

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

Unedited transcript

714th Meeting

Tuesday, 5 April 2005, 3 p.m.

Vienna

Chairman: Mr. S. Marchisio (Italy)

The meeting was called to order at 3.18 p.m.

The CHAIRMAN: Good afternoon distinguished delegates, I now declare open the 714th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This afternoon, we will continue and conclude our consideration of item 3, General Exchange of Views. We will also continue our consideration of agenda item 4, Status and Application of the five United Nations Treaties on Outer Space, and item 5, Information on the Activities of International Organizations Relating to Space Law.

Before proceeding with the consideration of these items, however, I would like to make a proposal to the Subcommittee regarding agenda item 8, Draft Protocol on Matters Specific to Space Assets. As you are aware, the open-ended ad hoc Working Group on this item, which was established by the Legal Subcommittee at its session last year, to carry out inter-sessional work between the forty-third and forty-fourth sessions of the Subcommittee on the question of the appropriateness of the United Nations acting as Supervisory Authority, has submitted its report, including the text of a draft resolution. This report has been made available to all delegates in document A/AC.105/C.2/L.256.

In that regard, I would like to propose that a preliminary exchange of views on the report of the open-ended ad hoc Working Group take place in this Conference Room later this week, to facilitate the discussions of the Subcommittee on agenda item 8,

when it commences next week. I would further propose that this preliminary exchange of views be coordinated by the delegation of The Netherlands, who was also appointed Coordinator of the open-ended ad hoc Working Group by the Legal Subcommittee. Of course, the preliminary exchange of views will be held later this week if this proposal is approved and the Secretariat will provide exact information about the meeting.

May I ask delegations if they have any objection on this course of action?

I see none.

It is so decided.

The preliminary exchange of views will be held later this week.

General exchange of views (agenda item 3)

Distinguished delegates, I would now like to continue and conclude consideration of item 3 of our agenda, General Exchange of Views.

The first speaker on my list is the distinguished Ambassador of Indonesia. Indonesia, you have the floor Sir.

Mr. T.A.S. SRIWIDJAJA (Indonesia): Mr. Chairman, let me first express my delegation's deepest sympathy and profound condolences on the demise of His Holiness Pope John Paul II. It is our view that the

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, Conference Management Service, Room D0708, United Nations Office at Vienna, P.O. Box 500, A-1400, Vienna, Austria. Corrections will be issued in a consolidated corrigendum.



Holy Pope plays an important role in promotion of peace and social justice throughout the world.

Mr. Chairman, my delegation would like to express its sincere pleasure at seeing you again presiding over the forty-fourth session of the Legal Subcommittee. We are convinced that with the outstanding quality of knowledge and diplomatic skill which you so amply displayed during our previous meeting, you will again guide our deliberation to a successful conclusion.

My delegation also wishes to commend the Director of the Office for Outer Space Affairs, Dr. Sergio Camacho, for his comprehensive and informative report presented to us, reviewing and elaborating the work of the Office and for the hard work done by him and his team at the Secretariat in preparing this session.

Mr. Chairman, my delegation would like to reaffirm my Government's long-standing commitment to the work of promoting international cooperation in the peaceful uses of outer space. In this regard, the role being played by this Legal Subcommittee is of significance, ensuring that the promotion and the fostering of international cooperation in the peaceful uses of outer space is carried out in a manner taking into particular account the needs of developing countries.

Further to this, the Legal Subcommittee should continue in its efforts to examine the legal aspects of and to develop a legal framework governing various practical applications of space science and technology within the purview of the peaceful uses of outer space.

As to the issue of the status and application of the United Nations treaties on outer space in agenda item 4, the Government of Indonesia has acceded to the Space Treaty 1967, the Rescue Agreement 1968, the Liability Convention 1972 and the Registration Convention 1976. The space activities carried out by Indonesia fully adhere to the provisions set out in these treaties. The Government of Indonesia is at present preparing a draft bill on an integrated and comprehensive national space law, which will embody the principles of the United Nations treaties on outer space. This legislation is expected to be enacted in the near future.

With regard to the issue of the definition and delimitation of outer space, Indonesia sees the significance of this issue in facing the increasing activities in outer space, including commercialized

activities both in terms of legality and for practical purposes. In this respect, due regard should be paid to the legal uncertainty in the absence of the definition and delimitation of outer space law and air law. It is again my delegation's view that the matters concerning State sovereignty over air and space and the scope of application of the two different legal regimes need to be resolved so as to reduce the possibility of disputes among States.

Mr. Chairman, on matters relating to the character and utilization of the geostationary orbit, GSO, including consideration of ways and means to ensure the rational and equitable uses of the GSO without prejudice to the role of the ITU, my delegation would also like to reiterate that Indonesia will continue to promote and uphold its interests in the utilization of the geostationary orbit. Recognizing that the geostationary orbit is a limited natural resource with *sui generis* characteristics and is now facing the risk of saturation, Indonesia would like to reaffirm that assurances should be given in order that the utilization of the geostationary orbit can be extended to and for the benefit of all countries, taking into particular account the needs and interests of the developing countries as well as geographical situations of certain countries.

My delegation wishes to express its position on the importance of the Convention on International Interests in Mobile Equipment and the future Protocol on Matters Specific to Space Assets to bolster the ever-growing outer space activities. These legal instruments are also of paramount significance in reducing the financial risk and burden arising out of these activities. In this regard, the Indonesian delegation is of the view that the United Nations is, in principle, the appropriate organization to exercise the functions of Supervisory Authority and that, by exercising these functions, the United Nations will enhance its role in promoting international cooperation for the benefit of all countries and in encouraging the progressive development of international law and its codification.

Mr. Chairman, to conclude, I assure you of my delegation's full cooperation with a view to bringing about the success of our deliberations and supporting you in the discharge of your onerous responsibility.

I thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished Ambassador of Indonesia for his statement and I thank him also for his kind words. I share also his sorrow for the death of the Holy Father. Thank you.

(Continued in French) The next speaker on my list is the representative of the Kingdom of Morocco. You have the floor Sir.

Mr. S. RIFFI TEMSAMANI (Morocco) *(interpretation from French)*: Thank you Mr. Chairman. Mr. Chairman, it is a pleasure indeed for our delegation to see you presiding over the work of this forty-fourth session of the Legal Subcommittee. We would like to congratulate you on the quality of work undertaken under your enlightened stewardship and we would also like to assure you of our full support and cooperation in accomplishing your mission.

Mr. Chairman, the international community has begun a new era which is characterized by a number of new interests and concerns, internationally speaking. With regard to this reality, there are new prospects geared to broadening and strengthening the scope of action in the area of space techniques to the benefit of all countries and these open before all of mankind for sustainable and equitable development and, thus, it is up to us to adopt strategies and concrete procedures in order to examine a more efficient means of working in order to meet our goals.

Mr. Chairman, growing development of activities related to space and the broadening of the number of users and participants mean that space law has become a vital instrument for all socio-economic activities which, thus, requires in turn adapting the legal and juridical context in order to take this into account. The need to ratify the five treaties and develop national legislation has become a priority for a growing number of States which are interested in space activities. Indeed, all of society today, regardless of its level of development, depends increasingly on space activities and related activities. Every day, space brings us new progress in different sectors, private or public. Every year, the General Assembly of the United Nations reaffirms, in its resolutions on the peaceful use of outer space, the importance of the role played by the development of international cooperation in the area of space law and it does so by encouraging member States to ratify all the treaties of the United Nations on space and by asking them to integrate them into their national legislations.

Morocco, for its part, is working towards this type of cooperation, both for the technical and scientific areas as well as the legal, and it is for this reason that it is always called for the peaceful use, without discrimination, of outer space, and believes that the application and respect of existing principles

and treaties would, no doubt, make it possible to promote international cooperation in the space domain as well as to assure all nations equitable access to outer space and benefit from the consequences thereof related to space technology and research.

Mr. Chairman, due to the active participation in different workshops on international space law and, after organizing the first regional workshop for Francophone Africa on the subject of accession to the United Nations treaties on outer space, the Kingdom of Morocco has just finished the process of ratifying the Convention on Registration. Publication in the official bulletin of the relative text for the ratification is set forth for the coming days.

With regard to application of the five treaties governing outer space, Moroccan law and Telecommunications in Space takes into account certain of the above-mentioned treaties, as indicated in Dahir No. 1-83-133 of 14 November 1986 on the publication of the Convention on International Liability for Damage Caused by Space Objects.

Considerable efforts have been undertaken, both regionally and nationally, in order to develop national space law. Indeed, Morocco is undertaking a process of reflection to evaluate the possibility of providing itself with this type of legislation.

Mr. Chairman, we are convinced that an increasing number of States acceding to these conventions and adapting and clarifying some aspects of the treaties can but lead to greater consistency between technological reality and future developments. And in this context, we applaud the results of the efforts taken by our Subcommittee on the subject of the launching State in 2004 which led to the proposal of a draft resolution proposed.

We encourage all such actions undertaken in order to promote awareness of non-signatory States by the following means:

Organizing regional seminars or international seminars on different areas of space law in order to promote better understanding and knowledge of the treaties and principles of the United Nations regarding space;

Two, promotion of exchange of information on national policies and legislation for the benefit of professionals responsible for developing and applying these policies;

And three, inclusion of space law in the university curriculum as well as promotion of national expertise in this area.

We are convinced that these methods will lead to greater progress in the work of our Subcommittee.

Mr. Chairman, we believe that to assure and guarantee a rational use and equitable use of the geostationary orbit for all States, it is necessary for the Legal Subcommittee to continue to examine all aspects related to this item, item 6 on the agenda. A lack of definition and delimitation of outer space could lead to uncertainty, legally speaking, between space law and air law, or aerospace law. We applaud the convocation of a working group in order to examine item 6(a) and we hope that this will lead to a strengthening of our Subcommittee's work and making it possible for it to make progress in future in this area.

In this context, the delegation of Morocco believes that the document entitled "Analytical Summary of Responses to the Questionnaire Regarding Legal Problems for Aerospace Objects: Response of Member States" published under A/AC.105/C.2/L.249/Corr.1, could be an important working document and might serve to examine the legal problems which arise in this area in terms of defining and delimiting outer space.

Mr. Chairman, with regard to item 10 of the agenda, the delegation of Morocco would like to reiterate its support for the proposal of introducing on the agenda of our Subcommittee this item dealing with space debris. Indeed, a regulatory context, which is appropriate to this item, must be quickly established in keeping with the principles of the peaceful use of outer space in order to protect the interests of all States.

Other issues on the agenda could lead to a great deal of interest for our delegation and these include: examining and possibly revisiting the principles related to nuclear power sources; the issue of the UNIDROIT Protocol; and practices of States and international organizations with regard to registering space objects, etc.

With regard to item 7 of the agenda, due to its importance and the impact of the use of nuclear power sources in space and the safety related to that, it is vital that our Subcommittee deepen its discussion on this item.

With regard to item 8 of the agenda called "Examination of the Preliminary Draft Protocol on Matters Specific to Space Assets to the Convention on

International Interests in Mobile Equipment", the Moroccan delegation would like to reiterate its position that it is important to organize seminars and workshops for all member States, especially developing nations, to bring them more information in terms of and then the need to abide with this Protocol. Indeed, some elements of the Convention need more clarification and compatibility amongst the various instruments adopted by the United Nations in the context of international law and those proposed in the context of the UNIDROIT Convention should also be examined, as well as the functioning of the UNIDROIT system which should be in conformity with the rules that are already well established in space law, especially those that have been codified and treaties concluded under the auspices of the United Nations. We should deepen our understanding of these in order to prevent any kind of confusion amongst these various instruments. This is particularly true with regard to Article II of the Convention on Liability and Articles VI and VIII of the Space Treaty.

