
**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee***Unedited transcript*721st Meeting

Monday, 11 April 2005, 10 a.m.

Vienna

*Chairman: Mr. S. Marchisio (Italy)**The meeting was called to order at 10.28 a.m.*

The CHAIRMAN: Good morning distinguished delegates, I now declare open the 721st meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This morning we will begin consideration of agenda 8, Examination of the Preliminary Draft Protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment, Opened for Signature at Cape Town, South Africa, on 16 November 2001, and agenda item 9, Practice of States and International Organizations in Registering Space Objects.

I then intend to adjourn this meeting of the Subcommittee so that the Working Group on the Definition and Delimitation of Outer Space can hold its sixth meeting, and the Working Group on the Preliminary Draft Protocol on Matters Specific to Space Assets can hold its first meeting. If there is still time remaining, I would propose that we continue our informal discussions on new agenda items for the forty-fifth session of the Subcommittee in 2006.

Examination of the Preliminary Draft Protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment (agenda item 8)

Distinguished delegates, I would now like to begin our consideration of agenda item 8, Examination of the Preliminary Draft Protocol on Matters Specific

to Space Assets to the Convention on International Interests in Mobile Equipment, (a) Considerations Relating to the Possibility of the United Nations Serving as Supervisory Authority Under the Future Protocol, (b) Considerations Relating to the Relationship between the Terms of the Future Protocol and the Rights and Obligations of States Under the Legal Regime Applicable to Outer Space.

I would like to remind delegates that this item will also be discussed in the Working Group which has been reconvened under this item. The Working Group will hold its first meeting later this morning under the chairmanship of Vladimir Kopal of the Czech Republic.

You will also recall that the General Assembly in its resolution 59/116 endorsed the recommendation of the Legal Subcommittee to establish an open-ended ad hoc Working Group to continue intersessionally the consideration of the question of the appropriateness of the United Nations acting as Supervisory Authority. The open-ended ad hoc Working Group worked intersessionally and its report has been distributed to you in document A/AC.105/C.2/L.256.

I would also like to remind you that last week the Subcommittee agreed that a preliminary exchange of views should take place on that report. That exchange of views was held last week and was coordinated by Mr. René Lefeber of The Netherlands. The results of that exchange of views is contained in Conference Room Paper 7 which was distributed to all

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.



delegates this morning. The report of the open-ended ad hoc Working Group, as well as the results of the preliminary exchange of views will be considered by the Working Group on Item 8.

Delegates should also have before them Conference Room Paper 3 containing the report of the UNIDROIT Secretariat on the second session of the UNIDROIT Committee of Governmental Experts for the preparation of a draft Protocol on Matters Specific to Space Assets.

I now turn to the list of speakers under this agenda item and the first speaker on my list is the distinguished representative of Germany. Germany, you have the floor.

Mr. KRAUSPE (Germany): Mr. Chairman, speaking on behalf of Austria, the Czech Republic, France, Hungary, Italy, The Netherlands, Spain, Sweden and the United Kingdom, Germany would like to express its support for the work of UNIDROIT and the efforts to establish legal instruments to facilitate private financed space activities to the benefit of commercial, as well as public, space applications.

We also support the work of the Legal Subcommittee under this agenda item. We welcome the establishment of an open-ended ad hoc Working Group to carry work on the question of the appropriateness of the United Nations serving as the Supervisory Authority under the future Space Assets Protocol forward intersessionally.

We would like to thank the Coordinator for his excellent work and appreciate the draft report, including the draft resolution that was prepared in accordance with the mandate of the intersessional Working Group. We also appreciate the progress made during the informal consultations on this matter during last week including the clarifications and improvements that have been incorporated in the draft report.

Mr. Chairman, we support the assumption by the United Nations of the function of Supervisory Authority under the future Space Assets Protocol. Therefore, we firstly hope that the Legal Subcommittee at this session recommend to the General Assembly to agree in principle to the assumption of this function by the United Nations.

We secondly are ready to support such recommendation on the basis of the draft resolution.

Mr. Chairman, the UNIDROIT Committee of Governmental Experts will meet later this year with a view to finalizing the Space Assets Protocol for submission to a Diplomatic Conference. Therefore, we believe that a decision on this matter should be taken during this session.

