

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

*Unedited transcript*

739<sup>th</sup> Meeting  
Friday, 7 April 2006, 10 a.m.  
Vienna

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*Chairman:* Mr. R. González (Chile)

*The meeting was called to order at 10.02 a.m.*

**The CHAIRMAN** (*interpretation from Spanish*): Welcome to the 739<sup>th</sup> session of the Legal Subcommittee.

We will be continuing then with examination of item 7 of the agenda, followed by item 8 and finally item 10.

I would like to invite delegations who wish to make statements to please register with the Secretariat as soon as possible.

The Working Group on item 8 of the agenda will hold its second session under the chairmanship of Mr. José Monserrat of Brazil.

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

Now let us look at item 7, Information on the Activities of International Organizations Relating to Space Law.

I have the great honour of giving the floor to the distinguished jurist, Dr. Gabriel Lafferranderie of the European Space Agency.

**Mr. G. LAFFERRANDERIE** (European Space Agency) (*interpretation from French*): Thank you Mr. Chairman, ladies and gentlemen. It is not merely out of respect for tradition, that, of course, I do appreciate, but a sign of our sincere and deep friendship that I, in turn, would like to congratulate the Ambassador from Chile, Mr. González, on his election

to the post of Chairman of the Legal Subcommittee of COPUOS.

The same would be true for his predecessor, Professor Sergio Marchisio, for the remarkable way in which he conducted the work of the Subcommittee over the last two years.

And I would most especially like to convey my heartfelt appreciation to Mr. Sergio Camacho, Mr. Niklas Hedman and those who work with him and the entire Office for Outer Space Affairs team for their work which is highly skilled, an example of excellence and an example of their constant availability.

As to my presentation, Mr. Chairman, I will refer to the two documents that were prepared by the ECSL and that you have before you. The first one being document A/AC.105/C.2/L.261 and its Corrigendum, and the second document A/AC.105/C.2/L.2006/CRP.4.

Looking at the first document, Mr. Chairman, on international organizations' activities relating to space law, please note that the corrigenda which I just alluded to is actually an error. There is actually a mistake in the French text, paragraph 2, on the United States team which "came in the competition". This is not the Georgetown but George Washington team. Of course, that takes nothing away from other team. It is difficult to say between the two teams who would be the best but they competed in fair play. And I would like to say to the United States to please convey to the George Washington team my apologies for this mistake and also to congratulate them once again and I would like to assure them that there will be no further

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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.



mistakes of this kind in coming years because I dare to believe that the European team will win several times in the final round.

I will now because after I have realized in listening to various delegations here, I have realized that it might be appropriate that I recall here what the European Centre for Space Law is, the ECSL. What does it do? What are its objectives? What does it produce, etc.? And this might provide teaching for other regions but it is trying to fill a gap by creating in Europe, based on the knowledge and teaching of space law. This teaching and knowledge was very rich in the 1960s and I can even mention Professor Shimon(?) \_\_\_\_\_ (?) Collier(?) for France and I would also like to mention the work of the Institute in Cologne, Professor \_\_\_\_\_ (*not clear*), who furthermore played a key role in establishing the ECSL. It was due to the work of jurists of that level, that calibre, that space law was created and was able to move forward.

For that, we had to lean on a regional organization which was already in existence and that was the European Space Agency. We need resources and prestige. It is to them we have turned and we obtained that most especially due to their Director, Heinmann(?) Lust(?), who is a great scientist, and sometimes scientists and jurists are all in one, as in his case. At the time, the question was, what form, what structure should be given to this new mechanism called ECSL. We opted for flexibility and personal commitment. With regard to structure, the General Assembly, which was the founding General Assembly in 1989, adopted a Charter with a binding founding document, or rather it was not binding, it was simply an agreement, an expression of goodwill amongst a number of people who were passionate about space and the objectives of the ECSL. The structure was very simple. A bi-annual General Assembly was to be held with members attending. Now one could become a member of the ECSL even if one was not a member State of the ESA.

The bi-annual General Assembly adopts programmes for research purposes and sets orientations for research. And then these decisions are implemented by a bureau established with 10 people. They are elected, who then in turn elect their own president. This is for the ECSL.

So the ECSL is the pivotal point for the Centre's life. The President plays a key role in that regard.

Then we have the contact points that are reflected in the Charter. We had to then clarify the role and responsibilities when this was recently revised. The Charter was overhauled to do this. The people in the ECSL are personally committed to implement and explain the Charter at the level of a member State and they are also responsible for setting up relay with the Central Office and then nationally provide incentives for promoting space law.

The theme that was adopted was one that was adopted by the members, special members, those who adhere to the Charter and these are various national branches of the ECSL and these branches are able to freely choose their choice of status. They can be a legal person or not. And recent modification in the Charter specified their role more clearly, due to a number of questions that arose over the years in implementing the Charter.

One important point is that the ECSL does not have the legal persona. If necessary, it can resort to those of the agency, and in some cases, of course, we do need legal personality involved. Additional(?) or not, universities or diplomas or background. What is involved here are people who are committed, who are committed to the objectives at stake and who are passionate about them. We just need a few passionate people who are very active to be able to make headway.

