

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

Unedited transcript

727th Meeting

Thursday, 14 April 2005, 10 a.m.

Vienna

Chairman: Mr. S. Marchisio (Italy)

The meeting was called to order at 10.27 a.m.

The CHAIRMAN: Good morning distinguished delegates, I now declare open the 727th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This morning we will continue our consideration of agenda item 10, Proposals to the Committee on Peaceful Uses of Outer Space for New Items to be Considered by the Legal Subcommittee at its Forty-Fifth Session. I then intend to adjourn this meeting of the Subcommittee so that the Working Group on the Preliminary Draft Protocol on Matters Specific to Space Assets can hold its seventh meeting.

Proposals to the Committee on Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-fifth session (agenda item 10)

Distinguished delegates, I would now like to continue our consideration of agenda item 10, Proposals to the Committee on Peaceful Uses of Outer Space for New Items to be Considered by the Legal Subcommittee at its Forty-Fifth Session.

The first speaker on my list is the distinguished representative of Ukraine. Ukraine, you have the floor.

Ms. N. MALYSHEVA (Ukraine)
(interpretation from Russian): Thank you very much Mr. Chairman. Mr. Chairman, I am taking the floor

not only on behalf of my delegation but also on behalf of the co-sponsors of the proposal under sub-paragraph (a) on the appropriateness and desirability of drafting a universal comprehensive convention on international space law. This is under agenda item 10 on new items for the next Subcommittee session, and also taking the floor on behalf of a number of other interested delegates who have taken part in informal consultations on the matter.

I have been authorized to convey the following to the delegations.

Delegations that co-sponsored this suggestion are prepared to temporarily withdraw it, or rather suspend it. We are prepared to suspend our proposal that the matter be considered as a separate agenda item at the next session of the Legal Subcommittee. This decision is due to the fact that we have come to realize that the matter has not reached the point where it could get consensus, even though we do not entirely understand why people seem to be concerned about the possibility of conceptually considering the desirability and appropriateness of starting such work. The mandate of this Subcommittee does not include merely the solution of applied matters that have to do with the legal regime governing outer space. Also, and maybe primarily, it is about the development of outer space law.

While we are prepared to postpone the consideration of the matter as a separate agenda item, we would like to state that we favour continuing the discussions on this matter within the framework of 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.



permanent agenda item entitled on the “Status and Application of the Five United Nations Treaties on Outer Space”.

To make sure that this discussion be formalized and placed within a specific context, the delegations of Ukraine, the Russian Federation and Kazakhstan proposed at the last forty-third session of the Subcommittee a questionnaire on the prospects for the future development of international outer space law. That questionnaire was distributed as a Conference Room Paper, A/AC.105/C.2/2004/CRP.14, marked “For Participants Only” and was, thus, available as an information material at the last session.

The delegations that have taken part in informal consultations believe that it would be appropriate to change the status of the questionnaire and re-submit it as a Working Paper rather than a Conference Room Paper at this current session of the Subcommittee and then it needs to be attached to the Subcommittee’s session report. It could then be discussed within the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space at the next session of the Subcommittee.

At present, the questionnaire only exists in Russian and English. We are going to ask the Secretariat to make sure this is translated to all the official languages of the United Nations.

The questionnaire is a very preliminary one. It was designed with the purpose of studying the positions of delegations in the Legal Subcommittee, not only, and not even so much as to the appropriateness and desirability of developing a single convention, but more generally, in their evaluation of the current state of affairs in international outer space law and its future development.

We admit the possibility that the majority of delegations might choose to respond that the current state of affairs in international outer space law fully meets the needs of space activities. If that happens, it will be clear that any decisive steps towards the further development of outer space law would be premature.

The question is a multiple choice one. It proposes various options of answers to the three general questions which reflect all the entire gamut of possible positions. Also we provide for the delegations a chance to come up with their own original answer. The questionnaire poses no threat to the foundations of international outer space law.

And, therefore, at this point, I would like to officially reiterate the proposal of the group of delegations that have authorized me to do so.

One, temporarily withdraw the proposal by China, Greece, Russian Federation and Ukraine that the next session of the Legal Subcommittee consider the appropriateness and desirability of developing a single comprehensive convention on outer space as a separate agenda item.

Two, continue discussions on the issue within the framework of the Legal Subcommittee’s agenda item on the Status and Application of the Five United Nations Treaties on Outer Space and the Working Group on that agenda item.

Three, to formalize the consideration of this matter within the Working Group, to provide as a basis for a discussion, the questionnaire, proposed by Ukraine, Russian Federation and Kazakhstan, and distributed at the forty-third session of the Legal Subcommittee, having changed the status of this document from a Conference Room Paper to a Working Paper and having translated it into all the official languages of the United Nations and attach it to the report of the forty-fourth session of the Legal Subcommittee.

Thank you.

The CHAIRMAN: I thank the distinguished representative of Ukraine for her statement and for the proposals that they have put forward to us.

I ask if there are any other delegations wishing to take the floor.

I see the delegation of France. France, you have the floor.

Mr. PELLERIN (France) (*interpretation from French*): Thank you Mr. Chairman. The French delegation would like to make a short statement on the issue of space debris.

During the Scientific and Technical Subcommittee meeting of 2004, no consensus emerged on accepting the state of recommendations emanating from the Inter-Agency Debris Committee, known under the acronym IADC, in order to curtail the proliferation of space debris.

During the forty-second session of the Scientific and Technical Subcommittee, a consensus emerged in the Working Group on Space Debris. It

was agreed that a new multi-annual work plan would be put in place until 2007 in order to establish or develop a document on space debris reduction, making technical reference to the recommendations of the IADC.

Given the commitment to this work of the Scientific and Technical Subcommittee, the French delegation is prepared to, this year, once again, accept postponing until the next session, the examination of space debris, upon its request, for the Legal Subcommittee's agenda.

Thank you.

The CHAIRMAN (*interpretation from French*): Thank you to the distinguished delegate of France.

I now give the floor to the distinguished representative of Chile. You have the floor Sir.