We hope that the Legal Subcommittee can arrive at a consensus on the substance of the matter and recommend to the General Assembly to agree in principle to the assumption by the United Nations of the function of Supervisory Authority under the future Space Assets Protocol.

If that proves to be too ambitious, we believe that the Legal Subcommittee should at least agree on a procedure to carry the matter forward and submit the draft report, if necessary without the draft resolution, to the General Assembly. Since UNIDROIT has approached the United Nations to consider the assumption of this function, we deem it very important and appropriate that the General Assembly has an opportunity to take note of this matter and to consider the fundamental and practical issues relating to the assumption by the United Nations of such function.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Germany for his statement.

And I now give the floor to the distinguished representative of Canada. Canada, you have the floor.

Ms. A. KAPPELAS (Canada): Thank you Mr. Chairman. Mr. Chairman, Canada welcomes the report with recent modifications of the ad hoc Working group on the Desirability for the United Nations to Act as Supervisory Authority Under the Space Assets Protocol to the Convention on International Interests in Mobile Equipment. We wish to thank The Netherlands for its able chairmanship of the Working Group and for its hard work on the report.

Mr. Chairman, Canada sees no legal impediment to the United Nations assuming the role of Supervisory Authority pursuant to the Space Assets Protocol. The role of Supervisory Authority can be legitimately characterized as encouraging economic development, harmonizing international law and promoting solutions to economic problems, all purposes of the United Nations listed in the preamble as well as Articles 1 and 55 of the Charter of the United Nations.

This being said, Canada believes that the final determination as to the identity of the Supervisory Authority rests with the Diplomatic Conference that will be convened for the adoption of the Space Assets Protocol.

A number of options are currently under consideration by the delegations participating in the Group of Governmental Experts convened by UNIDROIT to review the draft Protocol, including an informal proposal by the International Telecommunication Union to act as Supervisory Authority and the possibility of creating a Committee of States Parties to fulfil this role as is the case under the draft Rail Protocol.

Mr. Chairman, Canada considers that the Legal Subcommittee should be cautious not to preempt any decision that may be made by States negotiating the Space Assets Protocol. However, we believe that, as a minimum, the Subcommittee could agree that the United Nations present an option that these States could consider.

The report of the ad hoc Working Group provides useful guidance to those States and to the United Nations General Assembly as to the issues that would need to be resolved for the United Nations to act as Supervisory Authority should an invitation to do so be extended by the Diplomatic Conference.

These issues include the securing of appropriate privileges and immunities, the coverage of all reasonable costs incurred in the performance of the function of Supervisory Authority and the requirement for the Registrar to obtain sufficient insurance to cover any liability that may be incurred by it and the Supervisory Authority.

Finally, Mr. Chairman, Canada believes that the Space Assets Protocol should be consistent with existing international instruments relating to space law, including the relevant United Nations conventions on outer space and the Constitution of the International Telecommunication Union and its regulations.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you very much distinguished representative of Canada.

Are there any other delegations wishing to take the floor at this morning's session on item 8?

Chile. Chile, you have the floor Sir.

Mr. R. GONZALEZ ANINAT (Chile) (*interpretation from Spanish*): Thank you very much Mr. Chairman. Mr. Chairman, I have just arrived and I am therefore particularly happy to welcome you to the Chair and I hope that you are happy to see me too.

I would like to make a general statement if I might on the matter before us, this being a matter which could have significant repercussions for international space law. We are talking about a branch of the law which, for some time now, has been felt to be a fully-fledge part of public international law, international public law. The Protocol that we have been asked to deal with does not meet to be the object of an assessment by the Legal Subcommittee because the United Nations systems as a whole is competent when it comes to adopting the norms of international public law.

In view of the current situation on the international scene, when it comes to different branches of law and in particular when it comes to specialized international law, I am thinking of environmental or nuclear or aeronautical law, given that situation, Mr. Chairman, it is important to note that there are elements of international private law and international public law in all these branches and they co-exist with specialized provisions.

