

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

*Unedited transcript*

735<sup>th</sup> Meeting

Wednesday, 5 April 2006, 10 a.m.

Vienna

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*Chairman:* Mr. R. González (Chile)

*The meeting was called to order at 10.16 a.m.*

**The CHAIRMAN** (*interpretation from Spanish*): Good morning distinguished delegates, we apologize for starting a few minutes late. There is a reason for this delay but still I do apologize.

I now declare open the 735<sup>th</sup> 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 5, agenda item 6 and agenda item 10.

And I call on all delegations who want to intervene on these agenda items to put their names on the speakers list as soon as possible.

The Working Group on agenda item 6 will then hold its third meeting at the end of the morning under the chairmanship of Mr. Vassilios Cassapoglou of Greece.

**General exchange of views (agenda item 5)**

Distinguished delegates, we will now continue our consideration of agenda item 5.

I give the floor to the distinguished representative of Morocco.

**Mr. S. R. TEMSAMANI** (Royal Kingdom of Morocco) (*interpretation from French*): Thank you Mr. Chairman. Mr. Chairman, the delegation of Morocco would like to congratulate you on your

election to the position of Chairman of the Subcommittee. Your widely recognized experience in the area of space law will, no doubt, significantly contribute to the success of this Subcommittee's work.

Morocco also offers its sincere gratitude to the outgoing Chairman, Professor Marchisio, for excellent work.

We would like to take advantage of this opportunity to also thank the Director of the Office for Outer Space Affairs and his staff for the work they have accomplished in preparing this session.

The delegation of Morocco is prepared to fully support and contribute to the deliberations leading to the success of our work.

Mr. Chairman, in recent years, the international community has seen a new post-industrial type of society emerge. The concept of power, the national, multi-national and global levels today largely depends on technology, innovative progress and also the quality of human resources, especially in the legal area. In this context, space activities play an increasingly important role in the context of general development. Space-related programmes can, indeed, make a major contribution to improving the economic and social quality of life of our citizens and also improve international cooperation for States and for humankind as a whole. Taking this evolution into account and the growing importance of space programmes, the Kingdom of Morocco believes that this Legal Subcommittee should play a more significant role in defining mechanisms to meet these challenges of our time. We should developing

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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 D0771, United Nations Office at Vienna, P.O. Box 500, A-1400, Vienna, Austria. Corrections will be issued in a consolidated corrigendum.



concrete strategies and procedures and look for more effective and efficient ways of reaching our objectives.

We call on all States to cooperate in the search for solutions that would meet the interests of all States, particularly countries that, to date, do not possess space technology.

Mr. Chairman, the need to ratify the five United Nations treaties on outer space and to develop national legislation has become a priority for a number of States. Today's society, at whatever level of development, depends on space-related activities for its development. Every day, space brings us new progress in various sectors, private and public. Each year, the United Nations General Assembly reaffirms in its resolutions on international cooperation its call on member States to ratify all of the United Nations space treaties and asks them to develop and align their national legislation in that regard.

Considerable efforts have been exerted, both nationally and regionally, to elaborate effective international space law. Morocco is looking for new ways of perfecting its own legislation in that regard.

Mr. Chairman, in addition to its active participation in the various workshops on international space law to raise the awareness of decision-makers and government ministries and departments, Morocco, through its Royal Centre on Remote Sensing, in cooperation with ECSL and ESA, is organizing the second African Meeting on International Space Law, from 22 to 23 June 2006, in Rabat, Morocco.

This Workshop has a far-reaching programme on a number of themes, remote sensing, telecommunications, society of information, satellite television, the need to develop national space legislation, and so forth. The objective of the Workshop is to encourage and raise the awareness of interested parties in African countries to convince them of the need to commit themselves to the United Nations Principles Governing Outer Space Activities.

We are convinced that actions, designed to raise the awareness of non-signatory States, organizational of regional and international seminars, promotion of exchanges of information on international space law, national policies and exchange of professionals, could promote the integration of space law in the syllabi of universities, in the national consciousness and promote national expertise in this area.

Mr. Chairman, we believe that to ensure and guarantee rational, equitable and fair use of the geostationary orbit by all States, it is necessary to continue studying all the legal aspects of the issue. Indeed, the geostationary orbit is a limited natural resource and has to be at the disposal of all States, regarding of their level of technological advancements. It should be used on an equitable basis to meet the needs and interests of countries whose geographic situation particularly makes them relevant in that regard.

The definition and delimitation of outer space is a process that we should pursue in the interest of all States.