Some relevant points should be underscored to better understand what is at stake in the Protocol and, thus, it is imperative to begin discussions on these items, including especially the definition of space assets, the procedure from registration compatibility with existing conventions, the transfer of space assets, etc.

The delegation of Morocco believes that the United Nations, as the first sponsor of space affairs, is the international entity that is in the best position to assume the role of overseeing the Protocol with regard to space assets and the UNIDROIT Convention.

Mr. Chairman, we would like to indicate that we are pleased to note the work undertaken by the Legal Subcommittee and we also need to note the importance of the challenges that face us due to the complexity and number of issues in terms of the rapid development of space activities and their use.

We are very pleased also to note the exceptional work undertaken and the results obtained due to the efforts of all delegations working together.

Rational use of our Subcommittee resources and adapting our working methods to new demands are increasingly vital to make it possible for this Subcommittee to achieve its goals.

Thank you Sir.

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

representative of Morocco for your statement and for the kind words.

I would now like to call upon the delegate of France. Ambassador, you have the floor.

Mr. P. VILLEMUR (France) (*interpretation from French*): First of all, Mr. Chairman, let me congratulate you on your election to the Chair of the Subcommittee and to wish you every success on behalf of my delegation in your work in the course of the next two weeks.

The French delegation would like to recall how much France was moved by the disaster that occurred in the wake of the Tsunami on 26 December 2004. We would like to, once again, express our condolences to all countries affected by these terrible events and to members of the Committee whose lives were touched by the disaster. This, once again, emphasizes the role to be played by international organizations, such as the United Nations and non-governmental organizations as well, in managing rescue operations and providing assistance to the victims. These events demonstrate, if we needed further proof, the need to pursue and strengthen cooperation in the matter of developing space-based technologies that could issue warning of such catastrophes and limiting the economic and human impact of these natural disasters.

The French delegation would like to emphasize the importance of the International Charter "Space and Major Disasters" signed by seven space agencies and being applied in close cooperation with the United Nations Office for Outer Space Affairs.

Now, Mr. Chairman, I am turning to the agenda of this Subcommittee's session and I would like to highlight some of the more important issues in our opinion.

The French delegation supports putting in place a working group on States' and organizations' practices in the matter of registration. This work will, no doubt, make it possible for us to gain a better understanding of States' practices for those States that do register space objects and to encourage States who do not yet register the space objects they launch or do so sporadically or irregularly.

This comparative approach will lead to recommendations in 2007 which should help develop more uniform and coherent international instruments and, thus, apply space law in a more effective manner. We should emphasize that the Registration Convention

of 1975 will not be in question. The work outlined here will strive to improve its implementation for those States that apply it and to encourage those that are not yet parties to this Convention to proceed to its ratification. The French delegation will support this working group in every way.

On the matter of space debris, the French delegation would like to recall that the CNES, the National Centre for Space Research, developed in 1999 what we call Benchmark Norms on Space Debris Mitigation. We also approved the recommendations of the Inter-Agency Space Debris Coordination Committee, IADC. Recently, in December 2004, CNES signed a European Code of Conduct which embodies for the various European agencies, the IADC recommendations and so they pointed out that the provisions applicable to the design and operation of satellites and launch vehicles will have built-in measures to mitigate debris production at the end of the satellite's active life. Adoption of the European Code of Conduct imposes these rules for debris mitigation on the design stage of each new project. From the very beginning, debris mitigation plans will be developed and approved, demonstrating compliance with the Code of Conduct. This is now a rule. The forty-second session of the Scientific and Technical Subcommittee of COPUOS has made further progress in the matter of these recommendations.

The French delegation should also recall the importance it attaches to the implementation of IADC recommendations and we consider COPUOS to be the best forum for promoting the adoption of provisions at the international level which would address the matter of space debris. At the moment, the matter is only treated by the various provisions adopted by governmental space agencies.

The delegation of France would like to further mention the Work Plan proposed by various countries, including France, with regard to holding the International Heliophysical Year. This event will mark the fiftieth anniversary of the Geophysical Year, held in 1957, and provide an occasion to organize a series of scientific activities with a view to promoting knowledge and information.

Finally, the French delegation believes that this Subcommittee should continue to encourage United Nations member States to adopt and implement the treaties forming the international legal regime governing outer space. The study of registration practices in this regard should be emphasized as an important step which would enable us to harmonize

these practices and thus strengthen the international legal regime.

Mr. Chairman, strengthening international law in outer space should be the main objective of this Subcommittee. That is why my delegation has already had a chance to point out that we do not favour the suggestion that there should be an international convention to group together all existing legal instruments. We believe that such an initiative would considerably slow down the work of the Subcommittee for a number of years to come because this would be an extremely important, a huge project, which would absorb all our efforts. On the other hand, such an initiative could blur the message sent to the international community by the Subcommittee, for, after all, our objective is to improve the implementation of the existing treaties.

Thank you very much Mr. Chairman.

The CHAIRMAN (*interpretation from French*): I thank the Ambassador for his statement. I now call upon the representative of Burkina Faso. You have the floor.

Mr. P. R. TIENDREBEOGO (Burkina Faso) (*interpretation from French*): Thank you Mr. Chairman. In the absence of the Ambassador, who had to be elsewhere this afternoon, I am going to present his statement.

Mr. Chairman, the delegation of Burkina Faso welcomes you at the helm of this Legal Subcommittee. We have no doubt that under your leadership this important session will be a resounding success.