The budget is quite modest, 100,000 to 120,000 Euros. Compared to the budget of other organizations, it is truly a pittance. And these are provided by the ESA in its General Assembly and to that you can add the contributions of the ECSL members and there are four(?) external bodies.

And currently we are studying the establishment of strengthening means for the network of partners and supporters that we have so that we can see how other entities can also take part and assume responsibility in the development and promotion of space law.

The ECSL activities are quite varied. I will just mention a few without going into them in details.

There are summer courses, two-week long courses in the summer, to present space activities in space law as a whole. We change the venue every year. In other words, we change the university that is hosting the summer courses every year.

And then we have the competition which is very important for students. This goes before the

International Court of Justice judges so you can imagine the pride of the students who take part in this kind of competition. It is the only competition of its kind in international public law.

Then we have another circle called the Practitioners Forum. And here we have business lawyers, jurists, insurers, financial specialists, specialists in the European Community law or specialists in other legal areas which are involved with space activities. The Practitioners Forum also provides for a certain amount of confidentiality. There is no interpretation, translation and, generally speaking, no documents are published and we have noted excellent participation on the part of all the practitioners.

This year was quite interesting. We had a presentation from the President of Virgin(?) Galactic(?). This kind of meeting is of interest to a great number of people. We also hold colloquia. We also have pamphlets that are distributed freely to everyone. All of this is provided free of charge.

And since 2003, we have had a legal database in place. It is built around links. We just wanted to establish links with all that already exists in this area and, of course, one of our main links is, of course, the Office for Outer Space Affairs and the legal basis. And there are others, of course, but we can establish links with a number of legal databases in many areas.

So we have developed a network and we work with networking and this is a key methodology in terms of promoting and developing knowledge of space law.

But clearly, the ECSL reflects a given mindset, the European mindset and specificity. As I said, we are leaning on the European Space Agency, which is key to us, not only because of its resources, but also because of its reputation and they contribute a great deal to us and I hope that we contribute in turn to them and to their reputation outside the system.

So we have our network with ambitions and endorsement which is evolving over time and which helps to adapt to space law.

And in this evolution, Mr. Chairman, I will underscore the weight given to international cooperation and international exchanges with other players around the world. This is truly a key element in terms of knowledge and promotion of space law because we are no longer in the 1960s.

The environment has changed. Right now there are different levels in this area. Of course, there is COPUOS which is vital and always first and always fundamental, with its Legal Subcommittee and its Scientific and Technical Subcommittee. And then we have other international organizations, regional and international organizations. And then, of course, we have national delegations and everything I said about the ECSL structure, the practitioners, those in business and finance, the operators, the launchers, so an entire network of people, of individuals whose needs we should know and who need to know space law and international law. And it is us that will bring them this knowledge.

So we are at the juncture of these two movements which need to complete each other and we should develop together.

And, if I may, Mr. Chairman, I would like to illustrate that by being a bit more specific and concrete by presenting our most recently ECSL initiative which is setting up a virtual network which, of course, follows the ECSL and ESA rules and is a project with Latin America.

And I would like to insist on one vital point here, Mr. Chairman, is access and availability of documentation which is appropriate and which is numerous. You need to have enough documentation, the correct documentation for proper development of space law and knowledge of space law. There is such a large body of knowledge that we can only teach and know it and use it, if we do not have recourse to computers and the tools that this technology provides, be it the practitioners, the professors, or those involved in space activity itself. Access and availability of computer technology is vital if you want to set something up and this is true everywhere in the world.

And now I will go into a presentation of the document CRP.4 which is a little bit more specific on this initiative which the agency developed for the benefit of the Latin American continent and benefit of member States in GRULAC.

So our main motivation is the importance today of promoting space law, knowledge thereof, and this is something which all delegations recognize the importance. So many delegations have already underlined how important this matter is. It is important that we put over and above space activities, *per se*, and promoting this matter is something that can only take place if we use educative tools that we get through to young people and students. And, given as I have said, the huge amount of documentation available, the use of

computers and the Internet is absolutely vital here. This is a way of getting through to young people. We need to involve young people, young computer scientists, young lawyers and so on. And I think in addition to this, of course, we need to draw on all the other available documentation, the articles and the books and so on. Given the way that space law was studied by our generation and given what is available today, I think there a huge leap can be taken.

Experience in Europe over the last 17 years of our existence in the ECSL and the experience of ESA, and this is experience that goes beyond the member States of the Space Agency because we also have Cooperating States that are not(?) members of the ESA and other States with whom we have procurement agreements. Over and above the member States of the agency, I am thinking here of cooperation and the exchange which we have up and running with the countries of North Africa and with the CRTAN(?) and also bilateral contacts that we have with Morocco, Algerian, Tunisia. And I have already mentioned the CRTAN(?) and I would like to draw your attention in document L.261 to the relations between that organization and the Tunis II Declaration which is very important because that focuses on the management of natural disasters and, therefore, it touches on international law and space law and this will provide answers to questions which you, Mr. Chairman, have put. The Declaration Tunis II focuses particularly on the management of natural disasters in the countries of North Africa. And the tsunami crosses everybody's minds but there are earthquakes that have taken place in Morocco and Algeria as well. There is the question of locusts which is so devastating. There is also the problem of desertification and the other problem of forest fires. Not just the tsunami should be in the front of our minds but it is the one we think of because it happened at Christmas time but there are tsunamis every day of the year around the world.

