

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

*Unedited transcript*

738<sup>th</sup> Meeting  
Thursday, 6 April 2006, 3 p.m.  
Vienna

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*Chairman:* Mr. R. González (Chile)

*The meeting was called to order at 3.11 p.m.*

**The CHAIRMAN** (*interpretation from Spanish*): Good afternoon distinguished delegates, ladies and gentlemen.

I would like to welcome the distinguished delegate of Belgium. Welcome to the distinguished delegate of Belgium. We had missed you.

The 738<sup>th</sup> session is hereby declared open.

We will now continue with item 8 of the agenda, Matters Relating to the Definition and Delimitation of Outer Space, followed by the Character and Utilization of the Geostationary Orbit.

We will also continue with item 10, UNIDROIT, and if time allows, we will begin examination of item 7, Information on the Activities of International Organizations relating to Space Law.

I would like to invite delegations wishing to make statements under these agenda items to put their names on a list with the Secretariat as soon as possible.

The Working Group, as always, will be under the elegant and brilliant leadership of my distinguished friend from Greece.

**Matters relating to (a) the definition and delimitation of outer space and (b) the character and utilization of the geostationary orbit (agenda item 8)**

But for the time being, we will move on to item 8 of the agenda.

And the first speaker on my list is the distinguished representative of the United States. I give you the floor Sir.

**Mr. M. SIMONOF** (United States of America): Thank you Mr. Chairman. Good afternoon. I would like to begin by commenting on the first part of this agenda item concerning matters relating to the definition and delimitation of outer space.

As we have stated on previous occasions, the United States is firmly of the view that there is no need to seek a legal definition or delimitation of outer space. The current framework has presented no practical difficulties and, indeed, activities in outer space are flourishing. Given this situation, an attempt to define or delimit outer space would be an unnecessary theoretical exercise that could potentially complicate existing activities and that might not be able to anticipate continuing technological developments. The current framework has served us well and we should continue to operate under the current framework until there is a demonstrated need and a practical basis for developing a definition or delimitation. This Subcommittee can operate most effectively and make its most significant contributions when it focuses its attention on practical problems.

With respect to the geostationary orbit, or GSO, I would like to state my Government's continuing commitment to equitable access to the GSO by all States, including satisfaction of the requirements of developing countries for GSO use and satellite

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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.



telecommunications generally. We would like to recall once again this Subcommittee's April 2000 Report on this issue. That Report, agreed at this Subcommittee's thirty-ninth session, addressed the principles of equitable access and the rational, efficient and economic use of the GSO in a constructive manner that remains the appropriate way forward on this issue. From the legal point of view, it is clear that the GSO is part of outer space and its use is governed by the 1967 Outer Space Treaty, as well as the ITU treaties. As set forth in Article I of the Outer Space Treaty, "outer space ... shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law ...".

Article II of this Treaty further states that outer space is not subject to national appropriation by claim of sovereignty, by means of use or occupation or by any other means.

These articles make clear that a Party to the Outer Space Treaty cannot appropriate a position in outer space, such as an orbital location in the GSO, either by claim of sovereignty or by means of use, or even repeated use, of such an orbital position.

As I previously stated, the United States is committed to equitable access to the geostationary orbit and takes numerous actions to further the use of the geostationary orbit, and other uniquely situated orbits, as part of the province of all mankind. The United States makes its Global Positioning System, or GPS, freely available to other nations and their citizenry. Furthermore, the United States provides, free of charge, a variety of weather and warning data from its meteorological satellites. Information from the National Oceanic and Atmospheric Administration's polar meteorological satellites is available globally, while data from the Geostationary Operational Environmental Satellites are available within those satellites' footprints. Anyone with a receiver can access this data. These satellites' transmissions include information about hurricanes, volcanic eruptions and effluent flooding, droughts and related environmental matters and storm tracking data. In addition, the United States, in cooperation with Russia, France and Canada, operates the international satellite-aided search and rescue programme known as COSPAS-SARSAT, to provide means for ships, aircraft and others in distress to signal their need for help and their locations.

The United States, specifically NOAA's National Weather Service, in coordination with the United States Federal Aviation Administration, also provides data to the global aviation community to

promote safety of flight, pursuant to arrangements developed under the auspices of the International Civil Aviation Organization. These data distributions are supplemented in the Western Hemisphere by the mutual exchange of weather data and forecasts produced by a number of administrations.