Mr. R. GONZALEZ ANINAT (Chile) (*interpretation from Spanish*): Thank you Mr. Chairman. Basically, I would like to address a paper, a Working Paper that was presented yesterday by the delegations of Ukraine, Russian Federation and Kazakhstan. This was related to a questionnaire on possible options for future development of international space law and a convention thereon and there are some 90 per cent support, in principle, from the Latin American Group for this endeavour.

This is a subject which has been bouncing around, either explicitly or implicitly, in this Committee for some years and, in my delegation's view, it is an idea which is interesting in a number of levels. Clearly, since 1967, to date, unless someone demonstrates the contrary to me, it is fairly clear to me that the international scene has changed dramatically, drastically and, thus, the 1967 Treaty which then gave rise to the rest of the international space treaties, as well as all the principles related to this matter, all of these principles and treaties are quite obsolete at this point. And they are obsolete from two points of view. From the point of view of the international arena in which they exist and from the point of view of the principles of international law they are obsolete.

And also looking at it from the point of view of the evolution of the international arena, especially if we look at current international standards, generally speaking, we would notice that there are many new concepts that have been added to this body of concepts and new players as well on the international stage.

Moreover, efforts are being undertaken, intense efforts are being undertaken in order to re-launch international law which would be suitable and which is adapted to the external situation to the world, to the trends that we see in the world and, in this way, ultimately there might be distortions in the current international arena and this is particularly true in the developing nations.

In the written framework, we believe that any efforts made to improve upon international space law must absolutely take into account the needs and interests of developing nations. And this is established already in existing treaties but it is not duly specified. The Declaration approved in the 1990s contains a general exhortation in this regard but does not identify specific areas of concrete action. For instance, take the subject of natural disasters. This is an important subject, natural disasters. There are other examples and truly they are relevant.

And this is why we enthusiastically, once again, support the initiative presented by Brazil. I understand they withdrew it. Based on the information we have, these are ongoing initiatives. They continue to be on the table with regard to the need to update the information in this regard. But it is also quite apparent that there is a need to have a comprehensive approach, as we see in document CRP.14 on the questionnaire. We look at what is said there about possible and future development of international space law and there are some good elements for reflection here because in light of new developments we can discern, and here, apropos Brazil, I just want to mention it parenthetically, that there was a very good seminar held in Rio de Janeiro on this subject. I am sorry, it was last year says my colleague. Once again, I got a very good positive correction from my friend, the Ambassador of Colombia and to the great joy to the delegate of Brazil who smiles and I understand that he is smiling because he is supporting what we are saying. I have a great intuitive ability, as you can see. In any case, in this very important seminar that was held in Rio de Janeiro last year on this subject, I remember in the conclusions and recommendations it was determined that it was very important to discern the differences between province of mankind and patrimony or heritage of mankind. Is that true, I would ask the colleague from Brazil? We have to look at the conclusions of the seminar but I think that is one of the conclusions drawn.

And there are many other elements that, if we have time to think about it, I am sure will come to the surface and show how important this initiative and without any prejudice and without any open regret, we

would not deny the possible eventuality of a study that eventually maybe might serve as a basis for etc., a typical approach of the United Nations where nothing actually is meant and at the same time it is claimed that light is being shown on the matter.

Put in other words, for us, the Russian Federation's proposal is not only a threat but it is actually an opportunity to reflect on what the mandate of this Subcommittee is. The mandate is to reflect on current legislation and the possibility in the future offered by our current legislation. Let me give you an example.

I would just like to clear up some misperceptions with regard to UNIDROIT. Some delegates, and I will not make specific mention of them, have asked me why I am opposed to the UNIDROIT regime and I think that, despite their great clarity, vision and acuity of intelligence, there might be a misunderstanding about my standing and position on this. There could be a lot more possibilities with UNIDROIT were it properly approach and the same thing is true with space law. In short, there is a whole series of issues that increasingly require more demanding space law. The many deaths caused by the tsunamis are an indication of this. If we look at space law and space applications. If we had in place what we need, those countries might have had more access to appropriate information, the necessary information to prevent those deaths. I do not know if the Secretary is having a problem with what I am saying. I would just ask the Secretariat if they have a problem with my speech, if you could just approach me directly.

Thank you.

I like to respect others and, of course, I also appreciate it when others respect me when I am taking the floor.

And this is vital then in light of new political events, new scientific developments and the situations which have overcome mankind, such as the natural disasters recently in Asia.

Let us look at international law generally speaking, just generally. If you look at it, the only defence we have in developing countries is international law. We must have clear international norms in place and more powerful ones and, thus, I just wish to express that, at this stage, we are available and prepared to examine this issue if that means that we are endorsing as a whole, we just need to take the necessary time and carefully study and, like all other

topics on the table, no doubt we will look at it in a positive and constructive manner.

Thank you.

The CHAIRMAN: I thank the distinguished representative of Chile for his valuable contribution. May I note that the proposal of Ukraine containing the questionnaire on the future development of international space law was presented last year as a Conference Room Paper but according to the statement of Ukraine this morning, on behalf also of the Russian Federation and Kazakhstan, this Conference Room Paper will change its status into a Working Paper to be submitted to us and to be translated into all official languages for continuing the discussion of the matter at the next session of the Legal Subcommittee in 2006 within agenda item 4, Status and Application of the Five International Treaties and within the Working Group established under this agenda item. Hopefully the translation will be available in the afternoon and this was why the Secretariat informed me during your statement and I apologize for that.

I have now on the list of speakers the distinguished representative of Greece. Greece, you have the floor.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Mr. Chairman. First of all, I would like to react to the proposals made by the distinguished representative of Ukraine. Greece also subscribes to the document CRP.14 and we hope that the proposals made by the distinguished delegate of Ukraine are going to meet with approval here. But since I have the floor, Mr. Chairman, I would like to add a couple of comments with regard to the statement made by my colleague from Chile.

A discussion of an important matter, only a discussion of an important matter, cannot be considered as a threat or an attack or a risk to the stability or to the status of the five United Nations treaties on outer space. In my opinion, it would be in keeping with respect for the democratic principle within the framework of this Organization and particularly within the framework of the plenary Committee that the matter should be tackled.