I think that the time has come for ECSL to bring other countries and other continents in and help them benefit from its experience. I am thinking of Latin American countries in particular because we have had relations up and running, informal relations, that is to say, with Uruguay, Argentina and Brazil for a number of years. And it is particularly true when it comes to the exchange of information.

A straightforward exchange of information has always been a very fruitful way of working and I would like, once again, to stress the importance of relations at the human level when it comes to the implementation or application of texts(?). Humanity is more important than the written word.

Now turning my attention to the mini-site, let me explain what it is.

Here I turn my attention specifically to CRP.4, which is available in English and I would like to draw on the explanations available in that document, CRP.4, and I will now turn to English myself.

*(Continued in English)* ... is the fact that images(?) ECSL users have already at their disposal a legal site set up in 2003 which contains information about ECSL activities and space law and draw your attention to our [www.esa.int/SPECIALS/ecsl](http://www.esa.int/SPECIALS/ecsl). The mini-site will actually be part of the ECSL legal site. That was the most simple mini-site we implement to start this initiative, to start from the existing and to define a specific concept from the existing one, the mini-site.

The final result of this initiative will be a virtual network project which could be compared to a kind of puzzle made up of several pieces for their integrity and autonomy, forming a complex whole and unable to stand alone.

The mini-site is a way of coordinating a space community by making use of new information techniques. It is a user-friendly system designed for a multi-disciplinary community with varying levels of resources and knowledge. The user should not need any specific session or a detailed manual. It is enough to have a basic knowledge of the Internet, by a computer, of course, and it is free of charge for the user, using existing capabilities offered by the satellite network coverage, with no user restrictions. This is, in fact, the outcome of a joint determination and the result of teamwork.

Why we started with Latin America and the Caribbean and GRULAC is simply, as I said, due to the preliminary soft(?) collaboration we had with some Latin American countries.

And I spoke about the mini-site. I have to say, from the beginning, the preliminary phase which has started yet, where we presented(?) at the Fifth Conference of the Americas in July in Quito and I hope that the Conference will agree on the utility of such a initiative and \_\_\_\_\_ (*not clear*) this initiative is simply a starting point. Thereafter, we have to continue and to envision more ambitious initiatives and I have in mind a particular one, after subject to the result of the experimental phase.

Now on the structure of this mini-site. I think we have designed a logo. This is the picture now we presented in this \_\_\_\_\_(?) and in particular I forgot to mention that I am assisted by Ms. \_\_\_\_\_(?) Pataros(?) from \_\_\_\_\_(?) of ECSL. She was responsible for the setting up of the ECSL site and for the conception and launching of the virtual network.

The mini-site will be structured in the same way as the ECSL legal site. It was easy for us. We simply had not to reinvent the \_\_\_\_\_ (*not clear*). With the structure, we had the same. We have three columns as usual, as follows.

On your left side, "General Information" on the national point of contact, to point to this because this is, as I said, a terminology used by ECSL but is responsible of the new site, we have full responsibility for discussing and deciding on this point. General information and national point of contact, national space activities, institutions, space law education opportunities, calendar of activities, important industrial firms, historical overview of the space sector and so on. This is to be fulfilled by the countries concerned.

In the middle, you will have local news of interest to all the countries taking part in the mini-site, the partners, and to the rest of the world.

On the left side, you will have space law, public and private, that means national laws and regulations, decrees, directives, bilateral and multi-lateral agreements, the Status of the United Nations COPUOS Treaties, the relationship with COPUOS and so on, papers and contributions on selected space law and policy topics, at academic level, proceedings, bibliography, etc.

These also will be on the shoulder of each national partner. I am simply describing the general overall framework.

An important point, of course, a question, I will continue on the circular(?).

What would be loaded? What do you find in this mini-site? As, for instance, in space activities in the Latin America and the Caribbean States, general presentations, history, the pioneers, the space agencies, astronauts, \_\_\_\_\_(?) structure and so forth, national programmes, \_\_\_\_\_(?) enterprise.

First point, to \_\_\_\_\_ (*not clear*) space law in Latin American and Caribbean States,

international organizations. I think you will suddenly realize that all this will be important for the teacher and for the students. The support will be the Americas Space Conference. We are now the fifth one. We should have the results, history, \_\_\_\_\_(?), of course, before the resolution of the \_\_\_\_\_(?).

The question relating to the launching pad, for instance, are in mind all the questions are for the budget, in particular for Argentina, the Alcantara Launching Site should be described. I think it is mentioned. Of course, the space can \_\_\_\_\_(?) in space, events like the last few days of 2006. Of course, reports and publications, special journals and related links, without forgetting the \_\_\_\_\_ (*not clear*).