Also highly relevant to this agenda item are the ITU Constitution, Convention and Radio Regulations, as well as the current procedures under those authorities for international cooperation among countries and groups of countries. We believe that at the present they fully take into account the interests of States in the use of the geostationary orbit and related radio frequencies. The Legal Subcommittee continues, of course, to have a legitimate interest in this issue and it is fitting that this issue remain on the Subcommittee's agenda should further issues arise that are appropriate for resolution in this United Nations body.

Thank you Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you to the distinguished representative of the United States for that statement.

No other speakers on this list.

The distinguished representative of Greece has the floor.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): Thank you very much Mr. Chairman.

Just two words on the issue at hand. I do not recall how many years have elapsed but anyway I have two things I would like to say about the legal status of the orbit. This is something I have repeated and I am going to repeat it because I feel I must. It is an issue which was entirely settled 30 years ago. First of all, it was settled through the World Administrative Conference of Telecommunications in 1977 when, for the first time, we created planet planning of services for direct radio broadcasting. And, subsequently, in Nairobi, we developed former Article 33 of the current Convention of the founding of the ITU and I had the honour of offering the Article with my very good friend, the Ambassador of Colombia's help. He, unfortunately, left us two years ago, but I did work with him on that Article. And then following that in 1985-1987, once again, during the World Conference on Radiocommunications, we created the regulations for oversight of fixed satellite services, non-planned services.

Since that time, in my view, the problem has been entirely settled. There is no issue really to grapple with because there is no other use of the geostationary orbit other than for telecommunications applications. So the functionality is based on the use of frequencies, it is an in-depth use, and I really see no reason why there are any doubts with regard to the legal regime that governs the use of the orbit. It is not a matter of saying to whom it belongs or does it belong to space or whatever. Of course, it is in space, some 32,000 kilometres away from sea level but anyway the use of it is governed and regulated and it is a settled matter.

Now, Mr. Chairman, what I would like to also underscore here is, is that having said that we need to once again develop our cooperation with the ITU. You recall yourself, I think, like our distinguished colleague, Professor Kopal, will also recall, that when we met in New York, when we used to meet for the Plenary, and especially for the Legal Subcommittee, at the time it was the Vice Secretary-General Butler(?) and later Jean de Pret(?) who would come to all the meetings and he would attend the entire Subcommittee meeting, either in New York or Geneva.

Thank you Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you for your contribution to the distinguished representative of Greece. Indeed, he has provided us some food for thought and discussion.

I see now we have the distinguished Ambassador of Ecuador whom I now give the floor.

**Mr. B. MOREJON-ALMEDA** (Ecuador) (*interpretation from Spanish*): Thank you very much Mr. Chairman.

Mr. Chairman, if I may, I would like to recall here some aspects which are of great importance in terms of understanding my country's position on this matter currently in examination.

It is known to all that the geostationary orbit is a physical fact with special characteristics and with special and unique technical attributes over the equatorial line and everyone is also aware its existence depends on the gravitational pull of the Earth.

My country, in both its continental and insular territory, crosses the land, the equator, which is my country is called Ecuador, and, therefore, it is easily understood that the issue of the geostationary orbit is

one of particular national interest and, indeed, is enshrined in the political constitution of my country.

It is for that reason that Ecuador, since the dawn of the discussion about the geostationary orbit, and throughout all these years, has actively contributed, along with other countries with similar characteristics, to the creation of a space of reflection geared to creating a legal framework, an international legal framework. With regard to the use of this natural resource, *sui generis*, the fact that it is limited and not exhausted, but easily saturated, fair legal regulation which allows for the rational use and optimal and equitable use of this resource would take into account the needs of all countries on the planet, particularly developing countries, and especially those with a given geographical position that require issues for common interest.

Given the principle of "first come, first served" and the principle of "access based on technological capacity" which currently prevails, given those principles, it is vital to find appropriate mechanisms that would allow for striking a balance between those countries which explore space and derive the benefits from the space exploration, it should be available for all mankind. And I would insist, therefore, on the need for a legal framework which ensures equitable access to outer space resources, particularly since some space activity has the effect of appropriation and involves an ethical dimension which becomes secondary at times, depending on how you approach it.

Mr. Chairman, the use of outer space unfortunately is not being looked at as quickly as areas of science and technology in this regard and yet it is a dynamic field which should keep pace with the ethical issues involved in order to introduce equity so that all countries may benefit, including those that are not at the highest levels of development.