The United Nations Secretary-General has launched an initiative to have a strategic alliance with the private sector in order to reach the objectives of the Millennium, the Millennium Objectives, and indeed the United Nations objectives in general and, therefore, synergy is vital in this area, as it is in the area of disarmament, for instance. And since I have been involved in this in the last five years, I note that there has been a new interaction or an interaction with the new sectors of international that is no longer just international public organizations but also NGOs and the public sector, of course, but also the private sector and it is my conviction that, of course, this is not new to you. These are matters which have been properly taken into account by the Vienna Declaration as a result of the Third Conference on the Peaceful Uses of Outer Space and these matters were validated subsequently by UNISPACE III + 5. So we need a slightly different view of the matter which takes account of the new shape of the international scene in this regard.

Now it is not my aim to get involved in the detail of the UNIDROIT Protocol which is a complex matter and which would need a lot of detailed effort. I, therefore, will not do that and nor will I make any judgement to when it comes to a definitive judgement,

that is, when it comes to this matter. However, we are faced with a vehement request on the part of the international community because of the dangers.

Mr. Chairman, I know that the Director of the Office for Outer Space Affairs, Mr. Camacho, has been listening to me for 20 years now and I hope he has been continuing to do so. I broke off for a moment there. Let me continue what I am saying, mainly that the international community seems to be very concerned by the erosion, that is, which has affected the multi-lateral system. However, the international community is encouraged because the one and only valid system is still up and running and it can still be reinforced and, therefore, we have the premise for a debate which we now need to lead. What is happening is that we are faced with two currents of international law, that is the public and private aspects thereof which are parallel but not incompatible and what we need to do is to make sure that they are compatible and we need to do this perhaps via a convention and this needs to be done under the aegis of the United Nations.

And as regards the Protocol on Space Assets, I thought I understood that this had been debated on and backed by ICAO but let us not forget that our Legal Subcommittee is answerable to the United Nations, that we are accountable to the Security Council, in fact, and a few years ago the Security Council in a similar situation made a request that a report be made by ICAO in this regard and this was done and subsequently this report led to a decision, a Security Council decision.

And this leads me to say that we should take account of a third issue, namely, what body or authority do we wish to take on this responsibility the General Assembly or the Security Council, the Security Council has the legitimacy, because of the aspiration to the number of countries, and particularly in our continent, which would wish to see the number of members of the Security Council increased. But what we must not, in any case, forget is that the Security Council is an asymmetric body. And finally, this is purely a legal consideration. Some people think that is a good thing, some think it is not but it is quite clear that there are some members that are more equal than others, some are permanent members and that some have a veto and some do not. Of course, I am not inventing anything in saying this when one only needs to read the Charter of the United Nations to realize this.

What I would like to do here is express a doubt which is torturing me. I will ask a question, in fact. Is it appropriate for this Protocol, I am thinking about the future here, I am thinking of resolutions and

decisions and norms that have been adopted in this regard, is it appropriate for these decisions and resolutions to be adopted in the Security Council or would it not be better, if we want the decision to be more democratic, if we want a dialogue to arise amongst those countries involved and that are interested in the objectives of the Protocol, I am thinking of developing countries in particular, would it not be more appropriate for it to be the General Assembly to pronounce upon this? This is a question which has been discussed in GRULAC and it is also featured as an agenda item, perhaps colleagues could correct me if I am wrong but I do think that we need to think about our general philosophy here when it comes to this Protocol, after all, Protocols can be good or bad, depending on the legal techniques employed. And as a famous university professor has stated, Protocols can be good or bad but they must be applied in a particular international context, they are not applied in the abstract and it is, therefore, important for there to be an opportunity for such Protocols to adapt to a changing international situation.

Treaties do not need to be too rigid. If they are, then they cannot evolve, they cannot take account of international developments.

So, Mr. Chairman, those are the few comments that I wished to make by way of laying the ground for the general debate and in order to be consistent with my country's policy and the policy which my country has sought to defend, namely, that over and beyond a general debate that each and everyone of us rather than just expressing an opinion via a series of monologues that we should actually be engaged in a real debate and that the question or questions should be asked that will actually give rise to such a debate in order to achieve a result and that result needs to be a solid legal one. We need a result which means that we can face the future without hurrying but without any appropriate delay or excessive delay under the international treaties that we adopt, a need to take proper account of the rights and interests of developing countries.

And might I take this opportunity, Mr. Chairman, although I have said this indirectly, my welcome to the Director of the Office for Outer Space Affairs.