Mr. Chairman, the delegation of Morocco would like to reiterate its view with regard to the document entitled "Analytical Summary of Responses to Questionnaires on Legal Issues with regard to Outer Space Objects", published as A/AC.105/C.2/L.249, in its final version. It could be a good basis for work designed to study in-depth legal problems pertaining to aerospace objects with a view to establishing a common and mutually acceptable frame of reference for the use of the geostationary orbit.

As to item 10 of the agenda, entitled "Examination and Review of the Developments Concerning the Draft Protocol on Matters Specific to Space Assets", the delegation of Morocco suggests organizing a forum for all member States, particularly developing countries, with a view to providing more information on the need to finalize this Protocol on Space Assets, particularly with regard to the advances made by the United Nations in terms of the development of space law, taking into account the achievements of UNIDROIT.

The Protocol on Space Assets, relative to the UNIDROIT Convention, is an important part of the process of codifying outer space and the overall United Nations effort in that regard. We should make an effort to avoid overlapping, duplication and confusion among the various international legal documents, particularly Article II of the Liability Convention and Article VI of the Outer Space Treaty.

We should make it clear that a lot is at stake in proceeding in a fair, measured and harmonized way. That the new international instrument should be compatible with existing conventions, we should address the matter of the transfer of space assets as well.

The delegation of Morocco believes that the legal aspects of the matter are very important and that the United Nations could be assigned the role of Supervisory Authority with regard to the Protocol on Space Assets. Without becoming involved in private sector commercial activities, the future Protocol should be overseen by an authoritative organization like the United Nations. However, we have not been able to achieve consensus in that regard to date.

On the other hand, Mr. Chairman, on item 9, the use of nuclear power sources in outer space, the Kingdom of Morocco has undertaken consultations with other countries within the Subcommittee. We believe that setting up an international committee of experts, jointly with the IAEA, could lead to an authoritative and valid document governing the use of nuclear power sources in outer space. This document should take into account all acquired experience, technical, scientific, legal and strategic.

Mr. Chairman, the new situations related to technological breakthroughs and the commercialization of remote sensing has led to a debate on the role of remote sensing and the legal principles that govern it. The delegation of Morocco believes that it would be desirable to put on the agenda a special item on the principles regulating remote sensing from outer space. We believe that this would be in the interests of all member States. It would be one way of proceeding rationally and equitably in terms of meeting the concerns of all countries, particularly developing countries.

Mr. Chairman, we welcome the work accomplished so far by the Legal Subcommittee but also underline the challenges that we are still faced with in our work in the future in view of the rapid development of outer space activities and its commercialization. The rational management of our work, approval of effective and fair working methods is indispensable if we are to meet these challenges for the peaceful uses of outer space.

Thank you very much Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you to the distinguished delegate of Morocco for his statement.

I now give the floor to the distinguished representative of Spain.

**Mr. R. MORO AGUILAR** (Spain) (*interpretation from Spanish*): Thank you Mr. Chairman. Mr. Chairman, we would like to first and

foremost express our congratulations on behalf of Spain for seeing you at the helm of this Subcommittee. Given your know-how and your experience in the field of space law, we have no doubt that under your expert guidance, this Subcommittee will in future years reach new frontiers and develop a great deal of activity in the area of outer space law.

Likewise, we would like to congratulate the outgoing Chairman, Mr. Sergio Marchisio, for his excellent work in recent years at the helm of the Subcommittee.

Mr. Chairman, Spain carries out most of its space activities through international cooperation and this is why Spain attaches great value to the current space regime in legal matters and Spain, like other nations, has obtained a great deal of benefit from this regime.

For the same reason, Spain endorses, in a decisive manner, all activities of this Subcommittee. In recent years, the creation of a national registry for space objects, in compliance with the Convention on Registration of 1975, accession to the Agreement on Salvaging and Rescue of Astronauts and Space Objects, and direct support from Spain for various proposals approved by the Subcommittee, particularly with regard to revising the concept of launch State that the General Assembly approved in 2004 in the form of a resolution.

All of these are clear examples of the fact that Spain fully supports strengthening the current space legal framework.

Likewise, Spain supports all proposals which lead to intensifying participation of States and international organizations in this Subcommittee's session.

With regard to international organizations' participation in the Legal Subcommittee, Spain believes that the proposal put forth last year in the inter-institutional meeting on outer space activities is of great interest because it is designed to promote the idea of presenting written reports and that these be sent in in the case of budget limitations or staff limitations preventing international organizations from sending a delegation to the Subcommittee's session.

One of the reasons why we accept, and we find so much acceptance of space law around the world, is the high ethical content enjoyed by it in many of its principles. And, given this fact, Spain would like to add itself to the proposal of maintaining interaction

between law and space ethics by way of close cooperation between this Subcommittee and the COMEST Committee of UNESCO. This has also been defended by other delegations in recent meetings of the Subcommittee.