On the issue of space debris, we are also interested in deepening our understanding of the matter. It affects all of humankind, not only the space-faring nations, and I think we could move forward on the basis of the report worked out by the Scientific and

Technical Subcommittee and the various Working Groups on the matter.

Further, I would like to ask that we be informed as to the upshot of the First World Conference on Disaster Management, held recently in Kobe, Japan, a few days after the tsunami. It was a very important event, in my opinion, an initiative of the United Nations which needs to be followed up upon and which needs to be brought to the attention of all organizations involved in these activities, working on the recommendations of UNISPACE III and particularly Action Team 7.

Since we are talking here about our future work, I would like to point out that at the time of the next General Conference of UNESCO, to be held in Paris in October of this year, there will be a discussion on the ethics of science and technology, including the ethics of space activities. In that context, I would like to bring to the attention of my colleagues here the fact that our Committee should have a presence, a major significant presence at that UNESCO discussion on that subject.

These are the comments I wanted to make at this point and not to take up too much of your time and not to ask for the floor again.

I would also like to refer to the Greek proposal on direct broadcasts, principles put forward in 1996 on re-working an international treaty on direct broadcasts. There are three changes there, technological, geo-political and having to do with the telecommunications market, now we are talking about electronic communications, are a fundamentally different situation, a change of paradigm as to the context in which these principles will be applied.

I think that within this Subcommittee, we have a large number of matters that need to be discussed and if we were honest with ourselves, we would have to say that we have so many issues to discuss that maybe our agenda is already overfull. That France has mentioned here the matter of space debris, maybe the matter of broadcast should be postponed until next year to facilitate your task.

Thank you Mr. Chairman, dear friends, those were the comments made by Greece.

The CHAIRMAN (*interpretation from French*): Thank you very much distinguished representative of Greece for your contribution.

I now recognize the distinguished representative of Colombia, the Ambassador of Colombia.

Mr. C. AREVALO YEPES (Colombia) (*interpretation from Spanish*): Thank you Mr. Chairman. First, I would just like to recall here that this is not the first time that Colombia is taking the floor on this subject. It is known to this Commission that, like other countries, Colombia has looked favourably on the idea of developing a comprehensive instrument on space law. We have been saying this since 2001/2002 and, in fact, it was part and parcel of the statements we made with regard to the geostationary orbit discussions. We think a single instrument for space law would be the most interesting and challenging proposal that has been put forth of late. But, at the same time, we are also aware that this might lead to some reservations on the part of some and some, of course, are naturally justifiable. They are perhaps, and I think we have mentioned this some time ago, that they are similar to what was said at the beginning of the 1970s when it was suggested that there be a single convention on maritime law. At the time of that suggestion, you may recall, it was viewed as something almost inconceivable, unimaginable, and some even, at that time, spoke of an unrealizable idea, the idea of having one instrument, a single instrument to cover three conventions and which would fill the significant gaps between States in the area of maritime law seemed inconceivable.

But, as you know, Mr. Chairman, the inconceivable became imaginable and, in fact, it became an instrument which is currently proving to be enormously useful in the area of maritime law and *mutatis mutandis*, of course, there are differences between maritime law and space law but having said that, we do think it is possible if, of course, difficult to undertake this. It is possible if we start by thinking about, is it possible to even grapple with this, to even develop generic norms? In short, to create a sort of constitution for space.

Of course, this would not only require harmonization of existing texts but also, Mr. Chairman, there would be a legal innovative task which would be enormous and, as we all know, that is the basic mandate of this Subcommittee.

So much time has been used to study the five conventions and this clearly shows the enormous disparity between approving something and the very few ratifications of the different space instruments and they have taken place and that is an irrefutable fact. In fact, the numbers of ratifications are so low that many

in the international community are not even involved. I remember at the beginning of this meeting, one nation, Burkina Faso perhaps, I am not sure who, said there are so many, when we look at them in our context, they speak of things that we cannot tangibly grasp. To harmonize the different existing texts and which are naturally based on the principle of equity, and here I need to adhere to what was mentioned by the Ambassador of Chile and the representative of Greece in this regard, the impressive important reasons for developing nations. It is vital for us to have a reliable, stable, trustworthy framework, legal framework.

It is even possible to think in terms of developing a draft that could then be sent to the General Assembly and in any event should keep this idea, have it pending during our work, keep it in the back of our minds.

Also, Mr. Chairman, with regard to methodology, I think the fact that we are asking States and, here again, there has been some headway made as the proposal of Ukraine is a proposal which is a very generic question ultimately. It is not speaking, *per se*, of a space constitution, it is speaking about developing, possible future development of a space law convention. It is a very broad phrasing and it provides us with an opportunity to develop a working document for the next session in 2006.

And perhaps we can even then modify the questionnaire. We did a very interesting exercise when we looked at the questionnaire on space objects and looking at the questions to see if we could change them and improve them. So why not give us the possibility of modifying the questionnaire? If we do not feel comfortable with it, if some delegations have doubts or have any problems with the questions, then give us the opportunity of examining the questionnaire. But I think it is important to start and that is how we will get to a conclusion. There is a low number of responses. Responses are very negative, if they are and say, nor we really should not go this direction, then we can close the subject, a subject which has been put on the table in the Latin American Group. For some time, a large majority of countries in Latin America and the Caribbean support this idea. It has been discussed in our working groups and in our meetings and naturally we are here in order to say that we are quite prepared to take the opportunity to study this.

Thank you for granting me so much time to speak.

The CHAIRMAN: I thank the distinguished representative of Colombia for his contribution to our deliberations.

And now I will give the floor to the next speaker on my list but I do not have any speaker on my list.

China, Japan and Czech Republic. China, you have the floor.

Mr. _____(?) (China) (*interpretation from Chinese*): Thank you Mr. Chairman. We are very grateful to the representative of Ukraine for her proposal to come out with a Working Paper. We very much agree with what has been said by Ukraine on behalf of Russia and Kazakhstan. We agree that the question of future development of space law should be considered under the item of the examination of the current status of the five United Nations treaties on outer space. We also support the statements made by the Chilean Ambassador and the delegate of Greece. The discussion of this development of space law does not mean bringing of any harm or attack to the existing current space law. On the contrary, we believe the current outer space law is a basis, the core of space law. Discussing future development of space law is just for the purpose of strengthening the existing outer space treaties.

