLOU (Greece): Thank you Mr. Chairman. I do not know where the appropriate place is to add because I do not see neither in this paragraph or in the following paragraph or even at the very last paragraph, reflecting the proposal of Greece to propose to discuss about the issues of the implications, the involvement of the private sector in space activities. I would this idea to be reflected.

The CHAIRMAN: This is the text of the agenda for the next session of the Legal Subcommittee which was adopted by consensus so I do not understand why you insist on having this new idea to be included in this text that was already approved.

Mr. V. CASSAPOGLOU (Greece): I told you after already. I have no problem with paragraph 46. The only issue I raise is if this proposal should appear after the already adopted paragraph 46, as maybe 46 *bis* or at the very end "as the Legal Subcommittee noted that" as maybe paragraph 50 *bis* or something. Thank you.

The CHAIRMAN: You are welcome. Paragraph 47. No comments? *Adopted.*

Paragraph 48. No comments? *Adopted.*

Paragraph 49. It reflects the views of the Italian delegation. *Adopted.*

Paragraph 50. The chapeau first. Subparagraph (a).

Subparagraph (b).

Subparagraph (c).

Subparagraph (d).

And now paragraph 50 as a whole. No comments? *Adopted.*

Paragraph 51 is the usual clause about unedited verbatim transcripts. *Adopted.*

And now you have the floor, the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece): Thank you again, Mr. Chairman. Mr. Chairman, may I ask you to add a paragraph after the paragraph already approved, 50, saying that the Legal Subcommittee noted the intention of Greece to propose for next year as a new agenda item, issues related to the involvement of the private sector into outer space activities.

The CHAIRMAN: Well, as a matter of fact, you, indeed, were speaking about it. I remember but I qualified it as an information and it is rather unusual that one delegation informs about its intention to do something during the next session so I would very kindly ask you not to insist on the inclusion. And, of course, you are free to submit this proposal and to do everything for its adoption during the next session of the Subcommittee. Thank you for your cooperation.

Ladies and gentlemen, as to this part, L.235/Addendum.3, do you still wish to say something? No? Again, we have got rid of one part of the draft report and we will now take draft report

addendum, Status and application of the five? No? This we have already done.

We will now return to the Working Group on item 9. I have to ask the Secretariat if we have indeed, as you suggested, to suspend the Subcommittee. No, this is just what we are doing. We are suspending the Subcommittee. I thought that perhaps some additional consultations would be necessary. We will now suspend the meeting of the Subcommittee and we will return to the consideration of the report of the Working Group on Item 9. As you may remember, we have left some questions open and we should now return to finalize them.

The meeting was suspended at _____ p.m.

The meeting resumed at 4.08 p.m.

The CHAIRMAN: Distinguished delegates, I believe that we have finished the report on agenda item 9, including the appendix on the conclusions that have been reached in this Working Group and that we may now return again to the main part of our draft report and particularly to paragraph 17, where a number of amendments have been suggested. I believe that you have the facts of these draft amendments before you and that we can proceed with the discussion on these amendments.

Perhaps before opening the floor for discussion on it, I could attempt to make a very simple suggestion. I read this text, and it is my personal view only, I do not impose it in any way. I read this text and I believe that all concerns that have been sounded here during the morning session have been now more or less satisfied. I would even dare to say fully satisfied. So perhaps we might adopt all these amendments as they have been submitted and in this way to avoid a lengthy discussion that might evolve.

Greece.

Mr. V. CASSAPOGLOU (Greece): I fully support your idea but, through you, may I ask for the future, Mr. Chairman, if some main points of the general declarations or general statements, it seems opportune to be reflected, so all the States making these general statements be able also to see their views in the following paragraphs of the main paragraph about how many States made statements. Otherwise, I think it is not equally treated all States make general statements but as a wish. Thank you very much.

The CHAIRMAN: Thank you distinguished representative of Greece. Of course, I take it as your wish, as your advice for our future work.

But I will now return to my tentative suggestion that I made a few minutes ago and which was kindly supported by the distinguished representative of Greece. Is it acceptable? No comments. *It is so decided.*

In this way, we solved one of the remaining issues. Another now is consideration of 17 and 18, both of them.