On space law concerning Latin American and Caribbean countries, we should have, of course, treaties and principles and resolutions, national laws, because the implementation of some Convention on Registration, etc., and other interesting agreement international \_\_\_\_\_(?) on meteorology in Latin America because this will describe, and it should apply to the Inter-Latin America site.

Also the same for the intergovernmental organizations which should also participate in the cooperation with Latin America, ITU, UNESCO, ITO(?), WIPO, FAO and \_\_\_\_\_ (*not clear*). We have a lot to put in the site. Of course, we are starting with the information we got from certain of our partners since some time, particularly from Argentina, from Uruguay or from Brazil and Chile and we will increase this and complement this information by other information in years on with these countries and other countries too.

Are you thinking that this should cost a lot? No, nothing because regarding the cost of the virtual network, it should be noted that the setting up, subsequent implementation and everything are completely free of charge. In fact, I have to say that a lot of preliminary work has been made by ECSL and this is simply a \_\_\_\_\_(?) to the setting up of this virtual network and to our partners in Latin America. The objective is to use resources that are already available, our, in fact, everyday working tools, like I say a computer and Internet connection. As I mentioned, also the work made by ECSL, by ESA, particularly ESRIN(?), \_\_\_\_CAP(?) in Italy, are still really important but not counted(?).

That means that the mini-site constitutes the backbone of the full expected virtual network project, an information holder for the documents and the links

provided by the parties working on the project. I mention particularly the Fifth Space Conference of the Americas in Ecuador, July next, the mini-site, as I said, will be presented officially, where we are, what we could offer, how this is functioning, what is the interest, etc. We put this \_\_\_\_\_ (*not clear*) as we discussed and to start a continuing phase.

To sum up, we will have reached a virtual world where the constant flow of information, knowledge and space law and policy will become a reality. As I mentioned that we expect as possible another second step from that point on to set up a time a kind of, namely, virtual space law facilities in Latin America with a rotating mechanism, student commune, teacher commune, in fact with the \_\_\_\_\_ (?) faculty, quantity, etc., and, of course, with all the Internet facilities, it will be quite simple and less costly for the students and for the teachers to bring closer and closer to the space law reality.

Of course, it is fantastic that we are perfectly aware that we cannot forget that to achieve such an ambition, we need the full cooperation of the governments concerned, institutes, national space agencies, industries, practitioners, launching entities, operators, and so on, in Latin America and the Caribbean. And I hope that, step by step, with the experience, we will transmit to Latin America and the Caribbean, this continent, we arrive at the same level that we have in Europe as for the promotion of knowledge of space law.

The virtual network on space law, therefore, constitutes a positive answer to a very rapid technical evolution and an example of solidarity and mutual understanding between States wishing to bring space closer to humankind by means of international cooperation.

Thank you very much dear delegates.

**The CHAIRMAN** (*interpretation from Spanish*): I would like to thank you for the presentation by the Director of the ECSL. Perhaps I could make a couple of brief comments? I will, of course, give you the floor later but I would like to make a few comments myself on what the Director has just said.

I think that all my colleagues from Latin America will join me in saying the following, and I am thinking in particularly of Uruguay. I do not know if the representative of Uruguay is here. The representative of Argentina is here. Argentina has relevant institutions, I think. I wonder why my

Argentinian colleague thinks but anyway at this stage, I would like to say that this is going to be very important for the Fifth Conference in Latin America. This is a clear sign of the development of international cooperation. And this is something that one finds in the most recent COPUOS report which has a chapter entitled "International Meeting on Cooperation Mechanisms". We also have a General Assembly resolution on this matter.

You are clearly fully complying and applying that resolution, as stated in the report, and Latin America as a whole is very pleased to see such efforts being made. This is also true of Ecuador. I think that I can represent Ecuador here in saying that the Centre's participation will be a very important matter for space law in this part of the world.

I would now like to give the floor to Professor Kopal who is going to talk on behalf of the International Law Association.

**Mr. V. KOPAL** (Czech Republic) (*interpretation from French*): Yes, I take the floor now to express my deep gratitude to the ECSL and particularly to its Director, a very dear friend, Dr. Gabriel Lafferranderie, and I would like to thank him for his very detailed presentation on the Centre's activities. And I would particularly like to underline the idea of promoting international cooperation outside the borders of Europe, taking into account other parts of the world and their needs in terms of space law.

Now as I said with regards to the IISL's report, I would also like to express our great gratitude for the workshops which are organized annually at our sessions. I think that this session's workshop was particularly good and useful, worthwhile, and, at the same time, we must invite the European Centre to cooperate with the next meeting to be organized by the IISL.

**The CHAIRMAN** (*interpretation from Spanish*): I would like to thank Professor Kopal from the Czech Republic for that statement.

I would like to take this opportunity to note the presence of the Chilean Ambassador in the room. I hope that he will be in a position to help me during this session.

I now give the floor to Brazil.