Secondly, we believe that, under the present agenda item 4, there is the current status and implementation of the five outer space treaties, we had a Working Group this year, though this Working Group did not convene at a meeting which was postponed to next year. Next year we still have another task, that is whether we should extend the working of this Working Group. We suggest we should consider that within the framework of the Working Group, let us consider this working document proposed by Ukraine and, in the process of discussing this working document, we can also in parallel discuss the question of whether to extend the functions of the Working Group under this item.

Thank you Mr. Chairman.

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

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

Mr. S. MORIMOTO (Japan): Thank you Mr. Chairman, good morning everybody. At this stage,

I would like to state some of the points concerning Japan's position. Firstly, the proposal raised by Ukraine on behalf of some of the countries, and supported by, again, some of the participants of this meeting. We believe that the four space treaties which are now effective for all of us, form the legal framework for our current space activities and these treaties are important in the sense that they provide a basis for the expanding scope of activities. I would like to reiterate Japan's basic position which I stated at the outset of this Committee, namely in order to strengthen the legal framework for the space activities, it is desirable that, first and foremost, countries commit to these treaties rather than discussing a comprehensive convention on space law. That is the first point.

The second point as to space debris. The distinguished colleague of France eloquently presented the position of Japan and my delegation supports the French proposal to postpone the discussions. We also believe that this issue, first, extensively has to be discussed with the Scientific and Technical Subcommittee so that the issue itself will be mature enough for the legal discussion.

Thirdly, I would like to mention disaster prevention. My delegation appreciates the comment made by the distinguished colleague of Greece as to the Conference Japan held in Kobe to cope with the disaster prevention. There we agreed to promote other international cooperation, to work closely for such natural catastrophes.

I just wanted to take this opportunity to draw the attention of the floor of the very fact which is going on here in Vienna. We are now intensively working to see whether the data, especially the data collected by the CTBTO, could be utilized for that disaster prevention purposes, whereby the information and data are shared by the countries which still do not possess early warning systems from a humanitarian and preventive viewpoint.

Those are the points I wished to mention at this stage. Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished Ambassador of Japan for his statement.

I give now the floor to the distinguished representative of the Czech Republic. Czech Republic, you have the floor.

Mr. V. KOPAL (Czech Republic): Thank you Mr. Chairman. Mr. Chairman, in my contribution to the discussion on item 10 of our agenda, I would like

to deal with two points. The first one relates to the proposal made by the Ukrainian Republic and some other States that was already submitted last year in Conference Room Paper 14 of the 2 April 2004. We consider this proposal, this initiative as a proposal concerning the procedure and as to this procedure, we are ready to support this initiative because, it seems to me that the list of problems that are enumerated here is wide enough to enable to take positions in substance in accordance with the views and initiatives of each State. We believe also that this CRP document could be transformed into a Working Paper to be discussed under item, I think, 4, it means the United Nations space treaties and principles, because there is room enough under this wide title to take into consideration the initiative of the group of States led by Ukraine.

Of course, we will consider very carefully the problems involved, the substantive problems and when deciding whether to reply or not, we will then, of course, proceed in accordance with our considerations.

The second point that I would like to touch here concerns our initiative that we started in 1996 by submitting a Working Paper on Review of Existing Norms of International Law Applicable to Space Debris. That was later on co-sponsored by the distinguished delegation of Greece. We believe, Mr. Chairman, that, notwithstanding, the progress there has been over the years in the Scientific and Technical Subcommittee, this topic is very important and is, to a certain extent, independent on the proceedings in the Scientific and Technical Subcommittee because it does not suggest a starting of discussion on space debris as a whole but it is limited to the review of existing norms of international law that should be applicable to space debris, nothing else, for the time being. And, therefore, we believe that it should stand on the list of subjects for the next session of the Legal Subcommittee.

We also know that our initiative that we developed jointly with Greece was already discussed during the last year's consideration and also before of the point 10, it means of the new topics to be included in the agenda of the Legal Subcommittee. We hope that this year the attitude of members of the Legal Subcommittee will be more favourable but if consensus on this initiative could not be reached now, we would like to retain this topic on the list of subjects that were already submitted and that we should then proceed in accordance with the formula that was already applied during the last years, it means to list our subject under the chapeau "the Subcommittee noted that the sponsors of the following proposals for new items to be included in its agenda intended to

retain their proposals for possible discussion at its subsequent sessions”.

Thank you very much Mr. Chairman.

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

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

Mr. C. DA CUNHA OLIVEIRA (Brazil): Thank you very much Mr. Chairman. Mr. Chairman, the distinguished Ambassador of Chile has anticipated one decision that had been taken by my delegation and I feel it is appropriate to provide some further clarifications about that point.

Mr. Chairman, if you allow, I would just like to make some initial remarks about the importance that remote sensing has to my country. Just to give you an initial example, Brazil was in the 1970s the second country in the world to have viewed a LANDSAT Ground Station, thanks to a cooperation initiative that was conducted between the National Aeronautics and Space Administration of the United States and the Brazilian National Institute for Space Research. This Ground Station provided the first satellite data which were used for the assessment of land use patterns in the Amazon region in what many people think there is the first major achievement of remote sensing activities in Brazil.

Unfortunately Professor Monserrat had to leave this morning but yesterday we were talking about this point and he clearly pointed out about the active role that Brazil had taken on the long period of discussions that led to the approval of the 1986 United Nations Principles on Remote Sensing. These Principles are the result of extensive negotiations and my country fully acknowledges that their approval required a great level of compromise among all countries actively involved in their discussion.