The CHAIRMAN: Are there any other delegations wishing to speak at this morning's session on agenda item 8?

I see none.

I do recognize the distinguished delegate of the Russian Federation. Russian Federation, you have the floor and then Kazakhstan, I think, and Greece.

Mr. DZUBENKO (Russian Federation) (*interpretation from Russian*): Thank you very much Chairman. Firstly, we would like to start by thanking the Working Group on this matter and its Chair. We would like to thank them for the work which has been done. This has been very fruitful and very serious in my view and we have followed the work very carefully, the work of the Working Group that is. In our opinion, the work has been very serious and thorough work but unfortunately, Chairman, the results of the work of the Working Group is such that, taking into account the debate which took place in the Working Group, the Russian Federation is obliged to note that not all issues on our agenda, not all issues that we have, in particular the question of what body or what authority should be this very Supervisory Authority with regards to the Space Assets Protocol were agreed.

These are questions which arose following the previous discussion of this and the discussion of it in the Working Group and this was an issue which was raised at the previous session of the Legal Subcommittee and at the previous session before that one. But, as regards a clear answer to any of the concerns or questions which have arisen in this regard, unfortunately we cannot yet say that we have seen such answers. In particular, as this delegation has already stated, Chairman, at this stage, and we do not have any reason to change our position or to think otherwise, until a principle decision, and I am not going to talk about an absolute decision, of course, we are not deciding upon this, we are simply formulating our proposals in this regard and these are proposals for the Subcommittee or rather for the Committee on the Peaceful Uses of Outer Space and not for the General Assembly. Sometimes we get the impression that we are submitting a draft decision to the General Assembly, listening to what is sometimes said. What we are drafting here is a draft recommendation and a proposal of the Space Committee of the General Assembly. But before we actually submit this, any possible decision to be discussed by the Committee in this regard, Chairman, by virtue of our mandate, Chairman, as a Legal Subcommittee of the Space Committee, which is absolutely obvious, is that when we do submit our proposals on the substance in principle of what the functions of the Supervisory Authority might be, what will be expected of us, first and foremost, will be a decision of a resolution of the legal issues arising in this regard and issues connected with them.

Which organizational administrative concrete changes or reforms are needed to, let us say, the structure of the United Nations Secretariat or will a parallel or alternative structure be set up to the Secretariat. If these decisions are made, if these things are happening, then, indeed, we could revisit the matter of vesting the function of Supervisory Authority under this Protocol with the United Nations. But so far there is no clarity whether or not these things are going to happen. Consequently, there is no clarity or can be any clarity as to the possible financial implications of such a decision if it were to be taken. The matter has been discussed by the ad hoc Working Group but no satisfactory solution, potential solution has been formulated.

And here is the simple and serious legal matter which also has been discussed but remains unanswered in any clear cut or definitive way, in our view. It has to do with the fundamental possibility of the United Nations being liable, adopting liability, not political responsibility but civil and legal liability, financial, economic liability, if you will. Whether or not that is possible and what form or shape it might take if it were. Liability not only for shortcomings, any possible faults or negligence or gross negligence, as the case may be, but even just omissions that could occur and could have civil and legal consequences or implications. How then would the United Nations be held liable for these? In what form? To put it simply, who is going to pay and how?

I am not even going into this other thing, namely the way the Protocol is structured at present. It could imply the function of certifying contracts, transactions involving mobile equipment in outer space. If that is indeed the case, if the function of certifying transactions, not the equipment itself, but transactions involving such equipment or such assets, if that function were to be part of the overall mandate of a Supervisory Authority then it would have implications in turn for the legal, financial and other types of implications arising from the actions of the Registry to be set up under the Protocol.

This question has not received a clear-cut answer either, at least not that we can see.

In this context, Mr. Chairman, and in concluding because I would not like to take up too much of the Subcommittee's time, I would like to emphasize the fact that we are not absolutely against the possibility of such a function being performed by the United Nations. This is not set in stone. This is not a perennial or absolute position. We are aware of

cases, instances in the past. We also know that similar, or at least generally speaking or formerly speaking, similar functions are known to be played with regard to air space by an organization such as ICAO. This is a recent development. ICAO has had that function since a short time ago and maybe we should look at the experience accumulated by ICAO in that regard at what goes on there and what kind of conclusions could be drawn. Everything that we can infer that could be of value to us in considering whether or not the United Nations or any of the United Nations specialized agencies could perhaps be appointed Supervisory Authority as far as space assets are concerned.