**Mr. J. MONSERRAT FILHO** (Brazil) (*interpretation from Spanish*): On behalf of the Brazilian delegation, Mr. Chairman, I would like

warmly to welcome Dr. Gabriel Lafferranderie and I would like to congratulate him on the great success that the ECSL has achieved under his helmsmanship.

On behalf of my delegation, I would like to state the following. We are preparing to participate actively in this virtual network, something that is of great importance for us and it is a real privilege for us and for Latin America as a whole.

Thank you.

**The CHAIRMAN** (*interpretation from Spanish*): I thank you for that statement Sir.

Now I forgot to mention the very important institution which you direct, namely the Brazilian Space Law Institution, where very significant work is being done in terms of promoting these matters and where thought processes are ongoing on the theme of space law and I am sure that Dr. Lafferranderie would no doubt find a lot of fertile ground in Brazil in that respect.

I now recognize Greece.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): Thank you very much Mr. Chairman. Having listened to the statement by our dear friend and colleague and eminent lawyer, and indeed one of the pioneers of space law in Europe, Dr. Lafferranderie, having listened to his exposé, there are three key words that I would like to underline and I would like to underline the importance to start with the legal and vertical but also moral importance of his statement. I would like to stress his statement, namely that humanity is more important than the written word, than texts. This, Mr. Chairman, is something that we should never forget. We must draw upon that axiom, now, thinking back to the symposium a few years ago, we were talking about the human dimension of space activities. That is my first point.

Secondly, I would like to underline the statement made by the Doctor that we need to have interaction between space law and the environments or areas of activities of all those involved in space activities, whether we are talking at the COPUOS level or we are talking about business or academia or young people.

And thirdly, the other matter that I would like to underline is that space law must be a lever or a motor to promote multi-cultural understanding, not only multi-national but also multi-cultural understanding. And here, Professor Kopal, our

eminent colleague, has already underlined this point. There you have, I think, what we should remember at the end of our session, at the end of this week, of our session. These are the fruits, these are the flowers that have blossomed as a result of this very moving statement, if I might say so, made by our friend and colleague, Dr. Gabriel Lafferranderie.

I would now like to look at the practical prospects that are of interest to us in this area.

We are all aware that there are Regional Centres which are affiliated with the United Nations via the Office for Outer Space Affairs. Now these Centres could be used, *inter alia*, as a kind of meeting place or clearing house for space activities. Institutionally speaking, this would be an opportunity to involve parallel activities within the work of the Centres. The Centres are there for technology and space applications but my feeling is that study, training and so on are important here because I think these Centres have a very important role to play at the post-university level. And, therefore, I think that they could include courses in space law to make sure we have an inter-disciplinary approach to these matters, given that the institutions already exist.

Now I do not wish to protract my statement overly but I would like to say the following by way of conclusion. Just a couple of words.

Our eminent friend and colleague from Brazil underlined a couple of days ago how necessary it is that the rule of law should be at the centre of space activities. Now, it is not only prospects here but it is also our obligation to serve this end that is of such importance here. And this is another aspect of the centrality of humanity and we must make sure that in order to bring this all about we have got to be enthusiastic. It is enthusiasm, it is passion that is the driving force here that will lead us to be creative.

Thank you very much Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you to the distinguished representative of Greece who shared his historical passion with us. We have been sharing that for many years actually. And I think that, moreover, what he says is perfectly in keeping with the UNISPACE statement, the Space Millennium, I think it is called, which is actually focused on man. So I think his reading is a good one. And then this, of course, goes beyond the context of the Millennium Declaration so this is all very much in keeping with this statement.

Now, before giving the floor to the next speaker, I would like to pick up what the distinguished representative of Greece said. There is the International Space University in Strasbourg, but to my knowledge, it does not have courses on space law. So there you have a contradiction, I think, and perhaps something we could all think about.

I am sorry, no, distinguished representative of Greece, I have unfortunately eight speakers on the list so I apologize for not giving the floor but we do have other items to address as well, not just this one. So let me go ahead and give the distinguished representative of Ecuador the floor.

**Ms. R. VASQUEZ DE MESSMER** (Ecuador) (*interpretation from Spanish*): Thank you Mr. Chairman. I will be brief. I just wish to join in the words expressed by the delegate of Brazil and express my profound gratitude to Dr. Lafferranderie. The Permanent Representative, in fact, got in touch with Dr. Lafferranderie and we have also been in touch in writing and this has been because of the Fifth Space Conference of the Americas which will help to set up a space network. As you know, developing nations have the law available to them. It is one of the few areas we do and unfortunately there is a great deal of ignorance in this area and July will provide an opportunity, the Space Conference will provide an opportunity to launch this idea with Dr. Lafferranderie's help and, once again, I wish to express my profound gratitude to him.

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

I give the floor to the distinguished representative of Argentina.