The interaction between regulations and facts means that equity becomes imperative and requires a humanistic approach based on a fundamental principle of seeing outer space as a common asset. The principles of the Treaty of Space come to memory. This is the Treaty of 1967 and it indicates that space activity should take place for the benefit of States regardless of its level of development and it further establishes principles in terms of appropriation, international cooperation, access to scientific data, non-pollution, international responsibility, just to mention a few.

In the year 2000, during the thirty-ninth session of the Legal Subcommittee, efforts and work concluded with the definition and delimitation of outer space, as well as that of the geostationary orbit, it was further agreed that only for the first issue would the Working Group meet to discuss it. Consequently, this thematic division did not mean that the issue of the geostationary orbit was valued any less. To the contrary, Ecuador believes that this approach gave it the proper treatment that it deserved.

One of the consequences at that session was the strengthening of ties between COPUOS and the ITU, in keeping with Article 44 and reformed by the Minneapolis Convention of 1988, it specifically refers to the use of the geostationary orbit for developing nations with a specific geographical position. This led in turn to the right for Ecuador to recognize the Subcommittee and COPUOS' jurisdiction over this issue and its right to tackle it. Given the natural connection between them, the discussion of delimitation and definition of outer space has a direct relationship with that of the geostationary orbit which, I reiterate, is a priority to have a legal definition and approach to it.

Thus, Mr. Chairman, it is vital that the Working Group on the Delimitation and Definition of Outer Space continue with its analysis of this matter.

At the appropriate time, my country promoted the idea of single navigation for space objects and \_\_\_\_\_ (*not clear*) there is a serious legal basis in terms of space law and in aeronautical law due to the lack of a delimitation of air space. Consequently, Ecuador encourages this Group to continue with its examinations of this sub-theme.

Of all what I have said, we can infer that the United Nations' efforts should be to guarantee that developing nations with a given geographical position, who have a voice and a vote in the Organization and who have an interest in geostationary orbits and who are impacted by it, be served. We need to ensure that our rights are recognized and are protected by the law so that when we have the launch capacity, we will be in the right position to take advantage of it.

If we look at the publications of the ITU, we note that there are some 320 fixed satellite stations in orbit, 95 per cent of them belong to industrialized nations. This situation necessarily requires that the interests and concerns of States which are of political, legal or social nature, be appropriately tackled, and taken into account to prevent any discriminatory practices.

Likewise, according to experts, we have before us the problem of at least 115 dead satellites in the geostationary orbit and this is because many operators do not follow international recommendations with regard to disposal of these non-functional satellites. Thus, my delegation exhorts the Office for Outer Space Affairs and the Government of Colombia to get underway the project to study the real use of the geostationary orbit in-depth using specific data and no doubt this will lead to important and necessary conclusions with regard to the non-discriminatory use of the geostationary orbit and its non-saturation.

Mr. Chairman, for the afore-mentioned reasons, my delegation would like to reiterate the importance of the geostationary orbit and that its use is of vital importance, for my country and all countries in the same position, and, thus, we should reflect on finding new common ground and a way to reach consensus based on this resource.

Ecuador is a country with space interests in order to promote social development as well as environmental protection and sustainable development. And, thus, this is one of the reasons that my country has assumed a serious and firm commitment to the organization of the Fifth Space Conference of Americas in Quito in July of this year and this is an issue that I will be addressing later as I have done earlier. The Space Conference of the Americas will look at sustainable development and the use of space activities for the benefit of mankind.

We would, therefore, like to bring to Quito space to Earth.

Thank you.

**The CHAIRMAN** (*interpretation from Spanish*): I would like to thank the distinguished Ambassador of Ecuador for that very significant contribution.

The next speaker on my list, I am totally never going to turn down your request to speak, is the distinguished representative of the Russian Federation. I call on you.

**Ms. O. V. MOZOLINA** (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. First of all, we thank delegations having participated in the consideration of this agenda item on the delimitation of outer space, in the wake of today's statements but also those made on other days. We have touched on imminently practical items, more

particularly limits of State sovereignty and legal aspects such as aerospace objects. All of these, in our opinion, are issues that should be settled, thanks to delimitation to outer space. And this is why my delegation, and indeed others, hope that in the context of the Subcommittee, we will be able to achieve consensus and commence the work on methodology and delimitation of outer space.

On the use of the geostationary orbit, we support Ecuador and the United States of America, and on the subject of the ITU, in the area of the use of that geostationary orbit.

We would like to refer to the General Assembly resolution on international cooperation in the use of outer space for peaceful purposes in Item 62 of that resolution. All bodies are called upon to reinforce cooperation with the Committee.