But having said all that, we believe that it is premature at this session to discuss any specific proposals, be it a draft General Assembly resolution or a decision in any other form. It is necessary to give the matter more consideration, to do more work, to discuss it some more. We suggest continuing that discussion within the framework of this Subcommittee and to make sure that that happens, the same agenda item should be put on the agenda for the next session.

Thank you.

The CHAIRMAN: I thank the distinguished representative of the Russian Federation for his statement.

And I now give the floor to the distinguished representative of Kazakhstan. Kazakhstan, you have the floor.

Ms. OMAROVA (Kazakhstan): Thank you Mr. Chairman. First of all, I would like to wish you a very successful session under your leadership and we would also like to thank Mr. René Lefebvre for his very outstanding work in preparation of the report of the ad hoc Working Group in which Kazakhstan also participated.

Basically we understand different views, supporting or not supporting the idea of assuming by the United Nations of Supervisory Authority functions under the future Protocol on Matters Related to Space Assets. Therefore, perhaps it would be more reasonable in order to avoid any legal problems to find some compromise. I believe that this Supervisory Authority might be realized by the United Nations, not in a direct way but through the establishment within the United Nations of some sort of international space agency. I think that this space agency could implement other functions as well, such as matters related to space debris or other important issues of a global character.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Kazakhstan for her statement.

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

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Mr. Chairman. Mr. Chairman, since I have taken the floor for the first time, I was not able to attend earlier because of an accident I had had, so I was absent during the first week of the session. However, I would like to start by wishing you every success in your efforts in the course of this session.

As regards the matter under discussion, it has grown into a very complex, very controversial matter, hard to resolve at present. Through you, Mr. Chairman, I would like to convey to the colleagues present here a few comments on the matter.

First of all, as we saw at the time of the last session of Governmental Experts that took place in Rome at the end of October, the text of the Protocol on Matters Specific to Space Assets could only be completed within a timeline of two or three years, not sooner than that, in my opinion. Then we will have a final text based on international criteria which will serve as the foundation for any possible supervisory mechanisms, monitoring or application mechanisms, applying to that Protocol and that Convention.

Consequently, any discussion that we have had so far and we have had this discussion for three years now, is not complete, particularly as regards institutional matters, not substantive matters as such as regards the compatibility of the text of the Protocol and current space law. Therefore, Mr. Chairman, while recognizing the great efforts and the really difficult work undertaken by the Working Group headed by our Dutch colleague, I cannot really subscribe to the proposals that have come out of that Group. It is true that I have not seen the very latest amended text of the report of that Working Group, I call it the Electronic Working Group, not to confuse it with other types of Working Groups, conventional types of Working Groups, if you will. However, this text contains under III arguments in favour of accepting the proposal that the United Nations be made Supervisory Authority under that Protocol but there is not a single reference that I can see to the vast and profound arguments put forward by the other Group espousing the counter view, the view against such a step.

It is true that we need to see the latest amended text of the report and we hope that it will reflect all, I reiterate, all the views expressed in the course of this discussion that has taken place over the past three years.

And I would also like to pose a legal question that pertains to international law in general. The question is, how can an international authority supervise a private entity which, through delegations of function, may perform public services? This is a real maze, a legal labyrinth, if you will, that we will be forced to enter if we were to follow that route.

My dear friends and colleagues, Mr. Chairman, I really do not see how at this moment in time we can suggest to the General Assembly to start considering a matter on which we here have not yet reached agreement and have not really completed its consideration.

Therefore, I would like to recall that the Legal Service of the United Nations did publish a report three years ago which we saw here in which it very diplomatically, if I may say so, refused, I did not say rejected, but refused this role, as a role that the United Nations could be asked to perform.

At the very last paragraph of that report of the Legal Office of the United Nations, it did in a diplomatic way, it is true, but clearly point out that other solutions would have to be found within the United Nations process. Therefore, we would really be anticipating or jumping the gun, if you will, we would be acting prematurely if we were proposing such a draft resolution to the General Assembly at this time. So this report is a little premature.