Mr. Chairman, I would like to congratulate the Office for Outer Space Affairs for its dedication to work under its mandate. The important information provided by the Director of the Office for Outer Space Affairs in our first session indicate the scale of this mandate and we encourage the Office to redouble efforts to take up the existing challenges and we encourage the international community to support the Office in an adequate and productive manner.

Mr. Chairman, no one needs to be reminded of the importance of outer space activities and the interest that we all have in making sure that these activities remain entirely peaceful for the benefit of all humanity. That is why encouraging as many nations as possible to join the five United Nations treaties on outer space should remain a priority for this Subcommittee and the entire Committee.

We have seen some encouraging signs since the forty-third session and these must be made full use of to motivate those States that, for various reasons, have not yet joined the movement.

For its part, Burkina Faso has only ratified to date the 1967 Treaty on Principles Governing the Activities of States and the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies. Does this mean, however, that we are not at all concerned by the other treaties, the Agreement on the Rescue of Astronauts, the Convention on International Liability, the Convention on Registration and the Agreement Governing Activities on the Moon? If we ask this question with regard to Burkina Faso, we do so because it applies to a number of developing countries, specifically in Africa, and the answer is not as simply as it might seem. Indeed, Mr. Chairman, this question speaks to and contributes to the problems that our countries are faced with in their need to take a more active part in space activities, human resources, material and financial resources and so on and so forth.

We should point out that the weak participation of our countries in the work of this Subcommittee is a case in point. In a number of our States, space-related matters are considered to be something related to Star Wars, extra-terrestrial matters, if you will, far away from the daily concerns of the population. This mindset is, of course, a serious barrier for promoting space law and for ensuring a more active participation of our countries in space activities. A higher profile of the Office for Outer Space Affairs in our countries would make a positive difference without denying the responsibility of each State. I have to say that maybe greater attention should be paid to these matters, to the matter of raising awareness among the populations of these countries, point out the stakes involved, the weaknesses and the knowledge of space law and so forth.

That is why, Mr. Chairman, my delegation welcomes the organization of the Fourth Workshop on Space Law to be held in Abuja, Nigeria, in November of this year. We hope that this Workshop will encourage a larger number of countries in our region to join the treaties and to strengthen their capacities in the matter of space law.

In conclusion, Mr. Chairman, my delegation would like to launch an appeal. Given the common destiny that we all share in a world increasingly without borders, as far as threats and disasters are concerned, it is our interest, the large and the small countries, north and south, to promote international

cooperation in the matter of the peaceful use of outer space.

Thank you very much.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative of Burkina Faso for his statement.

I now call upon the Ambassador of Colombia. You have the floor.

Mr. C. AREVALO YEPES (Colombia) (*interpretation from Spanish*): Thank you very much Mr. Chairman. The delegation of Colombia wishes to express our full pleasure at seeing you preside over this Subcommittee. Your knowledge and experience are clearly a guarantee of the success of our work and, Sir, you may count on our full cooperation.

The delegation of Colombia would like to first reiterate its support to the statement of the Group of Latin America and the Caribbean, expressed by the distinguished Ambassador of Bolivia, which reflects the view of the region on subjects of singular importance, especially those related to cooperation and development activities and related to the better understanding of the benefits of applying space sciences and strengthening the legal structures related to them.

Mr. Chairman, Colombia attaches particular importance to the work of this Subcommittee. We believe that the work, over many years, has been gradually strengthened by greater and better application of international space law, with the gradual inclusion of new items on the agenda. And, likewise, Mr. Chairman, we are of the view that we should continue to make every effort to enhance and improve the legal framework for space activities for the benefit and in the interests of all countries, regardless of its level of economic, scientific, technical or social development, particularly taking into account the needs of developing nations.

Colombia believes that international cooperation, both in the legal and in the scientific, technical arenas, is of vital importance in developing these activities and in doing so under conditions of equity, while preserving the general interests of all mankind in the process of exploring and using outer space for peaceful purposes.

Closing the technical, scientific gap between countries, Mr. Chairman, there should be an ongoing objective in our work, as was enshrined in the great

principles agreed upon which have been governing space activity in recent years. We should, in our view, make joint efforts towards innovation, legally speaking, which is adapted to the changes and the current needs and conditions. These conditions are quite different now than they were 20 or 25 years ago when the legal framework was first developed, and, thus, in our understanding, this should be an ongoing effort for the Subcommittee to stay in keeping with the realities of our era.

Mr. Chairman, Colombia has wished to always participate in efforts of cooperation, particularly at a regional level, and this is why it is very important to take into account the geostationary orbit which is a natural resource which should be used rationally and which should be available to all countries regardless of their technical abilities, providing access to geostationary orbit in equitable conditions, taking into account the needs and interests of developing nations. Moreover, it should also include the reflections on this matter by the International Telecommunications Union.

In the Scientific and Technical Subcommittee, Colombia made a substantial contribution with regard to the geostationary orbit by presenting the work that we have had underway for some time, presenting the historical overview of the orbit and we will continue making contributions to this item which we believe is of vital importance.

Mr. Chairman, Colombia has always wished to participate in cooperation, as I said earlier, particularly at a regional level, which is what I would like to address now. We continue working as the Pro Tempore Secretariat of the Fourth Space Conference of the Americas and we have signed a Memorandum of Understanding with the Office for Outer Space Affairs. This Memorandum has made it possible to develop a number of activities, many of the activities that have been put in place. We would like to thank, on behalf of the Pro Tempore Secretariat of the Fourth Conference of the Americas, Dr. Sergio Camacho and his team from the Office for Outer Space Affairs, for the invaluable contribution that they made in our region.