In view of the significance of the ITU's work on issues that relate to coordination of States' activities and their use of the geostationary orbit, we have a request which we would like to put into the COPUOS. It is, of course, for the Secretariat to take a decision as to who the proper recipient would be. It would consist of sending out an invitation to the ITU for us to regularly get information as to the outcome of the deliberations of that body wherever they are connected with the use of the geostationary orbit. It is our view that this will establish proper flow of organization, of information rather, in terms of the work of that body and that will increase effectiveness of the work we do here.

Thank you.

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

I will venture to answer, even before the Director of the United Nations Office for Outer Space Affairs. I think that the practice in the Office for Outer Space Affairs is indeed to invite the ITU, I assume on a regular basis, to these meetings. And that, I think, should apply to all bodies in some way, directly or indirectly, connected with the topic of outer space because, as you have noted, there is that feedback which you have, very appropriately, mentioned. But I am sure that the Director is the right person to field that question.

Yes, your suggestion, which is a very constructive one, will be duly noted. I think they are always invited. But from now onwards, it is not just in

the capacity of observers, they will be able to attend from the side of the ITU. And I am merely bringing this to your attention as a general matter, that we should consider which other bodies or organizations that might in some way shed light on our deliberations, not just on this individual item, of course. We might call upon for them to attend our meetings and to what an extent could we establish an official relationship, an institutional one. I have great respect and admiration for the Director of the European Space Law Centre. They have contributed enormously and they have also been in attendance during the greater part of this meeting. And then there is the International Space University.

But obviously in the case of the International Telecommunication Union, it is an excellent thing for them to participate.

I do not know whether this fully covers the comments made by the distinguished representative of Greece. I call on you Sir.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): Thank you so much Mr. Chairman. Just a short comment if I may. There are two aspects, I think.

My colleague from the Russian Federation has made a comment which prompts me to respond on coordination of activities with those of the ITU.

So I have two comments to make. One is procedural in nature. It refers to the basic procedural aspect in terms of the operation of services, radio services in respect of the geostationary orbit.

This is, as I say, a coordination procedure for electro-magnetic purposes. As we know, this procedure is both technical and diplomatic or political in nature, especially in the bilateral context, the purpose being to avoid, how should I put this, to avoid, technically speaking, any interference, any technical interference of satellite transmission systems.

Now, I should state, perhaps this requires appealing to countries that already have operational satellite systems to do their utmost to avoid such interference or rather facilitate the coordination procedure because the truth of the matter is that behind any drawback, in terms of the success of that procedure, you unfortunately find economic considerations. Of the 48 countries that are members of the space club, so to speak, all efforts should be made on a bilateral level to reciprocally come to grips with the problem of interference between satellites.

And since I do have the floor Sir, I also wanted to say that ITU is the specialized United Nations body in the standard-setting role(?), they produce the telecommunication operations standards and rules.

And having said that, I should suggest that the United Nations Office be prepared for a presentation on the occasion of the next Plenipotentiary Conference in Atalia, Turkey, in late October, early November of this year.

Thank you Sir.

**The CHAIRMAN** (*interpretation from Spanish*): I next call on the distinguished Ambassador of Colombia.

**Mr. C. AREVALO YEPES** (Colombia) (*interpretation from Spanish*): Thank you Sir. Mr. Chairman, first and foremost, I would like to say how pleased I am. What we are witnessing here on this subject is, in fact, subject to developments and they have been reflected in our work and entirely justify the presence of this item on the agenda. You are well aware of the history of this and the implications especially for the developing countries.

My statement supplements what I had already had occasion to say under the agenda item, General Debate. So I will confine myself to just a few items that I think are essential.

First, we have constantly demonstrated an aspect that is closely tied to the Technical and Scientific Working Group's work, i.e., the establishment of legal regimes, particularly one bearing in mind a factual set of circumstances which, at this point in time, is very specific in nature. The geostationary orbit is a natural limited resource and many of the statements that we have heard in the Technical and Scientific Group have tended to show this. That is why Colombia thinks there should be a proper tool for analysis and this should be provided by the Office.

In addition to the use, which must be rational, it must be made available to all countries, regardless of the present capacity in technical terms, so that access to the geostationary orbit comes about on an equitable footing. This is a principle that is still valid, particularly bearing in mind the needs of developing countries.

I was pleased to hear the Russian Federation recall one of the major resolutions on international cooperation which precisely called for that improvement.