With regard to the Protocol on Space Assets proposed by the Institute for Private Law Unification, UNIDROIT, and the development of which has involved this Subcommittee, Spain believes that the adoption of this instrument is a positive step towards promoting the presence of commercial activities and private entities in outer space activities.

Notwithstanding this, Spain has defended it at all times. The fact that this instrument must fit in in an explicit manner within the public international law regime which is currently in place in the area of space law. In this regard, we are pleased to note the inclusion of the Protocol with reference to the treaties of the United Nations space laws, the fact that it references these space laws, can be considered an active reaffirmation and strengthening of the legal spatial framework and Spain endorses this and thinks that it should continue to be on the agenda.

Finally, Spain fully supports the work of this Subcommittee with regard to analyzing State practices in the area of registration and we believe that this is a decisive year for this work and we hope, like other delegations, that new contributions will be made in terms of issuing recommendations with the view next year to approving this. This is geared to greater participation in the conventions of the United Nations, especially on the registration of objects launched into outer space and it is also geared to promoting correct and uniform application by States and international organizations engaged in space activities.

Thank you Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): I would like to thank the distinguished representative of Spain for his statement.

And with this we have concluded discussion of item 5 of the agenda for the time being.

Are there any other speakers who wish to address this issue, item 5 of the agenda? If not, we can consider it definitively concluded.

**Status and application of the five United Nations treaties on outer space (agenda item 6)**

We will then move on to consideration of item 6, Status and Application of the Five United Nations Treaties on Outer Space.

The first speaker on my list is the distinguished representative of Germany, to whom I now give the floor.

**Mr. T. PFANNE** (Germany): Thank you Mr. Chairman. The German delegation would like to congratulate you, Mr. Chairman, on your nomination as Chair of the Legal Subcommittee and your election as the Chairman of this session.

We would like, once again, to express our appreciation for the work done by the previous Chairman of the Working Group, Niklas Hedman, and we are pleased to see him in his new function in the Office for Outer Space Affairs as Chief of the Committee Services and Research Section.

Germany has ratified and consistently applies in practice four of the five United Nations treaties on Outer Space, namely the Outer Space Treaty of 1967, the Rescue Agreement of 1968, the Liability Convention of 1972 and the Registration Convention of 1975. Furthermore, Germany is involved in a thorough examination of different aspects of national space legislation from a theoretical as well as from a practical point of view.

In June 2005, the Cologne Institute of Air and Space Law and the German Aerospace Center, DLR, organized an International Symposium on Global and European Challenges for Air and Space Law at the Edge of the Twenty-First Century with more than 100 participants from approximately 20 countries. The Symposium highlighted to legal aspects of different areas of privatization and commercialization of space activities, *inter alia*, specific issues concerning national space legislation and parallels and differences between air and space law, with particular regard to registration, liability and certification, were discussed. The proceedings, with the summary of the discussion, were published in March 2006 in the Studies in Air and Space Law. Two copies have been donated to the Office for Outer Space Affairs and my delegation will be pleased to provide further information on this publication. You have the copies in front of you.

In order to further the status and application of the United Nations treaties on outer space, the Cologne Institute has edited and published the series "Space Law: Basic Legal Documents" since 1989, edited by Professor Dr. Karl-Heinz Böckstiegel, Dr. Marietta Benkö and Professor Dr. Stephan Hobbe. The

publication is a loose-leaf collection consisting of four volumes with approximately 3,450 pages. It will become a reference and research tool for those involved in formulating, implementing or working with space law and policy. The loose-leaf format will enable the material to be kept fully up-to-date. It is available at Eleven International Publishing Utrecht. Students, libraries and universities in developing countries can purchase the collection at special rates. A database version is available in addition to the hard copy from April 2006.

In order to facilitate the work of the Legal Subcommittee in 2006 and to share knowledge, free access to the database will be granted during this meeting to all delegations and the United Nations Office for Outer Space Affairs. Germany has distributed written information on how to access the database from the computers in this building which are accessible to all delegates, or from their respective missions or own computers. I will be here on my own computer so I can demonstrate easily.

Thank you very much Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): I would like to thank the distinguished representative of Germany for his contribution and I also would like to most especially thank him for his information about the proceedings in Cologne. I have had the occasion to participate in some of these meetings in Cologne and I would like to thank him once again.

I now give the floor to the distinguished representative of Turkey.

**Mr. T. UNCU** (Turkey): Thank you Mr. Chairman. Since my delegation is taking the floor for the first time, I would like to join the previous speakers in congratulating you on your election as Chairman of the Legal Subcommittee.