I believe that our agenda has been thus exhausted or fulfilled, as you like it, and that we can now put a question of the adoption of the report as a whole by the Subcommittee. Greece.

Mr. V. CASSAPOGLOU (Greece): Thank you Mr. Chairman. Mr. Chairman, because we have not enough celebrated the fortieth anniversary of the Subcommittee, at least I would like to see somewhere in the report a very small reference to this event. This morning, just to refresh my memory, I read the first pages of the first summary record and I was very moved seeing that, for example, Professor Tokin(?), Professor Sarta(?) and other really distinguished colleagues and _____ and some others who contributed in the foundation of space law. What is very important to make you remember or to inform colleagues that are not so familiar that in this very first session of our Subcommittee, then the former Soviet Union and the United States proposed even adoption of principles and which constitutes now the existing five treaties. So we have to make two lines, let us say, consecrated to this anniversary, which is very important for the whole of humanity. Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of Greece. I think we could go along the lines of the suggestion that you have just made and we would perhaps request the Secretariat to include an appropriate formulation that would be in accordance with this wish and I believe that the whole Subcommittee shall have wish. Very well.

Closing remarks and adjournment of the session

Distinguished delegates, this just brings us to the conclusion of the forty-first session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. It has been already remembered that once again it was done by me in the beginning of this session that this was the anniversary session and that it

was, therefore, a certain milestone on our way in the progressive development of the law of outer space. And it is, of course, obliging us to work together for further achievements in this respect. I recognize the distinguished representative of the Russian Federation.

Mr. Y. M. KOLOSOV (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. Mr. Chairman, since some of our colleagues congratulated the Russian delegation this morning on the forty-first anniversary of the first manned flight into space, we would like to express our gratitude to these delegations, through you, Mr. Chairman, and would like to further add the following.

Today, 10 astronauts and cosmonauts are on the International Space Station and this morning, together in the Russian Federation section of the International Space Station, they are celebrating the international day of space exploration and right now, I think, they are engaged in a festive dinner. When Yuri Gagarin, the first man flew into space, the government despatch distributed around the world said that this flight was undertaken on the interests of the entire humankind and, of course, our country has reaffirmed the fact that it would like space to be used entirely and exclusively for peaceful purposes. Gagarin himself, after he came back from his flight, famously said that from outer space, the planet Earth looks beautiful but very small and very fragile. Had Gagarin been living today and were he present in this room, I am sure he would come out for preventing the arms race in outer space. Thank you Mr. Chairman.

The CHAIRMAN: Thank you very much distinguished representative of the Russian Federation for your statement.

Distinguished delegates, before adjourning the session of the Legal Subcommittee, I would like to express our thanks to all those who participated in the work for this session and we could not reach any conclusions without them, it must be said. First of all, our thanks go to the interpreters, in the cabins, which in all official languages of the United Nations facilitated our discussions, sometimes complicated and sometimes a little hot but still interesting.

Our thanks go, of course, to all Conference Services, to the translators of the documents that we have had before us. To the editors which helped us to improve the language of these proposals and papers and statements and so on. And, of course, also to Document Control and distribution that was available for delegations here during the session.

I think this is all what I wanted I say. I would like to thank you for your participation, for your contributions to the success of the session and wish you all the best and soft landing or agreeable arrival by train or by cars to your homes. But before adjourning the session, I would like to give the floor to the distinguished representative of Australia.

Mr. A. BELL (Australia): Thank you Mr. Chairman. I do not want to prolong the adjournment of the meeting. I just wanted to express our delegation's thanks for all the excellent work you have done over the last two weeks and now bring our work forward. It has been exemplary. We would also like to thank the Secretariat for all the valuable assistance they have provided. And finally, we would also like to thank our colleagues in the room and for the constructive approach taken over the last two weeks. So thank you very much.

The CHAIRMAN: Thank you very much distinguished representative of Australia and I believe now that the session is adjourned.

The meeting closed at 4.20 p.m.