Also bearing in mind the geographical location of certain countries and the work of the ITU, I would like to focus on the work of the ITU in this statement Sir.

In COPUOS, we have made efforts to appeal to the ITU and, during the thirty-ninth session, we reached an agreement for coordination between countries intended to ensure the rational use of the geostationary orbit. And, of course, the recipient of that message had been the ITU, naturally enough, so that this should come about with due respect for the rules and regulations of that organization.

The representative and Ambassador of Ecuador has likewise stated this. We should issue a special plea to the ITU to make sure that there is closer coordination in terms of the work. This is a difficult thing to achieve. The Russian Federation has made a suggestion in terms of issuing an invitation via the Secretariat and this might be effective. We should, to a certain extent, insist on better correlation between COPUOS and the ITU.

For the remainder, I would like to join in the statement made by the distinguished Ambassador of Ecuador in full. This is an approach that we are backing at this point in time.

By way of a conclusion Sir, let me say that there should be a closer organic tie with the ITU and that this is one of the priorities that should guide us. We should do our utmost to achieve this.

Thank you.

**The CHAIRMAN** (*interpretation from Spanish*): I thank the distinguished Ambassador of Colombia.

Before we conclude on this agenda item, and, in fact, in the context of informal conversations, after the very wise suggestion that we heard from the distinguished representative of the Russian Federation, I would like to suggest that we issue an explicit invitation to the ITU so that they bring information to the attention of the Subcommittee on an annual basis on this specific topic.

It is obvious that we need that input. The specialized technical bodies are a source of

information. They are dealing with these matters on a daily basis. Often they are mentioned here without us having the full information, despite the fact that the United Nations Office for Outer Space Affairs is engaged in this very important work.

Do representatives believe that we could proceed in this manner?

May I put the question, distinguished representative of Greece, to this Group? Could you agree to have us issue an invitation for the ITU to regularly attend our meetings so that they can bring us up to date?

Thank you.

*It is so decided.*

The distinguished representative of Greece next.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): Thank you Mr. Chairman. This is very much in support of what has just been said and adopted just now.

Since the outset of the space era, the ITU, every year in the month of June, sent us the report on its activities relating to space or outer space. Unfortunately, the Secretary-General had informed me at that time, and due to economic reasons, this was discontinued. It was a very useful document.

At that point in time, the ITU was producing the list of satellites but, for financial reasons, as I say, that was discontinued. Now the report was annexed to the Report of the Peaceful Uses of Outer Space. This was a practice that continued for some 20 years and that was then abandoned. But with the electronic methods that we have now, I think we could start this up again because if a staff member of the ITU attends our meetings, as you have so appropriately said, to read out, let us say two pages, and then leaves, I think it had to be specified in the letter we are going to send to the Secretary-General of the ITU and not the Radio Unit or the International Relations Division, we should particularly underline the interest of having such a give and take in terms of exchange of information.

Thank you Sir.

**The CHAIRMAN** (*interpretation from Spanish*): Well, the truth of the matter is that I never had in mind sending my letter to anybody else other

than the Secretary-General, who would, first and foremost, be involved naturally.

I think we have concluded our consideration of this item unless I have other requests for the floor under this topic, Delimitation and Definition.

**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)**

I will now continue with our consideration of agenda 10. This is relating to UNIDROIT.

And the first speaker on my list is the distinguished representative of Japan.

**Mr. S. YAMAKAWA** (Japan): Thank you Mr. Chairman. Since it is the first time the Japanese delegation has the opportunity to address you, I would like to congratulate you on your election of the chairmanship of the Subcommittee on behalf of our delegation.

Our delegation would also like to once again express our gratitude for the efforts taken by the former Chairman of the Legal Subcommittee, Mr. Marchisio, and its Working Group established under this agenda in previous sessions, to consider the possibility of granting the United Nations the ability to assume responsibility of the Supervisory Authority of the prospective Space Assets Protocol. Doing so would facilitate asset-based financing for smaller and newly participating space businesses, both in developing and developed countries.

Mr. Chairman, in accordance with the information provided by the distinguished delegate of Italy, Professor Marchisio, the Third Intergovernmental Experts Conference will be held during this year and a Diplomatic Conference will succeed it thereafter. Following the conferences, our delegation is supportive of retaining this agenda in the forty-sixth session of the Legal Subcommittee of COPUOS in order to facilitate an in-depth discussion about the possibility of further involvement with the Subcommittee concerning the future Space Assets Protocol.