We are confident that under your able leadership, this Subcommittee will have successful deliberations. Your expertise on space law, your frank way of presiding over the session and your valuable comments and proposals will contribute to the work of the session.

Likewise, we would like to thank Mr. Marchisio for his contribution to the work of the Subcommittee during the last two years.

We would also like to commend the work of the Office for Outer Space Affairs for the excellent organization of this session.

Mr. Chairman, in recent years, we are witnessing a significant increase in the space activities, both in quality and quantity, parallel to the technological developments in this field. Therefore, promotion of space law gains more and more importance than ever.

In this context, Turkey regards the five United Nations treaties on outer space as the sound legal basis for its peaceful use.

We share the view that the universal adherence to these treaties and relevant principles and the implementation of the obligations under this legal regime are of high importance.

Mr. Chairman, it is with this understanding that my delegation wishes to inform the Subcommittee regarding the status of Turkey in terms of the five United Nations treaties on outer space.

Turkey is a party to the Outer Space Treaty since 1968. The parliamentary approval for the Rescue Agreement, the Liability Convention and the Registration Convention is obtained recently. Ratification instruments of these treaties will be presented to the depositaries following the governmental decrees, which will put them in force, are signed. I am pleased to inform the Subcommittee that presume this process will be completed in the coming months, if not weeks.

The ratification process for the Moon Agreement is underway.

Mr. Chairman, Turkey considers that registration of space objects launched in outer space is important for further strengthening of this legal regime.

Although the domestic ratification process for the Registration Convention is not concluded yet, Turkey has made necessary notifications for the registration of TURKSAT-1B, TURKSAT-1C, TURKSAT-2A and BILSAT-1 satellites, which were launched in 1994, 1996, 2001 and 2003, respectively.

The said satellites are registered in accordance with the relevant United Nations General Assembly resolution.

Mr. Chairman, in concluding my speech, I would like to reiterate Turkey's commitment in further

strengthening international cooperation in promoting the legal regime on outer space activities.

Thank you Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you to the distinguished representative of Turkey for his statement.

The next speaker on my list is the distinguished representative of Korea. I give the floor to you.

**Mr. K.-Y. CHUNG** (Republic of Korea): Thank you Mr. Chairman. My delegation, in its general statement this Monday, emphasized the importance of achieving universality of the treaty system and of establishing national implementation systems as prerequisites to tackling those issues arising from the technological development, the expansion of space activities and the increasing participation of the private sector in space activities.

In this regard, my delegation would like to emphasize again that the Republic of Korea, as a member of the Outer Space Treaty, the Rescue Agreement, the Liability Convention and the Registration Convention, enacted the national space law called "Act on the promotion of Space Activities" and its regulations in November 2005.

My delegation is pleased to briefly report on some provisions of the national space law relating to the implementation of the United Nations space treaties.

The national law declares that the Government will comply with the international obligations under both bilateral and multi-lateral treaties and that the Government will ensure the peaceful uses of outer space. In particular, the Act provides for the return of rescued astronauts and space objects to the States or international organizations concerned. These provisions are included in the Act in order to explicitly show Korea's efforts to abide by the international obligations under the space treaties as well as its commitment to international cooperation.

The procedures and conditions for registering space objects in the national registry and the authorization requirements have been established by the Act and its regulations.

Entities carrying out launches of space objects are required to provide the Ministry of Science and Technology in advance with information on their space

activities and appropriate updates after launch. My delegation will report on the provisions concerned in detail later when the agenda item 11, Practice of States and International Organizations in Registering Space Objects is addressed in the following sessions.

The Act also provides for financial responsibility of the entities which launch space objects and the liability insurance requirements for space activities. Maximum levels of damages will be determined by the Ministry of Science and Technology at a later date through relevant regulations.

Mr. Chairman, with the establishment of the national space law, my delegation is confident that Korea is better prepared institutionally to implement the United Nations space treaties and coordinate and promote the space activities of both governmental and non-governmental entities.

In preparing the legislation, the Korean Government made an effort to incorporate the results of the discussions conducted in the Legal Subcommittee, including the report on the Review of the Concept of the Launching State, as well as the United Nations workshops on space law.

Taking this opportunity, I would also like to commend the Office for Outer Space Affairs for holding a series of United Nations regional workshops on space law and providing and updating useful information on national implementation laws. Those efforts will help strengthen adherence to the United Nations space treaties.

Thank you Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you to the distinguished representative of Korea for his statement.

The next speaker on my list is the distinguished representative of the Russian Federation.

**Mr. P. DZUBENKO** (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. Mr. Chairman, first of all, I wanted to make a brief comment on the agenda item under discussion.