As, not only you, but probably most delegates here remember Brazil took an active role last year in favour of the inclusion on the agenda of the Subcommittee of one item concerning the analysis of the national practices related to the 1986 United Nations Principles on Remote Sensing. This proposal was supported in 2004 by the Group of Latin American and Caribbean countries, by Greece and South Africa. It was also accepted by many other delegations after several informal consultations that took place in the course of the last year's session of the Subcommittee. The 2004 proposal, Mr. Chairman, tried to

accommodate different views expressed on this subject since it was first submitted to the consideration of the Subcommittee in 2002. The proposal also pays testimony to the constructive spirit with which Brazil and many other delegations tried to find a common ground on this matter.

In spite, though, of these informal consultations and in spite of the long and lively debates that occurred under this agenda item, we were still not able to reach a consensus at the Subcommittee.

It seems to my delegation that the concerns already expressed by some delegations in 2004 are of the nature that could not yet be overcome. Therefore, Mr. Chairman, as has been anticipated by the Chilean Ambassador, my delegation does not intend to retain the proposal supported in 2004.

My delegation regards the concerns expressed by those delegations which could not join the consensus as an understandable reaction to what might have looked in its very beginning as a rather challenging and complex undertaking. Being a complex undertaking, the proposal might naturally have raised doubts, misunderstandings, some misconceptions and though my delegation will not, as I had just said, retain the proposal, we feel that it would be useful to make some further clarifications on the nature and on the rationale behind the Brazilian proposal.

First and foremost, the Brazilian proposal did not intend to touch upon the difficult and sensitive compromise attained in 1986. As I had already underlined at the beginning of my intervention, the 1986 United Nations Principles on Remote Sensing were not the obstacle, Mr. Chairman, but rather the cornerstone, the very basis upon which we would engage the Subcommittee into such a discussion.

Second, my delegation felt that the question of providing data access to the benefits associated with the use of remote sensing technologies was not devoid of interest to the work of this Subcommittee. Actually yes, we all here know this question had already been reflected in many recommendations issued by UNISPACE III. It had and has still been extensively discussed at the Scientific and Technical Subcommittee especially for the purposes of disaster prevention and mitigation. My delegation believes that appropriate legal frameworks could also play an important role in the development and dissemination of remote sensing applications. That is only natural or I should rather say it would be only natural to bring the matter also the

consideration of the Legal Subcommittee as a forum where such legal frameworks are discussed.

Third, and this is my last remark, Mr. Chairman, the Brazilian proposal was, indeed, in favour of developing private ventures in the area of remote sensing in bringing a higher level of competitiveness to this sector. And I do believe that my country sets a good example in that regard. The Brazilian decision to provide CBERS data, free of charge, to Brazilian users proved to be paramount to nurture what is today a booming private oriented remote sensing application sector in Brazilian. What we felt that this Subcommittee could do was to discuss ways, to find ways to help this market grow even further, it asks many countries as possible. What we envisage, in summary, was the creation of a totally international market for remote sensing products and services.

That, in summary, and in all fairness, was the rationale behind the Brazilian proposal.

My delegation would like to convey its appreciation for the support given to that proposal, especially by delegations of the Latin American and Caribbean Group, Greece and South Africa. My delegation also wishes to express its understanding for the criticism received by the proposal which allowed us to have a better comprehension of other delegations concerns on that matter.

As a last point, Mr. Chairman, let me express, on behalf of my delegation, my most sincere gratitude for your wise mediation of the lively debates that took place on this agenda item in 2004. My delegation's gratitude goes as well to the Office for Outer Space Affairs, to the International Institute of Space Law and to the European Centre of Space Law and to Professor Gabriel Lafferanderie for helping to carry out the Symposium on this matter on the first day of the current session of the Subcommittee.

Thank you very much.

The CHAIRMAN: I thank very much the distinguished representative of Brazil for his statement and I hope that we will have the chance to take over this issue in the future.

I will now give the floor to the distinguished representative of the United States.

Mr. K. HODGKINS (United States of America): Thank you Mr. Chairman. Mr. Chairman, let me first express my delegation's deep appreciation

to the explanation provided by our distinguished delegate from Brazil concerning their proposal. We greatly appreciate the background that he has provided to us concerning that proposal and we will certainly take this into account in future years.

I would like to just comment briefly on two other proposals. The first dealing with debris. We entirely agree with the delegations of France and Japan concerning the process that is now under way in the Scientific and Technical Subcommittee. We believe that that process is highly promising and we hope that within the next couple of years the Scientific and Technical Subcommittee can complete its work on a set of debris mitigation guidelines but until that time it would seem to be not opportune, if you will, inopportune to consider debris here in the Legal Subcommittee.

The second proposal is that suggested by the Ukrainian delegation. As many delegations are quite aware, the United States is not entirely convinced that there is a need for a comprehensive convention on space law. We believe that our efforts should be focused on gaining greater international adherence to the existing treaties as well as to reviewing the State practice under those treaties as we have done on the concept of the launching State as well as on the question of registration of space objects.

Be that as it may, we would have no objection to having a working paper submitted by the group of interested delegations on this matter and we certainly would have no objection if they were to raise this at the next session of the Legal Subcommittee for the Subcommittee's consideration but we would have to study this much more closely before we would agree with the notion that we must start work on a comprehensive convention on space law.

Thank you Mr. Chairman.

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

Now I give the floor to the distinguished delegate of Greece. Greece, you have the floor.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Mr. Chairman. Mr. Chairman, I just wish to associate myself with the proposal put forth by the distinguished delegate and colleague of the Czech Republic with regard to the joint proposal to retain, but postpone, this item which is to be discussed in the future.

Thank you.

The CHAIRMAN: I thank the distinguished representative of Greece.

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 Mr. Chairman. What is happening is that I needed the Colombian wisdom which is actually essential to participate in the discussion. I apologize for not having been prepared.

First, I would like to begin with a question directly to the Secretariat. I would like to know in which year we began discussing the subject of space debris in the Scientific and Technical Subcommittee and then I will make my statement. If you cannot give me an answer right now, it does not matter. I could wait. Naturally, the Secretariat has a great deal of work and prepares stupendous documents and I have the greatest respect for them but if they cannot give me the response in this moment, I am prepared to wait until they can give it to me in the context of the meeting.

Mr. S. CAMACHO-LARA (Director, Office for Outer Space Affairs): Thank you Mr. Chairman.