Thank you Mr. Chairman for your kind attention.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you so much distinguished representative of Japan.

I next call on the representative of Ukraine.

**Mr. A. KASYANOV** (Ukraine) (*interpretation from Russian*): Mr. Chairman, distinguished members of this Subcommittee, first we would like to bring to your attention the fact that Ukraine has signed the Convention on Liability.

Furthermore, as you know, the representative of Ukraine participated in the Group of Experts preparing the Protocol on Space Assets which is why the delegation of Ukraine, as a space-faring State, is interested in the development of this Protocol during the sessions of our Subcommittee.

The Protocol on Space Assets is a major step forward in terms of space law and the international regime set forth in the Convention plus the Protocol are intended to reduce all problems tied to financial matters. This will make it easier to make better financial arrangements for developing countries as well. The present legal regime does not give us sufficient guarantees for financial bodies. That is why we believe that in future, States will fully note the advantages and join that legal regime because this gives us many possibilities in terms of developing space activities.

Registration systems, furthermore, are likewise tied to the creation of this Protocol which set forth possibilities for such a protocol to be created and proper control and monitoring to be exercised.

Other various provisions in connection with liability and space assets, these will likewise be covered.

And as for registration, this will be provided for.

The delegation of Ukraine believes that the Supervisory Authority could be discharged by the United Nations. In Article 11, it is specified that as for research in outer space it should be to the benefit and in the interest of all member States regardless of their stage of technical or economic development, since this is the heritage of mankind as a whole.

That is why we should monitor the activities of States and organizations and this is to come about via an international organization such as the Organization of the United Nations.

Furthermore, the United Nations Organization deals with space activities and space assets. This is why such a Supervisory Authority would be

responsible for international guarantees as this were to be the duty of another organization, it would have to consider coordination of such activities. This is why the activities of organizations at this point in time might be the subject of overlap and this will give rise to considerable debate, when there are objects that fall under the jurisdiction of different States and also when damages are at issue.

No doubt the United Nations Organization is the organization for international public law and I think that the work in essence is legal in nature.

If we take a close look at such issues, we come to realize that they are somewhere along the borderline between public and private law. We see that this trend is appearing in international law but likewise national systems.

On the subject of international guarantees, in respect of mobile equipment, public organizations must be entrusted with this task and governments must accept liability for the activities of organizations. Even when there are commercial enterprises involved, the public interest must come first, the interest of the community. This is in keeping with the principle put forward in the space treaties.

With regard to these guarantees, we should base ourselves on private law and we should monitor control financing and I think that goes back to public international financing.

With regard to the United Nations role, there is a link with the United Nations Charter which stipulates that the Organization should strengthen international cooperation in resolving international problems, particularly in the economic arena.

Moreover, it is important to take into account that the issue of designating a supervisory institution is one that will be looked at at the Diplomatic Protocol Conference and, if during the Diplomatic Conference, a decision is made to designate the United Nations as such an entity, then, in our view, this would not be in contradiction with the United Nations mission, as reflected in its Charter.

Thank you Sir.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you the distinguished representative of Ukraine for that statement.

I have no other speakers on my list on this item of the agenda.



**Information on the activities of international organizations relating to space law (agenda item 7)**

We will now move on to item 7, Information on the Activities of International Organizations Relating to Space Law.

I should like to recall to delegates that in the discussion member States might want to bring all kinds of information to the attention of the Subcommittee with regard to the activities of international organizations relating to space law.

In keeping with the agreement achieved during the forty-eighth session, we have invited international organizations to inform us of their activities. Written reports have been received from the Office for Outer Space Affairs. These are in the document, L.261, and CRP.4. This is information for all delegations. I am sure you have had this information since the first day of the meeting.

I do not have any speakers actually on this item of the agenda and I actually think it is a very important issue. We need to know what they are doing and in the context of regulations and regulatory framework, it is vital that we know what is going on.

Would anyone like to take the floor on this agenda item? If you do so, you are most welcome.

We guarantee that you will be applauded if you take the floor.

Nothing will convince you?

We can consider this item of the agenda concluded and how do we conclude something we have not even begun? What would the appropriate verb be there?

The distinguished representative of the United States you have the floor and I would like to thank you for taking the floor.

**Mr. M. SIMONOFF** (United States of America): Thank you Mr. Chairman. I am waiting for the applause. I do have a prepared statement which I had not yet submitted to the Secretariat but I would be happy to give it slowly unless the interpreters have difficulties with that. I will shorten it.