But before I do that, I would like to thank all delegations who have taken part in the discussion of the matter, the status and application of the five United Nations treaties on outer space, that is, and those who have submitted materials as to the work they have accomplished in relation to joining the treaties and also developing national legislation on space activities, as

well as information on bilateral and multi-lateral agreements signed by these States.

More has been said, for obvious reasons, about national legislation efforts but we should emphasize the importance of bilateral, regional and other agreements, agreements involving a limited number of participants at times but these are very important because they enshrine the most important principles governing outer space activities in the form of legal instruments.

Just recently, the Russian Federation signed an international treaty on space cooperation, which is directly based on the Principles enshrined in the United Nations legal instruments. We signed such agreements with India, Space, Kazakhstan, the United States. And there are dozens of such agreements that we already have in place with almost all the countries, the majority of countries that pursue various kinds of activities in outer space or prepare to embark on such activities.

We are also in the process of negotiating with a number of States with a view to signing such agreements in the near future so that a time will come where we will have agreements in place with all space-faring States. We think that is very important for the implementation of the United Nations treaties on outer space.

As regards Russia's legislation, our 1993 Law on Space Activities is based on the various outer space treaties and conventions that Russia is party to and incorporates all of their basic provisions.

One thing I would like to note here, by way of an example. Our Law, as I have already said, dates back to 1993, that is relative recent in historical terms, but it was further amended in 1996, 2003, 2004 and 2006, just recently. These amendments were designed to bring it up to date because even in the short-term plus years that have elapsed since the Law was enacted, space activities, current practices, both our national practices and international practices, have evolved at such a rate that our own national law has to be updated all the time. I am citing that as an example to highlight the fact that international legal instruments as well do more or less universal legal instruments that are in force to practically all the space-faring nations have tremendous significance, and even for those countries which are not yet space-faring as such but are preparing to start space activities, all of these laws, all these international legal instruments, require continuous updating, if not continuous, then at least systematic or regular updating. And this is something that should be on the agenda of this Committee, and

specifically this Legal Subcommittee, something that we should be looking at.

Mr. Chairman, we proceed from the need from the need for a comprehensive or integrated approach to all the United Nations treaties on outer space. It is with regret that in joining these legal instruments, and the fact that States joined them is a fine thing, but in joining these legal instruments, a lot of States practice a selective approach. And if we look at this excellent summary published by the Office for Outer Space Affairs on the Status of International Agreements Relating to Activities in Outer Space, we can see how the number of States Parties varies dramatically from treaty to treaty, from instrument to instrument, whereas, in our view, all of these legal instruments, including the declarations adopted by the United Nations General Assembly on outer space, are extremely. And, of course, the five legal instruments are key. We believe they should be considered as a set, as an integral whole, the international legal framework that should govern all cooperation and all activities in outer space. And we would truly encourage States to join all of these legal instruments, either at the same time or not, but eventually a Party to one should be a Party to all.

Mr. Chairman, the specialization of space activities, which is currently underway, gives rise to a number of legal issues and legal problems. These have to do with such matters as the registration of new space objects, a related matter of liability, the emergence of new types of space technologies and techniques, pointing to the need to improve and update the international legal basis for cooperation in outer space. In our view, the latest document, adopted by the United Nations General Assembly, is a step forward in the right direction. However, it does not address or solve all problems. It outlines the way towards such a solution but certainly does not provide such a solution at this point and the slack, the fact that we lack behind in the treaties that we have compared to the reality of space activities is a factor that probably keeps a number of States from joining these conventions and treaties. It is a major deterrent, if you will.

In conclusion, Mr. Chairman, I would like to draw the attention of the distinguished delegates once again to the initiative of the Russian Federation, Bulgaria, Greece, China, Colombia, and supported by a number of other countries in the latest session, the initiative that the Legal Subcommittee should put the legal aspects of the possible elaboration of a comprehensive convention on outer space be put on the agenda. We have heard different opinions here. Some delegations spoke against the concept of such a

universal or comprehensive convention. However, a detailed discussion of the matter, I think, would be helpful in any case. It would make it possible for us to study in-depth the views of countries, including those countries that have serious doubts as to the need or the desirability of such a convention. We have heard them mention such doubts or refer to such doubts without elaborating, without decoding, if I can use that word, the views that they expressed. And the most recent sessions of the Subcommittee demonstrate that an increasing number of countries are showing an interest in such a convention, or at least in discussing the matter. Some countries are waiting and seeing. They would like to gain a better understanding of the pros and cons involved in working on such a convention and there is a small group of States which object to the concept, seriously object to even considering the matter.