(*Continued in Spanish?*) The work of the Scientific and Technical Subcommittee on space debris resulted in a document in the Subcommittee and the document was finished in 1999. It was presented in UNISPACE and it was done under a working plan of four years. So we started in 1995.

Thank you very much Mr. Chairman.

Mr. R. GONZALEZ ANINAT (*interpretation from Spanish*): From the Secretariat's response we can clearly deduce that the Legal Subcommittee is more than in a position to be able to study the issue of space debris. It has been five years. It was looked at in the context of a world conference and then the argument that it is still premature to begin discussing is truly without foundation.

I have another question for the Secretariat and I recognize that this is a bit more complicated. You may not be able to answer right away but it is linked to the statement made by France on sources of nuclear energy. France and Germany were extraordinarily active in that regard and I would like to know when was the subject of nuclear power sources presented for

the first time in the context of the Subcommittee? So when they started in the Scientific and Technical and then how long it took to get to the Legal Subcommittee. Again, if you cannot answer that question at this time, I am prepared to wait.

Thank you.

The CHAIRMAN: ... of the Office will come back on this issue later on.

Mr. R. GONZALEZ ANINAT (Chile) (*interpretation from Spanish*): Thank you very much. In any event, Mr. Chairman, I apologize. You are going to need the use of the floor and I would just like to take this opportunity to recall then that this subject, if I remember correctly, was started being dealt with almost immediately and then they continued working with it, continued revising the principles in this area. And the distinguished delegation of France who, today, is asking that we postpone the subject of space debris did not use the same argument when talking about nuclear power sources and again in the legal euphorism that "equal availability equal preparedness". It has been six years now since we first started discussing whether we would discuss space debris. It has been discussed for some time, that period of time, in the Scientific and Technical Subcommittee and I am told that it has been some years now but I would like to know how much more time are we going to need, 10, 15, 20 years before we decide to discuss it? Neither you nor I will be here so our grandchildren will be discussing it. When quite a few space debris have fallen on peoples heads in different continents.

But let us be specific here. Five years having elapsed and furthermore given the fact that it has been dealt with in the context of a world conference on the subject, I think we are, objectively speaking, prepared to discuss it now. I understand that every country is a sovereign nation and that there are many elements that can impact how we approach this. That is acceptable. I just wish to state for the record clearly that it is time for this Committee to discuss it, further observation.

I would have hoped that a proposal with the backing of GRULAC should be withdrawn formally within a context of GRULAC. There were some countries that were not involved in the process of withdrawal. We had provided full support to a brother or sister nation and, in the case of Chile, we had special cooperative ties with the other country and it would have been nice to have been notified ahead of time of what was going to be happening with regard to the withdrawal of the proposal.

In the case of Chile, we do not view this proposal as withdrawn. We believe that it should continue to be the object of our studies. In fact, all proposals, and this is actually the essence of democracy which prevails here and which has given way to a significant body of law and which has been considered, and made that organization one of the most efficient of the United Nations, it leads to lots of discrepancies in discussion. That is the essence of the United Nations. I cannot claim that if Chile is going to present a proposal to the world that everyone will applaud it. Beyond that, what we wish is to receive constructive criticism so we can enhance the proposal.

But we are going back to a proposal initially put on the table in 2002 and now it is being withdrawn in 2005. That is not very much time between proposing and withdrawing. Given that, if we look at other matters, it has taken 10 years to approve something. In the 1980s, I remember one of the first proposals was a tiny little document which was very useful, presented by the delegation of Brazil and then with the years it shaped into a very good proposal backed by France and ultimately taken under Austria's wing. I think the current delegate of Austria had not even been born at that point. I think it must have been an uncle or someone who was responsible for carrying the ball. But I think that, given the efficiency of Austria's Foreign Affairs Ministry, they did receive the information from their predecessors. We dedicated long hours in New York, as I recall, and in those days, the Subcommittee alternated between New York and Geneva and the representative of Austria in the United Nations in New York, under the very intelligent and skilled and wise leadership of Ambassador Peter Jankowitsch, who at one point was a very distinguished Minister of Foreign Affairs for Austria and a very distinguished member of COPUOS and who was then replaced by the very distinguished diplomat Peter Hosenfenmen. And then over the course of 10 years, we ended up approving what we had started with but if we had abandoned it after just three years in those days then no agreement would ever have been reached.

And we had before us an international scenario which was actually much more complex. It was at the height of the Cold War and then Chile as a delegation at that time associated itself with what most countries in GRULAC believes is important and that is to maintain the subject of remote sensing on our agenda. The only pending issue is to know what to do with nuclear power sources because I do not think France's proposal is actually plausible in terms of postponing space debris.

Given that this is a subject that, since 1999, we have been working on this and the time is more than ripe to develop some norms in this regard.

Thank you.

The CHAIRMAN: I thank the distinguished representative of Chile. Thank you very much distinguished Ambassador.

And I now give the floor to the representative of Thailand.

Mr. N. CHITASOMBAT(Thailand): Thank you Mr. Chairman. On behalf of the delegation of Thailand, we fully support the proposal which is submitted by the delegates from Ukraine and also sometimes the ideas which have been mentioned by the Ambassador of Chile and Colombia and Professor Kopal from the Czech Republic and the delegates from Greece, as well as China and Japan. I think it is an appropriate time to convene an international conference on space law. It should have a package deal convention. This is not a separate issue as we have it right now. So we fully support for this subject matter.

Since the Ambassador of Colombia has mentioned about the Law of the Sea Convention 1973 at that time, it was convened in New York and later on the first one had been in Caracas in Venezuela. We did not know that at that time, it should come to a good convention, it is not so good but still have a convention in international legal materials which govern the sea for every country and that is why that we still think this is a necessary and appropriate time for to convene an international conference on space law right now.

Thank you.

The CHAIRMAN: I thank very much the distinguished representative of Thailand.

I now give the floor to the Director of the Office for Outer Space Affairs for answering the question imposed by the distinguished Ambassador of Chile.