Thank you Mr. Chairman. The activities of international organizations relating to space law are significant and have contributed much to the

development of the field. Many space activities rely on regional or global cooperation and such cooperation has enhanced the abilities of individual States to improve and advance space activities and technologies. International organizations also have an important role to play in the strengthening of the legal framework applicable to space activities. They can consider steps they can take to encourage their members to adhere to the four core outer space treaties so as to bring the activities of the international organizations within the framework of the treaties.

The outer space treaties were drawn up in full awareness of the possibility of international organizations conducting space activities. Indeed, several of the treaties contain mechanisms to permit international intergovernmental organizations that conduct space activities to do so within the treaty framework. And I will not recite all of the specific provisions which I otherwise would have been prepared to do.

It is my Government's view that it would be beneficial for international organizations conducting space activities to do so within the framework of the Rescue and Return Agreement and the Liability and Registration Conventions and the Outer Space Treaty. Several extremely important international organizations are not operating within the treaties because not enough of their members have become Party to both the Outer Space Treaty and to either the Rescue and Return Agreement, the Liability Convention or the Registration Convention. As the framework established by the Rescue and Return Agreement, the Liability Convention and the Registration Convention is an important and beneficial one for global conduct of space activities, it is surely desirable for international organizations to conduct their space activities under the coverage of these significant instruments.

We hope that international organizations that conduct space activities will consider steps they can take to bring their activities within the rubric of these treaties. We believe that doing so could produce a useful improvement in the coverage and effectiveness of the core outer space treaties.

Thank you Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you to the distinguished representative of the United States for his significant contribution and to ease your mind, I would say that the interpretation into Spanish was impeccable, as always. There is nothing new there. And I am sure

into the other languages it was also very good so do not worry about it.

Indeed, your contribution was very helpful because it will help us to start a discussion on an issue which is very important and it is the only way to channel international cooperation systematically and in a significant manner. It has to be through international organizations and, in this context, we can also place what the distinguished Ambassador of Ecuador was telling us earlier his country's interest, and it is a beautiful country indeed and so is Quito. I am familiar with the country which is why I can say it is so beautiful and, indeed, they will be having the Space Conference of the Americas in Quito this summer there and there is a link in terms of institutionalizing dialogue and international space cooperation.

There need to be mechanisms and some are already in existence and new ones are emerging to promote international cooperation in this area. I am sure there are several. I might not recall all of them specifically but they are very important, especially for developing countries. It is a systematic way of gaining access to satellite images, and here I apologize for taking a few minutes on this, I would like to go into this a little bit. I would like to see interaction amongst all of us but I want to take a moment to refer to something that the delegate of Brazil at some point about skill and jurisdiction with regard to gaining access to necessary information. And there it is something we should think about in a very productive way and a way that will bear fruits in terms of what the various international organizations are doing in the area of space activity.

Would any other speaker like to take the floor on this matter?

We can now conclude it since we have begun it. We can actually finish something because we have started it. It will not be virtual.

I am sorry, the distinguished Professor Kopal of the Czech Republic has the floor.

**Mr. V. KOPAL** (Czech Republic): Thank you Mr. Chairman. Mr. Chairman, my expectation is that we will still have the item of our agenda, activities of international organizations, tomorrow, because I would like to make a report on the activities on international associations. As you may know, the President of the Space Law Committee of the International Law Association, Professor Maureen Williams from Argentina, could not come for this session, neither could Professor Stefan Huber, who is

Rapporteur-General of the Space Law Committee of the International Law Association, come to this session so they requested me, through the Secretariat, to my good friend, Dr. Niklas Hedman, to make such a presentation on their behalf. I am a member of the Space Law Committee and I have the text prepared for reading. I was told that it would be discussed on Friday and, therefore, I left it at home but tomorrow I will do so.

My second note is this, perhaps you already have the report of the International Astronautical Federation and of the International Institute of Space Law that was presented already during the first days of this session by Dr. Ernst Fasan. And, as you probably certainly know, the International Institute of Space Law and the European Centre for Space Law every year organize a symposium on the first day of our session and it has become now tradition, and a good tradition I would say, because there has been evidence of a growing interest in this symposia and particularly this year's symposium was, in my assessment, very successful dealing with an important subject, legal aspects of disaster management and the contribution of the Law of Outer Space. And I believe that perhaps it would be good and polite to invite both these organizations, it means IISL and ECSL, to prepare another symposium of this kind for the next session of our Legal Subcommittee. And in our report, it should be reflected the appreciation of the symposium that was held during this session and, at the same time, the invitation to provide us by another symposium next year.