**Mr. S. SAYUS** (Argentina) (*interpretation from Spanish*): Thank you Mr. Chairman. First, I would like to also join in what other countries of the region have said to most especially thank Dr. Lafferranderie for his presentation and, on behalf of my delegation, I wish to express the fact that we are extremely pleased to have heard his presentation of the idea of setting up a virtual network in our region. This is a substantial issue and will very much help us to make headway in the area of space law and that is an issue of singular importance to my country. And, given the very rich relationship that my country has with the ECSL and with the European Space Agency, as I said, we would like to state for the record our profound gratitude and support for this initiative and endorsement of it.

Thank you very much Mr. Chairman.

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

Now I have the pleasure of once again giving the floor to Professor Kopal who will be speaking on behalf of the ILA, I think.

**Mr. V. KOPAL** (Czech Republic): Thank you very much Mr. President. Mr. President, as you have just said, I will now make a presentation on behalf of the International Law Association and its Committee on Space Law. Therefore, I am not speaking as your representative of my delegation but a substitute for the Chairman, or better to say distinguished Chairperson, of the Space Law Committee of the International Law Association, which, unfortunately, was not in a position to come. And I will read this report which was in total printed as a document of this Subcommittee but, according to advice, I will try to shorten it a little bit in order to save our time.

So first of all, I would like to say a few words about the existence and history of the International Law Association and its Space Law Committee.

This international non-governmental organization, which was originally known as the Association for the Reform and Codification of the Law of Nations, was founded in Brussels in 1873. So it is a very old organization. Its objectives, still valid in the present time, are the study, elucidation and advancement of international law, public and private, the study of comparative law, the making of proposals for the solution of conflicts of law and for the unification of law and the furthering of international understanding and goodwill. The headquarters of the International Law Association, which is composed of around 50 national branches and also headquarters members are in London. Lord Slynn of Hadley is the Chairman of the Executive Council of this institution and Professor Karl-Heinz Böckstiegel is the World President of the Association following the Berlin Conference which was held in August 2004.

The Space Law Committee of the International Law Association began its activities in 1958 in New York in the course of the forty-eight International Conference. From then on the Committee has permanently reported its work and findings to the biennial Conferences of the Association. Since 1996, the ILA Space Law Committee has the status of



permanent observer to COPUOS and reports annually thereto on the progress of its activities on different space law matters. During the 1990s, the Committee was chaired by Professor Karl-Heinz Böckstiegel, I should add very ably chaired and very efficiently, with Professor Maureen Williams as General Rapporteur. The present officers are Professor Maureen Williams, who succeeded Professor Böckstiegel, from the University of Buenos Aires/Conicet, Argentina, as Committee Chair, and Professor Stephan Hobe, University of Cologne, as General Rapporteur thereof.

The last International Law Association Conference was held in August of 2004 and it was held in Berlin. On this occasion, the Space Law Committee reported on the "Legal Aspects of the Privatisation and Commercialisation of Space Activities with Special reference to Remote Sensing and National Space Legislation", where a number of conclusions and suggestions were discussed. In this way, the Committee took forward its Terms of Reference along the lines set forth in the New Delhi Report and ensuing Conference Resolution on the "Review of Space Treaties in View of Commercial Space Activities". Reference was made to these international meetings and their results in our previous report to the Legal Subcommittee of COPUOS in April 2005.

Next, to remote sensing and national space legislation, an additional feature has been added for the 2006 Conference. Indeed, the close relationship between remote sensing and national space legislation on the one hand, and between these two topics and registration issues, on the other, prompted the Committee to carry out an overview of State practice concerning the registration of space objects in accordance with the various legal systems of the world, to be included in the Toronto Report. This topic, presently on the agenda of the Legal Subcommittee, is of major importance in the present state-of-the-art, particularly having in mind that the Legal Subcommittee has recently set up a Working Group on the subject under the chairmanship of one of our distinguished members, Mr. Niklas Hedman. This was, of course, when he was still representative of his own country, he is now sitting in the Chair of this session. May we add that, following the trend of recent years, the legal aspects of space debris and the settlement of disputes relating to space activities continue under the permanent study by this Committee.

In the above-described quest leading to the Report for the Toronto Conference, the officers and members of the Space Law Committee met a few times during 2005. Noteworthy, for its implications, was the International Symposium on Global and European

Challenges for Air and Space Law at the Edge of the Twenty-First Century, held under the auspices of the Institute of Air and Space Law of Cologne University and the German Aerospace Centre.

This Symposium, which marked the end of Project 2001 Plus, a far-reaching research programme directed from the University of Cologne, consisted of four working sessions, each of which focused on highly topical questions relating to air and space law, *inter alia*, the various questions surrounding national space legislation and the difficulties of its implementation, current and future relationships between the European Union and the European Space Agency, and common issues in air and space law with special emphasis on future aerospace applications and the examples provided by registration and liability in both fields.

The meeting gave way to intensive and realistic debates. Furthermore, the close relationship between the topics addressed in Cologne and the Terms of Reference of the ILA Space Law Committee for the 2006 Toronto Conference provided an excellent arena for the exchange of views among the many specialists from different parts of the world who attended the Symposium. The debates were of an interdisciplinary nature, thus reflecting a clear sign of our times.