Mr. S. CAMACHO-LARA (Director, Office for Outer Space Affairs): Thank you Mr. Chairman. The first time that the item on nuclear power sources came into the agenda of the Scientific and Technical Subcommittee was 1979 and in the agenda of the Legal Subcommittee in 1980. Thank you Mr. Chairman.

The CHAIRMAN: I thank the Director of the Office for Outer Space Affairs for his clarification.

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

Mr. S. MORIMOTO(Japan): Thank you Mr. Chairman. I am sorry that I took the floor again but I just wanted to make some supplementary comments on two issues.

One, my delegation sincerely appreciates the explanation given by the distinguished delegate of Brazil. My delegation took note of the Brazilian decision with the sympathetic understanding that it would not retain its previous proposal.

My country wishes to stay at this stage but we are ready to discuss this issue on the margins of this Subcommittee or any other international or regional fora including workshops, seminars and so on, having in mind the views expressed by those Latin American countries.

Second, as to a comprehensive convention on space law, my delegation now agrees to continue the discussion within the framework of item 4, namely status and application of the five United Nations treaties on outer space, with the understanding and with the condition that Japan still is not convinced of the necessity of such a convention, as was stated by the distinguished delegate of the United States. In this context, we do not also oppose to the propose to upgrade the paper we are discussing from the present one to the working paper.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished Ambassador of Japan for his statement and I give now the floor to the distinguished representative of Canada. Canada, you have the floor.

Ms. A. KAPELLAS (Canada): Thank you Mr. Chairman. We wish to thank first the delegation of Brazil for their explanation and their proposal regarding remote sensing and for their constructive approach during negotiations on the item last year.

Now, as regards space debris, Canada supports the eventual consideration of this issue by the Legal Subcommittee. However, and as noted by others, the Scientific and Technical Subcommittee has just begun work on the basis of the new work plan for the elaboration of the United Nations Space Debris Mitigation Guidelines. We believe consideration of the

issue of space debris by the Legal Subcommittee should be deferred until the Scientific and Technical Subcommittee has had a chance to carry out its work.

Canada has more objection to the questionnaire proposed by Ukraine and other delegations are being transformed into a working paper of this session. Bearing in mind, as noted by the distinguished Ambassador of Japan and the United States delegation, that we would like to see at this point the usefulness of a comprehensive space convention. We would like to stress that, in our view, we already have a very strong international legal framework for outer space in the four United Nations conventions on outer space currently in force. Our efforts should be to focused on universalizing adherence to these instruments and on strengthening their effective implementation.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished delegate from Canada and I now give the floor to the distinguished Ambassador of Colombia.

Mr. C. AREVALO YEPES (Colombia) (*interpretation from Spanish*): Thank you very much Mr. Chairman. The delegation of Colombia also wishes to make some observations on several of the matters that have been addressed.

First, I would like to express my satisfaction at what was said by the delegate of Thailand. It is truly a pleasure to see that this country that has been characterized by events of great renown should be making observations that are so positive. And, Mr. Chairman, I think that the fact that we can work in a manner which would include a working paper already is a positive approach and I thank Canada and the United States and Japan for their support in feeling that we can work with a working paper. That is progress. This, of course, does not prejudice the end result but what is important is that we take this step of discussing it and once again, I think it is very positive.

Secondly, I would like to address remote sensing, Mr. Chairman. I, too, would like to join the Ambassador of Chile in what he said in this regard in that it is a very important subject and I think the manner in which the delegate of Brazil explained the rationale or the reasons behind it was quite exhaustive and it gives us additional reasons to support the idea because it is one thing to be formal and present something or co-sponsor a subject and then it is another matter altogether to lose the thread, the way of reason of being of the issue. There was a Symposium

on the matter, a very good Symposium and very timely, excellent proposals and presentations and I remember what Dr. Hoffman of Max Planck Institute said, I think it was one of the most interesting contributions. She described the enormous differences in the subject of remote sensing as compared to the current situation. It is loaded with favourable arguments on which we could fall back on to understand why we should readdress this.

Also at the Symposium there were very important contributions and presentations. For example, I recall that of the Czech Republic with regard to "how can we follow-up on this subject?" So, Mr. Chairman, GRULAC, to my understanding, supports the idea of maintaining this item. Now, I am not speaking as the spokesperson for GRULAC, that is the Ambassador of Bolivia, but I did have the general expression that there is a great deal of support for this idea, Mr. Chairman, and we understand Brazil's position on this but it is an important matter for our country just as it is for the Ambassador of Chile and others.

Those are our observations on this matter at this time. Thank you Sir.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much for your statement, Ambassador of Colombia, and I now give the floor to the distinguished representative of Brazil.

Mr. C. DA CUNHA OLIVEIRA (Brazil) (*interpretation from Spanish*): Thank you Mr. Chairman. Mr. Chairman, my delegation believes it is necessary to make a comment on the proposal put forth to the Subcommittee by Ukraine and I will be very brief. I just wish to associate my delegation with those delegations that have made observations on this matter that includes the distinguished Ambassadors of Colombia and Chile.

My delegation would also like to convey its very favourable reception to the Ambassador of Japan for his comments with regard to the idea of continuing to discuss matters relating to remote sensing and that it continue to be a subject that be discussed in this Committee or in other international fora or regional fora.

Mr. Chairman, the distinguished Ambassador of Chile made an observation that I believe is very important and I would like to make a clarification in the Subcommittee. It is true, he is entirely correct that there was a proposal, let me refer to the report, this is the meeting of the Subcommittee that was held last

year, and the report on page 20 in version in English, you will see that there was a proposal that was formally put forth and endorsed by Argentina, Brazil, Chile, Colombia, Ecuador, Greece, Mexico and Peru. And lower down in the same report, it refers to the fact that this proposal was not supported by the Subcommittee as a whole. The Committee was able to come to an agreement in that regard.

And later on page 23 of the report, it refers to possible subjects which could be included on the agenda of the Subcommittee. It refers to a proposal put forth by Brazil alone and the proposal was that we continue analyzing current practices in the area of remote sensing in the context of the Principles of 1986. And when I was referring to the proposal of Brazil, this is the proposal that I was referring to, this second one, remote sensing.