Mr. Chairman, we also presented a report of the Pro Tempore Secretariat's activities to the Scientific and Technical Subcommittee which was then sent on to the General Assembly and we are now preparing a document to be presented to COPUOS in the middle of the year. Along these lines, we would like to applaud the decision taken by the Government of Ecuador to organize the Fifth Conference of the Americas, which is to take place in July 2006. This is

an extremely relevant way of institutionalizing the forum in a region which requires extensive attention as a result of the needs, developmentally, and in terms of complying with the goals of the Millennium Declaration.

We would also like to congratulate the Government of Brazil for having volunteered to hold a Seminar on the Development of Space Law. They held this for the Latin American region and this led to significant reflection on the understanding and the articulation as well as patterns that exist in the region on legal subjects. These seminars, and this one in particular, contribute greatly to regional and sub-regional cooperation and they also provide greater knowledge on space subjects and, of course, then they also facilitate installed capacity in terms of space law in the region.

And finally, we would like to reiterate our firm conviction that the challenge before international space law and, thus, before this Subcommittee is extensive. On it will depend the political determination to come to new agreements which meet emerging needs and the growing needs of countries which are in development.

With regard to UNIDROIT on mobile equipment and its related protocols on the specific issue of space assets, the delegation of Colombia, as I mentioned earlier in support of GRULAC, believes that it is important for international public law to prevail over, and these include, of course, the principles and treaties of the United Nations, they should prevail over private law principles, as contained in the Protocol. And in this context, Mr. Chairman, it is relevant to recall the primacy of States in the area of space law.

Furthermore, we believe that the United Nations should act as an oversight body for the multilateral guarantees which are necessary in this area.

Finally, Mr. Chairman, I would like to make a special reference to the efforts undertaken by a number of non-State players, such as the International Space Law Institute. They held a very interesting Symposium yesterday and very interesting questions were asked, there were very interesting presentations on the matter. And we also note that there are endless numbers of new players which are making very worthwhile contributions to this area and we should make an effort in order to acknowledge and give them the possibility of institutional validation in the Subcommittee. Colombia will continue very attentive and to be available to support these endeavours

because it is convinced of the enormous benefit that can be derived therefrom.

Thank you Sir.

The CHAIRMAN (*interpretation from French*): Thank you Mr. Ambassador for your statement and for your kind words.

I now have on my list of speakers, the delegation of Italy. Italy has the floor.

Mr. M. BRANCIFORTE (Italy): Mr. Chairman, the Italian delegation wishes to express its deep satisfaction in seeing you once again presiding over our deliberations and it is certain that under your guidance the Subcommittee will continue to make important contributions to the development of space law both at the international and national levels.

Mr. Chairman, the evolution of space technologies impel us to follow future challenges with great attention, such as the exploration and observation of the universe, environmental challenges, telecommunication and navigation applications, space education and capacity-building. The tragic disaster of the tsunami in South-East Asia has shown the increasing need for coordination and management also through appropriate institutional arrangements.

In this perspective, the Italian delegation considers the role of the Legal Subcommittee very significant for improving international cooperation in space activities through the role of law.

Concerning item 4 of the agenda of the Legal Subcommittee, "Status and Application of the Five United Nations Treaties on Outer Space", the Italian delegation is pleased to confirm that the draft bill submitted to the Parliament in July 2004 and containing the authorization for the accession of Italy to the 1975 Convention on the Registration of Objects Launched into Outer Space, has been approved by the House of Representative and it is now under the consideration of the Senate for the final approval. This means that the constitutional requirements will be completed during this year, allowing to Italy to become Party to the Convention by depositing the relevant instrument of accession.

Mr. Chairman, the Italian delegation takes note with great interest of the information on the activities of the international organizations relating to space law, particularly the activities carried out by the European Centre for Space Law, based at the ESA

Headquarters in Paris, and having several national points of contact in European countries.

Italy has always supported and promoted these activities through the Italian National Point of Contact, the Institute for International Legal Studies of the National Research Council.

We particularly commend, on the one hand, the Practitioner's Forum, held every year on a topic of particular relevance and gathering experts and practitioners from different specialized fields, and, on the other hand, the European Summer Course on Space Law and Policy. I am pleased to announce that the 2005 Edition of the Summer Course on Space Law and Policy will be co-organized jointly by the European Centre for Space Law and the University of Perugia in Terni, Italy, in September 2005.

Mr. Chairman, with regard to the UNIDROIT draft Protocol on Matters Specific to Space Assets, the Italian delegation continues to attribute great relevance to this legal instrument for the protection of investments in space activities. We note the progress made during the second session of the Intergovernmental Committee of Experts held in Rome in 2004. We also actively participated in the work of the open-ended ad hoc Working Group on the question of the appropriateness of the United Nations serving as the Supervisory Authority under the future Protocol on Matters Specific to Space Assets.

The Italian delegation would take this opportunity for expressing great appreciation for the work done by The Netherlands as the Coordinator of the open-ended ad hoc Working Group. We will express our position on more specific points touched upon by the report submitted by The Netherlands later on this week and next week.

The Italian delegation would like also to extend its sincere congratulations to Professor Kopal of the Czech Republic for having been confirmed Chairman of the Working Group on the UNIDROIT Space Assets Protocol.

Concerning the item "Practice of States and International Organizations in Registering Space Objects", we believe that the results of our deliberations would be very useful for the application of the 1975 Convention as well for the drafting of national space legislation aiming at suitable solutions in registration matters. We are pleased that a Working Group has been established under the able chairmanship of Mr. Hedman of Sweden.

Finally, Mr. Chairman, the Italian delegation is convinced that the Legal Subcommittee should make an effort in order to include new items within its agenda, taking into account the broad range of proposals presented by member States.

You can be certain, Mr. Chairman, to rely on the full support of the Italian delegation.