Also, dear colleagues, there is the question of procedure, given that this is an extremely difficult and complex matter but also an institutional matter fundamentally. First and foremost, it should go to the Sixth Committee of the General Assembly before submitting it to the Fourth Committee which is responsible for outer space-related matters. First, it needs to go to the Sixth and then come back here, after being considered there, for further consideration so that then the matter could be concluded. That is another procedural matter which also poses some difficulties at this point.

I apologize for this rather long statement but I would like to conclude by making a comment which is in tune with the comments made by our colleague from Kazakhstan. Indeed, if there were a specialized United Nations agency in charge of space matters, then we

would have proposed a long time ago and the Russian delegation commented on that as well. Then there would be a possibility for us to consider that this specialized outer space agency were to exist at some point in the future, be asked to perform such a function with regard to public services only.

Thank you.

The CHAIRMAN: I thank the distinguished delegate of Greece for his statement. I would only like to remind him that the concerns of several States have been incorporated last week during the discussion of the open-ended ad hoc Working Group under the chairmanship of Mr. Lefeber of The Netherlands and that you can see these concerns reflected in Conference Room Paper 7 that will be distributed this morning so you can assess how far the discussion went on. Thank you very much.

And now I give the floor to the distinguished Ambassador of Chile. Chile, you have the floor.

Mr. R. GONZALEZ ANINAT (Chile) (*interpretation from Spanish*): Thank you very much Mr. Chairman. I would like to address the historical aspect of what is going on. Every time my friend from Greece takes the floor, he is an excellent lawyer, legal expert, mind you, I always immediately ask for the floor afterwards. Indeed, we are talking about legal matters here, if I am not mistaken. Some of the delegations here have been referring to the Legal Office of the United Nations, particularly my Greek colleague, and it has been implied that the opinion of the Legal Office is somewhat different from the opinion from the Office for Outer Space Affairs. If the matter were referred to the Sixth Committee, I do not know if that is something that is going to infringe upon the value or the mandate of our Legal Subcommittee here. We already have the five international legal instruments governing outer space activities. There are certain very important principles enshrined in those documents. All of this went through the relevant United Nations committees in the past but we have an established procedure now and international practice, the accepted practice, in accordance with which it is within the mandate of this Legal Subcommittee to consider these matters, established and approved by the Fourth Committee and the General Assembly, in fact, of the United Nations.

Greece, by the way, has taken part in all the discussions that took place in the General Assembly plenary and in the Fourth Committee meetings and it subscribed to the approval of the various international legal instruments that we have in force. If we were to

follow the procedure just expounded here then everything would have to be relegated to the Sixth, every matter that we take up here in the Legal Subcommittee of COPUOS.

It is true that there are established procedures, the Fourth Committee, the Fifth or the Second, as appropriate can treat these legal matters but it is up to this Subcommittee to consider these texts and work on these texts. There is the Disarmament and International Security Committee. Then there is a whole array of special bodies treating matters within the context of their respective mandates but we know that in the disarmament area, for example, the situation has really been unsatisfactory. The Disarmament Conference is, in fact, the only body within the United Nations system that can and does develop legal texts in this area and that is a good case for us to study here. We should really consider COPUOS, and in particular its Legal Subcommittee, the first instance here, the place where these important legal documents that eventually become international law originate. So we really should think twice about referring this matter to the Sixth Committee.

And then there is talk about the planned or ongoing reforms in the United Nations. Maybe as a result of those reforms, there will only be two committees instead of six. How will be proceed about developing international legal documents in that situation?

It is a matter of procedure but it is also a matter of principles and we have to be very clear as to the principle of the thing. But three years ago, we have already heard some proposals on the matter which we have discussed over this period and a number of decisions that have been made in this time do touch upon the area of international private law, the matter of satellite transmission, Earth observation, international conventions, on those matters have undergone a certain procedure and that has worked and that does deal with matters that fall within the domain of private law or the activities of private sector entities. It is not ruled out.

To me, the requirement that everything is first referred to the Sixth Committee is not a good requirement, a good argument, I am not disposed to subscribe to it.