The proposal referred to by the distinguished Ambassador of Brazil makes sense but I do wish to clarify my delegation's understanding of the proposal, of Brazil's proposal, when we indicated reference to the proposal when I spoke earlier.

Thank you Sir.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of Brazil.

I have no more speakers.

(*Continued in English*) Are there any other speakers wishing to take the floor.

The distinguished representative of Chile, Ambassador Raimundo Gonzalez. You have the floor Sir.

Mr. R. GONZALEZ ANINAT (Chile) (*interpretation from Spanish*): Thank you Mr. Chairman. I endorse the first half of Brazil's statement. The second half I cannot say whether or not I endorse because there was a technical problem and I could not hear a thing.

I apologize. I regret it. I even changed the earphone but I would like to add my voice to that of the distinguished Ambassador of Colombia and I think there is a consensus on that idea and around the proposal put forth by Ukraine to conduct a study and also with regard to the Principles of Remote Sensing and continuing to maintain that. Clearly it was not adopted by consensus. It does not necessarily mean that it is dead in the water. I think it continues to be a

current issue, from this delegation's point of view. I truly regret it because I would like to have heard Brazil's statement. I could not hear it though for technical reasons.

The CHAIRMAN (*interpretation from Spanish*): Thank you to the Ambassador. I think that the distinguished representative of Brazil will summarize the second half of his statement so that you can understand what he said.

I now give the floor to Brazil.

Mr. C. DA CUNHA OLIVEIRA (Brazil) (*interpretation from Spanish*): Thank you Mr. Chairman. As I had indicated earlier, I made reference to a comment made by the distinguished Ambassador of Chile. The comment was more a matter of procedure. His observation made sense and I just wanted to clarify the matter in the full meeting and that is why I called attention to the report on last year's meeting, that is the report on the meeting of the Subcommittee last year, specifically paragraph 122. It refers to a proposal, I will read it in English.

(*Continued in English*) "... and the development of an international convention on remote sensing, proposed by Argentina, Brazil, Chile, Colombia, Cuba, Ecuador, Greece, Mexico and Peru."

(*Continued in Spanish*) Lower down then in the report it also refers to the fact that the proposal did not receive full support in the Subcommittee by consensus. And then later, in paragraph 134, another reference is made to proposals put forth by various delegations on items that might be put to the consideration of the Subcommittee. And there is a reference to a proposal put forth exclusively by Brazil.

(*Continued in English*) "... practices within the framework of the Principles relating to remote sensing of the Earth and outer space, proposed by Brazil."

(*Continued in Spanish*) So I understand the Ambassador of Chile's observation and I just wish to clarify here that when I was referring earlier to a Brazilian proposal, this is the proposal I was referring to, the exclusive Brazilian one. So let me just clarify that.

Thank you.

The CHAIRMAN (*interpretation from Spanish*): Sir, were you able to understand the delegate

of Brazil, Ambassador of Chile? You have the floor Sir.

Mr. R. GONZALEZ ANINAT (Chile) (*interpretation from Spanish*): Thank you Mr. Chairman. There was clear progress here because I understood 75 per cent and this time no problem with the explanation of Brazil, just technical problems. I hope these technical problems can be resolved. We follow everything very carefully and we respect all statements and interventions and we hope to achieve the necessary agreements. And with regard to remote sensing, I think it would be a good idea that those countries, even those that are not in the room and that are not aware of this enthusiastically support Brazil's proposal and those that are not in the room could be informed about it. It is just a suggestion. Of course, I cannot invade Brazil's rights and privileges and, of course, they can make a proposal, withdraw it as they see fit but I think it is important to note here that a significant number of countries did support the proposal. I am sure that not everyone has the complete information.

The CHAIRMAN: I thank the distinguished Ambassador of Chile and now I give the floor to the distinguished representative of Thailand. Thailand, you have the floor.

Mr. N. CHITASOMBAT (Thailand): Thank you Mr. Chairman. As the Ambassador of Chile has mentioned that Chile, as a developing country, Thailand as well, as a developing country, and we are not accessed in remote sensing technology. Since 26 December last year, the tsunami came to Thailand in the early morning. We did not get any information from any country to inform us, just only send an e-mail. It was on Sunday morning, very early morning, and that is why that I tried to put the attention about how to make an important issue on remote sensing. Would it be possible to codify it and to put it together in a package deal and have a treaty which includes our subject matters in one, like a package deal, like the International Law of the Sea? And when we discuss it we would have an idea, even 10 years, as Professor Kopal talked to me a few days ago. It would take 10 years, it would be 10 years.

Thank you.

The CHAIRMAN: I thank you very much distinguished representative of Thailand. There is, in fact, some kind of interference and we are not able at the moment to see what is causing it. We will look at lunch to see if we can solve the problem.

Are there any other delegations wishing to take the floor on agenda item 10, New Items?

For the time being, I see none.

So we will, therefore, continue and conclude our consideration of agenda item 10, Proposals to the Committee on the Peaceful Uses of Outer Space for New Items to be Considered by the Legal Subcommittee at its Forty-Fifth Session, this afternoon.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee so that the Working Group on the Preliminary Draft Protocol on Matters Specific to Space Assets can hold its seventh meeting.

Before doing so, however, I would like to inform delegates of our schedule of work for this afternoon's meeting.

We will reconvene here this afternoon promptly at 3.00 p.m. At that time, we will continue and conclude our consideration of agenda item 10, Proposals to the Committee on the Peaceful Uses of Outer Space for New Items to be Considered by the Legal Subcommittee at its Forty-Fifth Session. Time permitting, we will begin the adoption of the first part of the draft report of the Legal Subcommittee this afternoon. The draft report will be circulated in all six languages during the course of this meeting as document A/AC.105/C.2/L.257.

Are there any questions or comments on this proposed schedule?

I see none.

It is so decided.

I now invite Professor Vladimir Kopal of the Czech Republic to chair the seventh meeting of the Working Group on the Preliminary Draft Protocol on Matters Specific to Space Assets.

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

The meeting adjourned at 12.08 p.m.