Thank you very much Mr. Chairman.

The CHAIRMAN: Thank you very much distinguished representative of Italy for your statement.

Now I have exhausted the list of speakers on this agenda item and I would ask if there any other delegation that wishes to take the floor to speak on this agenda item this afternoon.

I see none.

We have, therefore, concluded our consideration of this agenda item, agenda item 3, General Exchange of Views.

Status and application of the five United Nations treaties on outer space (agenda item 4)

Distinguished delegates, I would now like to continue consideration of item 4 of or agenda, Status and Application of the Five United Nations Treaties on Outer Space.

Before giving the floor to the first speaker on this item, I would like to address a matter concerning the Working Group under this agenda item. It has come to my attention that it might be premature for the Working Group to meet during the current session, as some of the matters requiring its consideration need time to show results. In particular, member States and international organizations need time to respond to the letters that have been sent to them by the Secretary-General concerning the five United Nations treaties on outer space. Likewise, member States need time to respond to the request of the General Assembly, in resolution 59/115 on the "Application of the Concept of the Launching State", to submit information, on a voluntary basis, on their current practices regarding on-orbit transfer of ownership of space objects.

I would, therefore, propose that the Subcommittee suspend the Working Group on agenda item 4 for the current session and reconvene the Working Group at the forty-fifth session of the Subcommittee in 2006. At that time, the Subcommittee should also review the need to extend

the mandate of the Working Group beyond that session of the Subcommittee.

This is my proposal concerning the Working Group on agenda item 4.

Is this proposal acceptable to the Subcommittee? Are there any questions?

I see none.

It is so decided.

The Working Group on the Status and Application of the Five United Nations Treaties on Outer Space is, therefore, suspended.

Having addressed this procedural matter, I would now like to give the floor to delegations that have inscribed their names on the list of speakers under agenda item 4.

I see the delegation of the United States. You have the floor.

Mr. K. HODGKINS (United States of America): Thank you Mr. Chairman. Mr. Chairman, the four core treaties governing the use of outer space, the Outer Space Treaty, the Agreement on the Rescue and Return of Astronauts, the Liability Convention and the Registration Convention, have served States parties well over many decades. The United States is honoured to serve as one of the depositaries for three of these treaties, the Outer Space Treaty, the Rescue and Return Agreement and the Liability Convention. I have consulted with the State Department's Treaty Office regarding activities with respect to these treaties and can report that our Treaty Office has not received any new notices of action since the Legal Subcommittee's last meeting in April 2004. We would welcome any further information from other depositaries as to any notices of action they have received since this Subcommittee's last meeting.

We would also welcome further adherence to these treaties and hope that those States and international organizations, including some members of COPUOS and some organizations that participate as observers to this Subcommittee, that have not yet acceded to these treaties, will carefully consider their status with respect to them in the coming year.

Mr. Chairman, this meeting also gives us the opportunity to take stock of the work done by the Working Group on this topic over the past three years and that Working Group has been led by our

distinguished colleague, Dr. Cassapoglou, who unfortunately is not here with us today. This Working Group began in 2002 with a three-year work plan to consider the status of the United Nations treaties on outer space, review their implementation and obstacles to their universal acceptance, as well as promotion of space law, especially through the United Nations Programme on Space Applications. Subsequently, the Working Group was given the additional mandate of reviewing the application and implementation of the concept of the launching State, as reflected in the conclusions of the Subcommittee's consideration of the three-year work plan on "Review of the Concept of the Launching State", as well as any new, similar issues that might be raised in discussions in the Working Group, provided that those issues fell within the existing mandate of the Working Group.

The three-year period of the Working Group's original mandate expired last year. The Legal Subcommittee extended that mandate for one additional year and agreed that the Subcommittee would review during this session the need to extend the mandate beyond this year.

Mr. Chairman, in that regard, my delegation, of course, fully supports your proposal to suspend for this year the work of the Working Group and that next year we will reconsider its mandate for subsequent years.

During the period of its work, the Working Group has taken a number of useful steps in fulfilment of its mandate. It has received reports from member States on the status of their past and planned future actions with respect to accession to the outer space treaties and on the steps they were taking to comply with these treaties. It has drafted a model letter and accompanying information that the Secretary-General has sent to States that have not yet acceded to the outer space treaties. These materials encourage those States to consider joining the treaties and note the benefits to, and rights and obligations of, States Parties to the treaties. The Working Group also prepared a resolution on the concept of the launching State which was adopted last year by the General Assembly. The Working Group's efforts over the past three years have played an important role in contributing to increased awareness, and accession to, the outer space treaties.

Mr. Chairman, in conclusion there are just two other points that I would like to make. In my opening statement I failed to congratulate the Secretariat on the outstanding job they have done over the past year in support of the work of the Legal Subcommittee, in particular the publication of the Newsletter, the

organization of the workshops that have occurred over the past several years on space law and the Directory on Education in Space Law.

I did have one question for you and perhaps it had been covered in the statement by the Director of the Office for Outer Space Affairs but I cannot recall, and that is that at one point we had a database on national legislation and I think if it has not been updated, perhaps the Secretariat could share with us, if there had been any new submissions or if the Secretariat has simply updated it on their own because we know that there have been some actions taken by members of the Committee in the area of national legislation. I think, perhaps under this item, it would be useful to have an update of the contents of the database and to let member States know whether it is our obligation to contact the Secretariat with anything or is the Secretariat simply keeping track of what is going on in the world through various other publications.