Having said that, the initiative launched by the group of countries that I listed earlier, is not about immediately getting down to the actual writing of the convention, not at all. What is suggested is that we undertake a study of the positive aspects and the negative aspects, the pros and the cons. We are open to hearing more about the objections as well, the negative aspects as well. Maybe those countries can convince us that we should not keep insisting on such a convention. We need to hear all the arguments and so on and for that we need to put the matter on our agenda.

I would also like to draw the attention of delegates to Ukraine's interesting suggestion made at the last session of the Subcommittee, and specifically a working group within the Subcommittee. They suggested issuing a questionnaire on the development of space law, the prospects for the development of space law in the future. I think it is an excellent initiative. If we had such a questionnaire and the responses to it, we could have, in writing before us, the pros and cons of the various steps to update international legal instruments, amend them, revise them, add to them. Maybe some countries object even to that. Maybe some countries believe that whatever was thought up in the 1960s needs no updating or developing any further. Let us look at the various arguments. Let us look at those responses on paper, in black and white. And these things can be discussed further in the Working Group, to be chaired by Professor Cassapoglou. But it is a serious matter. I think we should really consider it. It would be a step forward, help us to make headway.

I could speak at greater length about this, Mr. Chairman. Maybe the Working Group is the right

forum to do that. We have set up the Working Group. We would like to extend the mandate of this Working Group. We think it is an important one at this current session. It has not yet been very active but the time will come and Professor Cassapoglou has listed a number of interesting issues that the Group should be looking at.

Thank you very much Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): I would like to thank the distinguished representative of the Russian Federation.

The next speaker on my list is the distinguished representative of Italy.

**Mr. S. MARCHISIO** (Italy): Thank you Mr. Chairman. My delegation would like to share some views on the agenda item 6.

Mr. Chairman, the benefits to, and rights and obligations of, Parties to the United Nations core treaties on outer space are multiple. The first and foremost benefit is that space activities must be carried out freely, but, at the same time, within a well-established legal framework, generally accepted by the large majority of States, in order to avoid any temptation of unilateral practices.

From this point of view, adherence of a State to the United Nations core treaties on outer space, especially to the Convention on Liability, will increase its attractiveness to potential foreign partners seeking international cooperation in the exploration and use of outer space and increase its involvement in international cooperation mechanisms and, as a consequence, improve its access to scientific and other space-related data. It will also increase its confidence in the safety of space activities as the Outer Space Treaty requires states to bear international responsibility for national activities in outer space and to provide the necessary authorization and supervision of such activities in line with the Principles set forth in the treaties.

In particular, adherence to the Liability Convention provides international rules and procedures for the peaceful settlement of disputes and for claiming compensation.

The Convention imposes, always in the interest of the victim, joint and several liability on the multiple launching States and each launching State may present claims for indemnity from other launching States or to appropriation their liability by agreement.



Thank you Mr. Chairman.

Another important benefit deriving from becoming party to the Convention is that only States Party to it can resort to the procedures and mechanisms for obtaining compensation in case of damage.

Thus, only a State Party to the Convention can present a claim for compensation for damage to a launching State through diplomatic channels. If no direct agreement is reached, only States Parties to the Convention can recur to the Claims Commissions mechanism. Each State Party to the Convention and Party to the dispute concerning compensation can unilaterally request the establishment of such a third party mechanism, composed of three members.

Adherence to the Liability Convention proves indeed to be highly beneficial, not only for States that are involved directly in space activities, but also for States that are not currently carrying out activities in outer space because they can be victim of damage caused by space objects to the surface of the Earth or to aircraft in flight.

Another benefit deriving from adherence to the Liability Convention is that it push the parties to enact national legislation implementing it, in relation to claims for damage suffered by nationals and covered by the 1972 Convention, paving the way for the progressive development of national space law.

Finally, only States Parties to the Convention can participate in further law-making to develop the existing regime and to authoritatively interpret it.

More in general, we would like to remind delegations of the conclusions of the Abuja Workshop on Meeting International Responsibility in Addressing Domestic Needs, which was held in Nigeria in November 2005 and which are available, I think, on the website of the Office for Outer Space Affairs.

At the same time, my delegation welcomes the document prepared by the Secretariat under the number A/AC.105/C.2/L.262 on "Practice of States and International Organizations in Registering Space Objects: Benefits of Becoming a Party to the Convention on Registration of Objects Launched into Outer Space".

Again, we would also like to remind the work made by the European Centre for Space Law in this matter and particularly by the specialist of the Liability Convention, Professor \_\_\_\_\_ (*not clear*) of the French delegation.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you to the distinguished representative of Italy.

I have a small doubt. Somebody had raised their flag. I think it was the United Kingdom or Ukraine who wanted the floor. The distinguished representative of Ukraine, you have the floor Sir.