Thank you very much.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you to Professor Kopal. I can give you several answers. I would like to respond to you. I would like to thank you for your contribution but I would also like to give you some specific responses.

Yes, of course, tomorrow morning we will continue with this item on the agenda and I think the Colombians love to say, we are delighted to hear that you will be making a presentation on this. I think institutions that you refer to will be very well represented and we will be listening to your presentation very attentively.

With regard to the symposium, I fully agree with you. I would even say that they have been rather short. I think that two hours of a symposium or even three, basically it was two hours of a symposium, is not enough to really go into subjects which are very important such as the ones that you mentioned and I

am prepared to fully endorse the holding of a symposium at our next session, if I am still on planet Earth at that time because I hope they will not have institutionalized me by then. Either they will either institutionalize me or I will not be on the planet any more but anyway hopefully neither scenario will occur and if they do not then I will be here and prepared to endorse the idea of a full day of a symposium with time to reflect and something which would provide for some follow-up. And unfortunately, I do not think all the delegates are aware of this, but the Preparatory Conference which was recently held in Santiago, Chile, on the Fifth Space Conference of the Americas, addressed a number of issues including education for natural disaster management and it was very well received and we had a significant cooperation from UNESCO on that subject. So I think I would say that I fully agree with you on the issue and the need of a symposium and the fact that tomorrow we will continue with this agenda item and you will have ample time to make your presentation.

And now it is a pleasure to give my friend and very distinguished jurist, the European Space Agency representative.

**Mr. G. LAFFERRANDERIE** (European Space Agency) (*interpretation from French*): Thank you Mr. Chairman. I will not be long. I take the floor simply to confirm that tomorrow I will have the pleasure of presenting two documents to you, A/AC.105/C.2/L.261 with its Corrigendum, and I will be presenting A/AC.105/C.2/L.261 and CPR.4.

So I will present both papers tomorrow Mr. Chairman.

But having said that, I would like to say that my presentation tomorrow morning might be a bit long but it will be illustrated by a concrete presentation of what we will be doing, the space activities on the various continents, especially the one that is dearest to you, Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you Professor Lafferranderie. I think that is very good news. I think we are very much looking forward to hearing that presentation tomorrow.

I now give the floor to the distinguished representative of France, rather Greece. I apologize. I have to say it was a vision problem. It is the distinguished representative of Greece although I would have been delighted to hear of the distinguished representative of France. I am sure all of you would have been delighted to hear from him.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): In any case, it is the European voice. If I may, Mr. Chairman, two words. First, on the contribution. Maybe I should wait until tomorrow and hear the presentation from my eminent friend and colleague, Mr. Lafferranderie. But in any case, I am going to anticipate him a little bit and say that in referring to the very unique work in Europe, with summer courses organized by the European Centre for Space Law, this is an extraordinary contribution. It is especially important for young people, young people in Europe. They will have two weeks of courses. These courses are organized in various towns, actually beautiful towns, throughout Europe, and this whole event contributes to the space education of young people and we should support this effort. We should support it not only at the European level but also internationally, especially with regard to financing. As you know, currently the only organization which sponsors these activities is the European Space Agency so perhaps we should find other sponsors to continue with this work which, indeed, is fully under the auspices of our friend and colleague, Professor Lafferranderie.

I would also like to recall here that last month we called on representatives in the Scientific and Technical Subcommittee to bring space into the classroom. I think it is a great slogan but it needs to be geared also to organizing jobs for young men and women who are involved either with space law or space sciences or space technologies. It is difficult. We have talked about this at length. We have talked about the advantages of young people following up their studies and having a job at the end of their studies.

Thank you Mr. Chairman.

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

I have no more speakers on list for this item.

The Working Group on Item 6 could now hold their meeting so we will adjourn this Subcommittee meeting but I would like to recall what will be happening, practically speaking, tomorrow morning.

We will start at 10.00 a.m. as usual to look at item 7 of the agenda, Information on the Activities of International Organizations Relating to Space Law. We will also continue with item 8 of the agenda,

Definition and Delimitation of Space, Including the Geostationary Orbit, and item 10, Examination and Review of Developments Concerning the Protocol.

And, if necessary, the Working Group on Item 6 will hold its sixth session.

Are there any questions?

This session is adjourned.

*The meeting closed at 4.26 p.m.*