And the second point I would like to make, Mr. Chairman, is that last year marked the thirtieth year of publication of the Journal of Space Law, a journal, I think, that many of you are quite familiar with. During that time, for over 30 years, space law legislators, academics, students, practitioners and policy-makers have consulted the Journal for the best and most recent thinking on space law and its development. The Journal is now published by the National Remote Sensing and Space Law Centre at the University of Mississippi. Joanne Gabrynowicz is here from that Centre. She actually directs that Centre, and I would encourage you to talk with Joanne about any questions you might have about the Space Law Centre. And I understand also that there will be subscription forms available tomorrow for those of you who are not subscribers to the Space Law Journal. The current issue that is out contains a number of articles on relevant topics to the Subcommittee as well as to member States. Particular interest are the articles dealing with the status of property in space and a case that I am personally familiar with, which is *Nemitz versus the United States*, the first case in which a United States Federal Court has been asked to adjudicate, and asserts its space property claim. In the recent edition of this Journal there are also articles on the legal aspects of using nuclear power sources in space, protecting an individual's privacy when using remotely sensed data, in research and an introduction to space law for decision-makers.

Mr. Chairman, I just thought I would mention this to you and to the Subcommittee for their information and encourage all of you to talk with

Joanne about the Space Law Centre and the Journal of Space Law.

Thank you.

The CHAIRMAN: Thank you very much distinguished delegate of the United States. I am not able to answer to your first question but I think that the Secretariat will do it. As far as the Journal of Space Law is concerned, I think that we all know it and its Director, Professor Gabrynowicz, a very good friend and one of the most prominent professors specialized in remote sensing so it is really a pleasure to have her here with us.

I give now the floor to Sergio Camacho for the first question you addressed.

Mr. S. CAMACHO-LARA (Director, Office for Outer Space Affairs): Thank you Mr. Chairman. Indeed, I did not refer explicitly in my statement to the database that the distinguished representative of the United States made reference to and the inquiry. It was the upgrading of the site that I mentioned in my statement. Now that we are going to be changing servers and we will have more capacity. The updating of this database is one of the actions that is contemplated with the upgrade.

And I would like to maybe take this opportunity to mention that as a result of the workshops that we have been having to promote, first of all to bring the awareness of the importance of adhering to the treaties and promoting the capacity-building in it and emphasizing the importance of having national legislation being compatible with the international instruments. We have been receiving an increasing number of requests for assistance from countries in preparing their national legislation and the first question that usually comes is "do you have models of national legislation that we could look at and assist or use them to develop our own?". And we have a few but something that would be very useful would be to have additional ones and particularly to have in various languages. For instance, in Spanish we have had three requests for any type of legislation that might be available in Spanish. So I wanted to take this opportunity to mention that in any language, we would very much welcome that member States might make available their national legislations, that they might be willing to share with others as examples.

Something else that we would welcome would be support from delegations in providing information on policy documents. That would also be placed in the database and not just national legislation but policy,

national space policy, which is something that several countries who are in the process of considering establishing a space entity also request.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Mr. Director.

Are there any other delegations wishing to take the floor on agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space, at this stage?

I see the distinguished delegate of the United States. Please, you have the floor.

Mr. K. HODGKINS: Thank you Mr. Chairman. I apologise for taking the floor once again under this item, but first I would like to express my appreciation to the Director for the Office for Outer Space Affairs on clarifying the status of the database. My understanding then is that it is up to the member States to provide the Secretariat with the most recent legislation or policy statements made by member States. And if that is correct, then I would suggest that we should at least under this item in the report reflect the fact that, or there should be made perhaps some request from the Secretariat on a yearly basis for this, because I had the sense that it would be useful to keep your database updated but it only will happen if member States are reminded they should be providing the information. So perhaps we could add this to the mix of things that we are trying to do in promoting accession to the treaties and subsequent implementation.

Thank you.

The CHAIRMAN: Thank you very much. I think that the Secretary of the Committee would like to add something to answer your question.

Ms. N. RODRIGUES (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. Just to clarify how the Secretariat is approached, attempting to update the database. We, in essence, do rely on information that member States do give us. We do our own searches through the Internet or sometimes in your statements you advise us, like this morning, you actually mentioned a website where we could find some of these documents that you are referring to and we try and create links to the official websites of governments so that the links are direct. But sometimes if these documents are not available publicly, then it becomes a bit more challenging and that is where we rely on member States providing those

documents and allowing us to place them on the website, if you should wish to do so.

We have attempted to update it periodically as we become aware of new legislation documents that are available publicly. Whether they are in different languages or not, we, I think, if I am not mistaken, even have some of the legislation available in Portuguese, where we could. We do encourage as much support as possible to help us keep this data base up to date as much as we can.

Thank you.

The CHAIRMAN: Thank you very much.

Are there any other delegations wishing to take the floor on agenda item 4 after this clarification given by the Secretariat on the database?

I see none.

We will, therefore, continue our consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space, tomorrow morning.

Information on the activities of international organizations relating to space law (agenda item 5)

Distinguished delegates, I would now like to continue our consideration of agenda item 5, Information on the Activities of International Organizations Relating to Space Law.

I have two speakers on my list for the moment and the first one is the distinguished representative of the United States. You have floor.

Mr. K. HODGKINS (United States of America): Thank you Mr. Chairman. The activities of international organizations relating to space law are significant and have contributed much to the development of the field. Many space activities rely on regional or global cooperation and such cooperation has enhanced the abilities of individual States to improve and advance space activities and technologies. International organizations also have an important role to play in the strengthening of the legal framework applicable to space activities. They can consider steps they can take to encourage their members to adhere to the four core outer space treaties so as to bring the activities of the international organizations within the framework of the treaties.

The outer space treaties were drawn up in full awareness of the possibility of international organizations conducting space activities. Indeed, several of the treaties contain mechanisms to permit those organizations that conduct space activities to do so within the treaty framework. The Agreement on the Rescue of Astronauts and the Return of Astronauts and the Return of Space Objects, the Liability Convention and the Registration Convention each contain provisions specific to international intergovernmental organizations. Under Article 6 of the Rescue and Return Agreement, an international organization that conduct space activities can be a “launching authority” if two conditions are met: the organization must declare its acceptance of the rights and obligations of the Agreement; and a majority of the States Members of the organization must be contracting parties to the Agreement and to the Outer Space Treaty.