Thank you.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much distinguished Ambassador of Chile.

(*Continued in English*) Greece is asking for the floor. You have the floor Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Mr. Chairman, I think my dear friend and colleague, the Ambassador of Chile, is labouring under a misunderstanding here. My idea, my proposal, with regard to the Sixth Committee had only to do with the need to have the matter considered there so that we know whether or not the United Nations could, in principle, be authorized to perform the function of Supervisory Authority, no more than that. It is a simple matter. It has nothing to do with all of these comments about the mandate of our Subcommittee or the Committee in general, its authority, the matters it examines and so forth. It is a matter of interpretation, maybe the way it is understood and interpreted but I meant something very simple, only the matter of whether or not the United Nations can, in principle, be Supervisory Authority, none of the specific matters. But I think the matter of principles should be referred to the Sixth Committee.

Thank you.

The CHAIRMAN: I thank the distinguished representative of Greece.

Are there any other delegations wishing to take the floor on this agenda item, agenda item 8 at this morning's session?

I do recognize the distinguished representative of Algeria. Algeria, you have the floor.

Mr. OUZEROUHANE (Algeria) (*interpretation from French*): Thank you Mr. Chairman. Since there is no consensus as to the possibility of the role of Supervisory Authority being vested in the United Nations under this Protocol, we think it would be useful at this time to consider, in a more profound way, an alternative solution. Given the growing importance of the outer space sector in the area of telecommunications, development and management of natural disasters, it would be useful to think as to the place and status of COPUOS, among other things, within the internal transformations that are taking place within the United Nations and its specialized agencies. This debate is especially necessary since the function of Supervisory Authority has a lot to do with these ongoing reforms and the Working Group asked to study the matter has to work with the groups on other matters, such as the management of natural disasters.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Algeria for his statement.

Are there any other delegations wishing to take the floor on agenda item 8?

I see none.

We will, therefore, continue our consideration of agenda item 8, Examination of the Preliminary Draft Protocol on Matters Specific to Space Assets, this afternoon.

Practice of States and International Organizations in Registering Space Objects (agenda item 9)

Distinguished delegates, I now would like to begin our consideration of agenda item 9, Practice of States and International Organizations in Registering Space Objects.

Once again, I would like to remind delegates that this agenda item will also be discussed in the Working Group established by the Subcommittee under this item. Time permitting, the Working Group will hold its first meeting this afternoon under the chairmanship of Niklas Hedman of Sweden.

In accordance with the work plan on this item, the Working Group will, during the current session, examine reports submitted by member States and international organizations on their practices in registering space objects.

In response to a request by the Legal Subcommittee at its last session, the Office for Outer Space Affairs has prepared a background document based on its presentation at that session on the United Nations Register of Objects Launched Into Outer Space. This background paper has been made available to delegates as document A/AC.105/C.2/L.255 in order to facilitate the work of the Working Group under this agenda item.

Are there any delegations wishing to take the floor on agenda item 9, Practice in Registering Space Objects?

Germany. Germany, you have the floor.

Mr. KRAUSPE (Germany): Thank you Mr. Chairman. The German delegation welcomes the establishment of a Working Group on this agenda item. I would also like to warmly congratulate Mr. Niklas Hedman for being elected Chairman of this Working

Group and stress that the German delegation has great confidence in his experience and ability to lead the deliberations on this Working Group to good results.

The establishment of this Working Group will bring a great impetus to the discussions under this agenda item. The German delegation would like to reiterate the importance of the issue concerned. In our view, there should be an in-depth consideration aiming at a kind of promotion of the Registration Convention which constitutes an important tool for the practice of space flight and space exploration. This can be achieved through various means which we will certainly discuss in the Working Group.

Mr. Chairman, my delegation is particularly satisfied with the results this Subcommittee was able to achieve under the work plan concerning the application of the legal concept of the launching State which conducted its work under German chairmanship between 2000 and 2002 and could be concluded last year with the support of all delegations. The results of this Working Group have recently been adopted as United Nations General Assembly resolution 59/115 of 10 December 2004. They should not only be taken into account when dealing with the registration issue but they could also be regarded as a good example on how to reach results for such questions as the one under discussion. We, therefore, believe that the Working Group's deliberations should focus on identifying practical ways and means for an improved application of the Registration Convention.