Soon after the Berlin Conference in August 2004, the ILA Space Law Committee became involved in the preparation of its Report for the Toronto Conference. This implied further research on the "Legal Aspects of the Privatisation and Commercialisation of Space Activities with Special Reference to Remote Sensing and National Space Legislation".

The first step was a Questionnaire prepared by the Rapporteur and the Chair of the Committee. It circulated among the members in early 2005 and can be found on the ILA website. It consists of a comparative study of space practice relating to remote sensing, national space legislation and registration issues. The Committee members made valuable and realistic proposals for a more precise and consistent legal framework on these questions. The general idea was to avoid over-regulation, which is usually short-lived. The answers to the Questionnaire provide an interesting cross-section reflecting the positions of industrialized and developing countries on the use of these technologies. The challenge now is how to achieve a reasonable equilibrium of the many elements and interests involved.

On these bases, the Chair and the General Rapporteur are preparing the Toronto Report. In accordance with the recent practice of the Committee, and given the width of the topics involved, Professor Maureen Williams continues in charge of remote sensing and Professor Stephan Hobe of national space legislation.

Among the basic sources of our present work are the Berlin 2004 recommendations, the conclusions and suggestions of the United Nations/Brazil Workshop on Disseminating and Developing National and International Space Law: the Latin and Caribbean Perspective”, and the Surrey Symposium dealing with the very thorny problem of digital mapping, also the Cologne International Symposium of June 2005 conducted by Professor Stephan Hobe from the International Institute of Space Law and from the Institute of Air and Space Law of the Cologne University. Furthermore, the International Institute of Space Law Colloquia, where a good number of members of our Space Law Committee participated.

In this context, the ILA Committee finds it useful to follow a “building block” procedure, as suggested by Professor Hobe at the 2004 Berlin Conference for the building up of national legislations on space law. First and foremost comes the obligation of States to authorize and supervise space activities within their jurisdiction, particularly those of private entities, pursuant to Article VI of the 1967 Space Treaty. Next is the registration of space objects, an issue which, as already observed, is included in our Committee’s Terms of Reference. Last, but certainly not least, is a realistic handling of compensation questions.

The underlying idea is the undisputed fact that a number of the 1986 Principles on Remote Sensing are outdated and in urgent need of clarification. Therefore, a fresh discussion of those Principles at the private and governmental levels, and without further implications, appear the most reasonable course of action in spite of the political moment being unfavourable to changes. With this objective in mind, an updated review of State practice on the matter seems a timely step forward.

In the field of remote sensing, we usually include a few comments and ideas concerning the value, in national and international litigation, of data collected by satellites. The conflicting views stemming from recent judicial and arbitral procedures, particularly in the case of boundary disputes, are clear indicators of the importance of this problem.

The ILA Committee and the doctrine in general equally agree that both national space legislation and regional and bilateral agreements on the use of Earth observation satellites are key allies in the process of filling the gaps left by the United Nations Principles on Remote Sensing and ironing out local differences in the application of the new technologies.

This is the end of the text that I was requested to present here by the Chair of the Space Law Committee of the International Law Association, Professor Maureen Williams.

Thank you Mr. Chairman for your attention.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you Professor Kopal for that very comprehensive report and, through you, I should like to convey to the other members of the Board that the reports are being received on a regular basis and they are of very good quality. And your presentation, even the last paragraph there, say something that is very important about the work that you are involved in there. Thank you again to Professor Kopal.

And I now give the floor to the representative of the United States.

**Mr. M. SIMONOFF** (United States of America): Thank you Mr. Chairman. I wanted to recognize the contribution of the National Remote Sensing and Space Law Centre, which is based at the University of Mississippi, and we are pleased to have the continued participation at this meeting of Professor Joanne Gravinowicz(?). We were all happy to see the presentation earlier this week at the Symposium, which was very enlightening. And we wanted to highlight the Journal of Space Law, which is produced by the National Remote Sensing and Space Law Centre, with Professor Gravinowicz(?) as the Editor-in-Chief. The most recent issue included contributions from Professor Marchisio, Eileen Galloway and Dr. Monserrat, and the upcoming edition is going to be dedicated to legal aspects of the space exploration vision.

In addition, the Centre has help provide assistance to certain countries, such as Mongolia and Mozambique, with respect to drafting of legislation, and Professor Gravinowicz(?) was a speaker at the African Leadership Conference for Space. So we are pleased at the continuing positive contribution that the National Remote Sensing and Space Law Centre makes to the field of space law.

Thank you.

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

Indeed, the Mississippi Centre makes an important contribution, a good contribution. I remember my friend, Steve Burrows(?), some years ago, promoted a special publication of the Centre that referred to a Latin American proposal in it. So we very much appreciate, all of us as a Committee, appreciate what various centres are doing and the documentation that they publish, and it is very important for disseminating law. And I fully share, we all fully share what you said.

And I now once again have the renewed pleasure of giving the floor to Professor Monserrat Filho.