With respect to the Liability and Registration Conventions, the core articles of those treaties can be deemed to apply to an international organization if two conditions are met: the international organization must declare its acceptance of rights and obligations under the applicable treaty; and a majority of the State Members of the organization must have adhered to both the Outer Space Treaty and to the applicable treaty, that is either the Liability Convention or the Registration Convention.

It is my Government’s view that it would be beneficial for international organizations conducting space activities to do so within the frameworks of these Agreements and Conventions. Several extremely important international organizations are not operating within the treaties because not enough of their members have become Party to both the Outer Space Treaty and, respectively, to either the Rescue and Return Agreement, the Liability Convention or the Registration Convention.

As the framework established by the Rescue and Return Agreement, the Liability Convention and the Registration Convention is an important and beneficial one for global conduct of space activities, it is surely desirable for international organizations to conduct their activities under the coverage of these significant instruments.

We hope that international organizations that are involved with space activities will consider steps they can take to bring their activities within the framework of the Agreements and Conventions. We believe that doing so could produce a useful improvement in the coverage and effectiveness of the core outer space treaties.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you very much distinguished representative of the United States.

And now I give the floor to the observer of the European Space Agency. You have the floor.

Mr. M. FERRAZZANI (European Space Agency) (*interpretation from French*): Thank you very much Mr. Chairman. Since this is the first time that we have taken the floor in this Subcommittee’s session, we have the pleasure of congratulating you on being elected to the Chair once again. We would like to express our best wishes and appreciation for the work of this Committee. You may count on our support, Mr. Chairman, the support of the European Space Agency in your Presidency.

Let me once again point out that we have the pleasure of announcing at this Legal Subcommittee’s session that we have a new Member State since 9 March, a sixth Member State of the European Space Agency, who has signed the Convention of ESA. It is Greece. Greece is now the sixth Member State of the European Space Agency.

As to information on the activities of the European Space Agency in the area of international space law, I have the pleasure of informing the Subcommittee that in the past year our Agency has continued to work for the expansion, improvement and application of international space law, trying to formulate criteria, refine and apply the existing principles. We have taken part as an observer in the work of the Legal Subcommittee of COPUOS and we have continued to work to raise awareness and disseminate information on international space law. We have continued to carry out information activities, carry on seminars and lectures to address various working sessions of different international bodies and agencies, International Space University and set up summer courses at the European Centre for Space Law.

In terms of the application of international space law, we have promoted interest among our member States in matters that have to do with remote sensing, observation of the Earth, management of natural resources and disaster mitigation and the systems of space-based satellite navigation. Also the matters pertaining to contractual law as it pertains to outer space activities. We have supported a number of publications and participation in various conferences and scientific fora relating to international space law, focusing on, in particular, the Intergovernmental

Agreement signed by 15 partner States and the four Protocols thereto.

The European Space Agency has contributed to the Conference jointly sponsored with UNESCO on Ethical and Legal Matters Pertaining to Space Activities, as my colleague from UNESCO has already pointed out this morning. This Conference was held at the UNESCO Headquarters on 27-29 October 2004 and at that time, we considered the application of the various United Nations treaties and conventions and the existing ethical norms which have evolved over time. We spoke about the rights and duties of astronauts as physical entities and the applicable provisions of international space law.

Finally, Mr. Chairman, the European Space Agency has continued to support efforts undertaken by our member States with a view to promoting international space legislation, in particular, efforts focused on the coordination and harmonization of existing outer space treaties. The Legal Affairs Office of our Agency is taking part in this work on an ongoing basis and took an active part in the Round Table Meeting organized within the framework of a Workshop entitled "Harmonized Approach to National Space Legislation in Europe", which was jointly organized with the Institute of Air and Space Law of Cologne and the German Space Agency.

To conclude, Mr. Chairman, we would like to thank you for this opportunity to address the Legal Subcommittee. We are at your disposal and the disposal of all member States for further comments.

Thank you very much.

The CHAIRMAN (*interpretation from French*): I thank the distinguished observer from the European Space Agency for the information provided to the Legal Subcommittee with regard to the Agency's work in the matter of developing and promoting space law.

(*Continued in English*) Distinguished delegates, I have no more speakers on my list so I would like now to continue our consideration of agenda item 5, Information on the Activities of International Organizations Relating to Space Law, tomorrow morning.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee but before doing so, however, I would like to inform delegates of our schedule of work for tomorrow morning. We will reconvene here tomorrow morning at 10.00 a.m. At

that time, we will continue our consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space, and item 5, Information on the Activities of International Organizations Relating to Space Law. We will begin also consideration of agenda item 6, Matters Relating to (a) the Definition and Delimitation of Outer Space and (b) the Character and Utilization of the Geostationary Orbit.

Distinguished delegates, in order to make maximum use of the time left and of the Conference Services provided to the Subcommittee, I would also like to suggest that we now have an informal exchange of views on new agenda items for the forty-fifth session of the Legal Subcommittee in 2006. I repeat, an informal exchange of views once the Subcommittee's meeting is adjourned.

Are there any questions or comments on this proposed schedule?

I see none.

The meeting is now adjourned until 10.00 a.m. tomorrow morning.

Thank you very much and now we will wait five or 10 minutes for the distribution of a non-paper which contains the list of the items that have been proposed in the past sessions of the Subcommittee as possible new items for consideration. And this is mainly for using our time in a fruitful manner and also for refreshing our brain about these proposals and to try to start a discussion on it. Thank you.

The meeting closed at 4.36 p.m.