Mr. Chairman, delegations will be aware that German institutions made considerable investments also in the academic research in space law. As the most visible current example, I should mention Project 2001 Plus Global and European Challenges for Air Space Law at the Edge of the Twenty-First Century. This project is jointly conducted by the Institute of Air and Space Law of the University of Cologne and the German Aerospace Centre, DLR. In the context of this international project, a Workshop on "Current Issues in the Registration of Space Objects" has been held on 20-21 January 2005 at Berlin, Germany. My delegation will provide in-depth information on the results of this Workshop which we believe are most relevant for this agenda item during one of the Working Group meetings this week.

With this, Mr. Chairman, my delegation would like to underline its great interest in the issue and its readiness to actively contribute to the deliberations.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Germany for his statement.

Are there any other delegations wishing to take the floor on this agenda item, item 9, at this morning's session?

Chile. You have the floor, Chile.

Mr. R. GONZALEZ ANINAT (Chile) (*interpretation from Spanish*): Very briefly, Chairman, and, at the outset, apologies for taking the floor so many times this morning.

Actually, the German delegate has just left. Unfortunately I wanted to put a question to him so I'll have to put it a little later. Thank you Chairman.

The CHAIRMAN: I thank the Ambassador of Chile.

Mr. R. GONZALEZ ANINAT (Chile) (*interpretation from Spanish*): However, I see that nevertheless Germany is represented in the room so I would like to put this question quite simply.

It is a good idea, I think, to put questions in plenary rather than just in working groups.

You said that the University of Cologne, together with the Aerospace Centre was currently organizing an event. Firstly, we would like to know a little bit more about that. It would be interesting to hear a little more about what you are doing so that the developing countries can draw upon this experience and benefit from this work.

The question I wanted to put is as follows. Are you planning to hold a debate on paragraph 1, article 44(e), the function of space objects, as part of your seminar. That is my question. Are you planning to have a debate on this provision or question or matter? This is a matter of fundamental importance when it comes to drafting a protocol on registration.

The CHAIRMAN ... (*first part is missing*) ... the floor and answer these questions that have been addressed to your delegation. Thank you, you have the floor.

Mr. KRAUSPE (Germany): First of all, I can announce that tomorrow we will distribute the proceedings of this Workshop on registration questions so when the Chairman of the Group will be there, we will present proceedings.

And so far as the question of space objects are concerned, there is no special intention at the moment.

The CHAIRMAN: Thank you very much.

May I add that the Workshop was already held in Berlin in January 2005 and then tomorrow we will have the proceedings of that meeting. Am I right? Thank you very much.

Are you satisfied, Ambassador Gonzalez? No. Do you want the floor? No.

Are there any other speakers on this agenda item?

Not for the moment.

I will shortly adjourn this meeting of the Subcommittee so that the Working Group on the Definition and Delimitation of Outer Space can hold its sixth meeting and the Working Group on the Preliminary Draft Protocol on Matters Specific to Space Assets can hold its first meeting.

Time permitting, we will continue our informal discussions on new agenda items. Before doing so, however, I would like to inform delegates of our schedule of work for this afternoon. We will reconvene here promptly at 3.00 p.m. At that time, we will continue our consideration of agenda item 8, Examination of the Preliminary Draft Protocol on Matters Specific to Space Assets, and agenda item 9, Practice of States and International Organizations in Registering Space Objects.

I then intend to adjourn the plenary meeting so that, if necessary, the Working Group on Agenda Item 6(a) can hold its seventh meeting, and the Working Group on Agenda Item 8 can hold its second meeting.

Time permitting, the Working Group on Agenda Item 9 will hold its first meeting.

Are there any questions or comments on this proposed schedule?

I see none.

I now invite Mr. José Monserrat Filho to chair the sixth meeting of the Working Group on the Definition and Delimitation of Outer Space. This will be followed by the first meeting of the Working Group on the Preliminary Draft Protocol on Matters Specific

to Space Assets, chaired by Mr. Vladimir Kopal of the Czech Republic.

If there is time permitting, we will then continue with our consideration of new agenda items.

This meeting is now adjourned until 3.00 p.m. this afternoon.

The meeting adjourned at 11.41 a.m.