**Mr. A. KASYANOV** (Ukraine) (*interpretation from Russian*): Thank you very much Mr. Chairman. We are very pleased with the fact that on each agenda item, you truly ask the States to have a discussion. It is very appealing to us, the fact that a real discussion takes place, sometimes arguments, a real debate that leads to the truth. That is the way it should be. A number of delegations have already noted here that the codification of international space law requires a further elaboration of international legal principles. That is the function of space law, regulating inter-State relations, to promote international cooperation, to resolve social and economic and other issues that arise in the process.

Harking back to some of the statements we heard here this morning, I would like to thank the Secretariat, the staff of the Office for Outer Space Affairs for excellent work. They have been extremely efficient and as a result of that work, I have two questionnaires in front of me, in two languages, on the prospects for the development of international space law.

If you do not object, Mr. Chairman, we are going to discuss these questionnaires at the Working Group session this morning, try to agree on specific mechanisms and then submit a report to you at the Subcommittee's session as to the mechanisms, the procedures as to the way we proceed to go about using this questionnaire on the prospects for the development of international space law.

Thank you very much for your attention and we will continue this within the framework of the Working Group, unless you object.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you very much. I did not see your country name at first so I apologize for that.

It is something that you should consider within the framework of the Working Group, no question about that. We are having a real discussion here which is gaining momentum and bringing a

number of interesting elements to the attention of delegations.

From what I have heard this morning, there are a couple of things I would like to highlight. Spain referred to the matter of the ethics of space law, ethical issues relevant to space law. This is something we need to focus on. We know that there exists various discrimination. Sometimes what is referred to as positive discrimination or affirmative action in the sharing of the benefits of the use of outer space. It is important to study all that.

I was also very interested in what the Italian representative had to say. I am not going to repeat the important thoughts that he presented here but he mentioned the Liability Convention and the need to constantly keep objective liability in the focus of our attention as we go about updating international legal instruments. It is very important.

Who else would like to speak at this juncture?

If no delegations wish to take the floor, I am going to ask the Working Group to hold its session at this point.

As I said, there are no further request for the floor. That is regrettable, by the way. However, I see that the distinguished representative of Greece would like to take the floor. As Chairman of the Working Group, I take it? Or do you have a statement? You have the floor.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): No, I wanted to take the floor as the delegate of Greece to contribute some thoughts to the discussion on the agenda item that we have before us this morning.

I know I am wearing two hats as it were, but I wanted in particular to elaborate on our national position as to the status of the United Nations space treaties.

First, the issue of what is referred to as the universalization of the implementation of the five treaties or rather four treaties, the fifth, even though it is interesting in and of itself, I am, of course, referring to the Agreement on the activities on the Moon, it is difficult to enlist the truly broad or universal participation of States in that particular Agreement.

However, talking about universal participation in general, there is the problem of understanding on the part of the States as to the practical usefulness of these

treaties to them. This, of course, particularly refers to States that do not have at present any outer space activities. They have difficulty in understanding why it is relevant or important for them to join these treaties, why is important for them to become part of the international legal regime governing outer space activities.

Our colleague from the Russian Federation has outlined two issues. They are not just formal issues. They are substantive issues.

One, we started the process of creating an international legal regime governing outer space activities. We proceeded in a fragmented or desultory way. But at that time, in the 1960s, of course, the situation was very different from what it is today. It would seem tempting, therefore, to by-pass or circumvent the lengthy and, at times, difficult process of ratification by member States and have a global text, a single convention text which would incorporate all of the existing legal texts on outer space and elaborate on them. But, in my view, at least, the question arises, should we start talking about the possibility, the advantages and the disadvantages of embarking on a codification, in a broader sense of the word, of international space law. And if it time to start doing that, how do we go about that? How do we make sure that we incorporate the principles that have been proclaimed and approved the United Nations General Assembly and include principles on remote sensing, on direct satellite television, on the benefits for the developing countries of these new technologies and on the use of nuclear power sources in outer space.

There is a bit of a confusion, a bit of a muddle here, particularly for those countries that are not directly involved in space activities. They do not have a clear understanding of how these principles, these norms, these rules are relevant and we cannot start the process of general codification without resolving these inconsistencies and clearing up this confusion.

If we talk about one single text, what do we do about the problems that we currently have to deal with, the compatibility of the Space Assets Protocol and the existing outer space treaties for one. Given that fragmentation of the legal regime governing outer space activities, the situation could become disastrous, catastrophic. Certain States are in a unique position, or used to be in the unique position of being ahead of real events. Now all of us, unfortunately, have fallen behind real events. We have to catch up and that is a more difficult situation to be in.

So this is what we think about the questions posed here by some delegations this morning.

Now, as to the compatibility of outer space law and States practices in relation to ethics, under ethical issues, that is another dimension of the international outer space legal regime. I am not talking about ontological issues as such, and in Greek terminology, ontology is what ethics is all about, I am talking about the moral aspect of outer space law, the human dimension of outer space law, all of these things should be within the focus of our attention.

These are some thoughts of the Greek delegation, Mr. Chairman.

Thank you very much.

**Examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment (agenda item 10)**

**The CHAIRMAN** (*interpretation from Spanish*): Thank you.

Now we are going on to item 10 of the agenda.

I have nobody on my list. No delegation have expressed the wish to speak under this agenda item for the moment.

In that case, I am going to shortly adjourn this meeting and let the Working Group convene.

I am sorry. I did not see you. You have the floor Sir.

**Mr. D. WIBAUX** (Council of International Civil Aviation Organization) (*interpretation from French*): Thank you Mr. Chairman. I have a brief statement to make on certain aspects concerning an international registry of space assets set up by the Protocol and there I just wanted to ask when would be the most appropriate time to make that statement?

Thank you.

**The CHAIRMAN** (*interpretation from Spanish*): Excuse me. First of all, I wanted to finish up the discussion and then we will proceed to the Working Group. You have the floor Sir. You can make your statement now.

**Mr. D. WIBAUX** (Council of International Civil Aviation Organization): ... your Committee a few elements of information on the International Registry and I thank you for that. I will be with you only today and I cannot stay more. So I just wanted to give you a few elements of information again.

Following the deposit with UNIDROIT of the eighth instrument of ratification at the Cape Town Convention and Protocol by Malaysia on 2 November 2005, both instruments entered into force in relation to aircraft equipment on 1 March 2006 in accordance with the Final Provisions of the Convention and the Protocol.

The Convention and Protocol are currently in force between Ethiopia, Ireland, Malaysia, Nigeria, Oman, Pakistan, Panama and the United States, which will be joined by Senegal on 1 May 2006.

Also on 5 March, with the enter into force of the Cape Town instruments, the International Registry established pursuant to Article XVI of the Convention by the Preparatory Commission set up by the Cape Town Diplomatic Conference, entered into operation for registration of international interests in aircraft equipment and the Council of International Civil Aviation Organization, ICAO, assumed the role of Supervisory Authority of the International Registry, as provided for in Article XVII of the Convention, Article XVII of the Protocol and Resolution Number 2 of the Cape Town Diplomatic Conference.

The regulations and procedures for the International Registry, as prepared and approved by the Preparatory Commission, have been published by ICAO, in accordance with Section 16 of these regulations. They are posted on the ICAO public website and hard copies thereof can be provided on request.

Some elements on the preparations by the Registry during its first three weeks of operation, that is from 1 March to 21 March. The International Registry received 660 transaction registrations and they had 2,200 searches. This is information provided by them.

In accordance with paragraph 4 of Article XVII of the Protocol and Resolution Number 2 of the Cape Town Diplomatic Conference, the Council of ICAO decided to establish the Commission of Experts, nominated by Signatory and Contracting States to these instruments to assist the Supervisory Authority in the performance of its functions.

I thank you.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you very much.

And this concludes, for the moment, our discussion of this agenda item and I am going to ask the distinguished representative of Greece to convene a session of the Working Group.

Now, excuse me. I omitted to make an announcement. We are going to reconvene here at 3.00 p.m. sharp and the Czech representative has the floor.

**Mr. V. KOPAL** (Czech Republic): Thank you Mr. Chairman. I apologize for my interrupting your guidance but I have heard with great attention the information just provided by the speaker for the ICAO. I think these facts are very important for us for our further consideration of these problems of our own item and I would very much appreciate if this information could be distributed in writing to all delegations which are interested in this matter.

Thank you very much.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you Professor Kopal. As usual, you make a suggestion which is extremely relevant and something that we should have thought of sooner and I am going to ask the distinguished representative of ICAO to make that statement available to all delegates. It would be very useful indeed. Thank you again distinguished representative of the Czech Republic.

We will reconvene at 3.00 p.m. sharp and at that time, we will consider agenda item 6.

Right now, the Working Group will use the room.

In the afternoon session, we will proceed with item 6 and also item 10 and item 8, time permitting.

The European Space Agency will have a meeting in room C-0713, starting at 2.00 p.m. this afternoon.

Now finally, I invite Professor Cassapoglou of Greece to chair the third meeting of the Working Group.

This meeting is suspended.

*The meeting adjourned at 11.25 a.m.*