**Mr. J. MONSERRAT FILHO** (Brazil) (*interpretation from Spanish*): Thank you Mr. Chairman. Very kind of you.

I would like to not let this opportunity slip by to inform the Professor and the distinguished delegate of Greece and the other delegates that the Regional Centre of the United Nations in Brazil has already started to give courses on space law. This is not the first time this year, actually it is the second time that we are offering these courses and it is in the United Nations Centre in São José dos Campos, near São Paulo, that we are giving the space law classes.

Thank you.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you to Professor Monserrat Filho. I think that is very important news and important work that you are doing. In light of this rich exchange or reflections around an issue that I think is very important, I would allow myself, if I may, to put a proposal on the table for next year.

Contrary to the name of the movie "Indecent Proposal", this is a decent proposal. In two hours, it is difficult to cover all the problems, unlike a movie, the problems that get fed into subsequently and that then orient discussion in the Subcommittee, which is legal in nature.

I would ask the Secretariat to at least take note of my expression of intention that next year we start with an entire day devoted to discussion, maybe a discussion in the morning and a reflection in the afternoon, however you want to organize, but an entire

day for looking at the work of the different academic centres located around the world and the work that they do in this area. The University of Mississippi, what's going on in Brazil, Argentina, and what I hope Chile will be doing next year. I do not know, the Chilean delegation has not told me but I understand they have aspirations in this area as well, the European Centre for Space law, the Centre in Cologne. Indeed, we could very well do this and I would ask your indulgence that we at least put this down in the report as a proposal from the Chair.

So a formal proposal that we devote an entire day to a purely academic discussion about what the various Centres are doing around the world. Of course, this would be based on who is prepared to attend. I had a brief experience with the University of Vienna. The representative of the University of Vienna is here as well. I am convinced that they could also make a very significant contribution to this. Indeed, we have a whole critical mass here, accumulated which would make it possible to have a purely academic discussion and which would then serve to orient our discussions subsequently.

Now, returning to the agenda at hand, we will now move on to item 7. I am sorry, no. We will continue that. That is for this afternoon. This afternoon we will continue. I have muddled up the numbers here.

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

We now move on to item 8 of the agenda.

I have no speakers on my list for this item.

**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)**

As there are no speakers on my list for this item, we will move directly on to the next item, but this afternoon we can continue item 8, and I trust that there will be speakers who wish to address this issue after hearing what happens in the discussion of the Working Group, led by Brazil on this subject on the delimitation and definition of outer space.

In the meantime, let us move on to examination of item 10, UNIDROIT.

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

**Mr. R. LOCHAN** (India): Thank you Mr. Chairman. The Indian delegation has been attentively watching the deliberations under this agenda item. We have noticed that a number of delegations have taken the floor and expressed their positions. We are disturbed to note that a number of delegations have attempted to raise the issue of the appropriateness of the United Nations to take up the role of the Supervisory Authority under the future Space Assets Protocol. In this context, my delegations wishes to recall some of the essential aspects of the deliberations of the last session.

Mr. Chairman, this question of appropriateness of the United Nations assuming the role of the Supervisory Authority has been under serious debate for the last three sessions. In the forty-fourth session, substantive discussions took place and certain decisions were taken by consensus. One of the decisions has been recorded in the report of the Legal Subcommittee on its forty-fourth session, A/AC.105/850 as paragraph 114. I quote "Consensus regarding the principal question of the appropriateness of the United Nations serving as the Supervisory Authority could not be reached." This was further endorsed by the Committee on the Peaceful Uses of Outer Space in its report A/60/20 in paragraph 216. I quote "The Committee noted that the Legal Subcommittee had considered the question of the appropriateness of the United Nations serving as the Supervisory Authority under the future Protocol and that consensus regarding that critical question could not be reached."

The second important decision reached by consensus was to modify the scope of the agenda. Just to place on record, the paragraph 115 of the Report of the Legal Subcommittee on its forty-fourth session, A/AC.105/850, reads "The Subcommittee agreed that agenda item 8 should be reformulated to read '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', and should remain on the agenda of the Subcommittee, in this modified form, at its forty-fifth session." This was further endorsed by the Committee on the Peaceful Uses of Outer Space as can be verified from paragraph 244 of its report A/60/20.

As can be seen, Mr. Chairman, the question of appropriateness of the United Nations assuming the

role of the Supervisory Authority was deleted from the scope of the agenda. It is, however, disappointing to note that some of the delegations continue to raise that question.

Extensive debate has taken place on this issue in the past. No purpose would be served by going through these debates again. Therefore, the Indian delegation appeals to you, Mr. Chairman, that the interventions be confined to the scope of the agenda.

Mr. Chairman, the Indian delegation has been watching carefully the evolution of the Space Assets Protocol and recognizes its importance and potentialities. India has actively participated in negotiations of this Protocol and examined it in great detail. Our delegation is convinced that this Protocol would fuel the growth of space activities. However, we are also convinced it is not appropriate for the United Nations to assume the role of the Supervisory Authority. We have cited our reasons in the past sessions and we have no intention to repeat them again. Moreover, the present formulation of the Space Assets Protocol raises certain issues which require attention. UNIDROIT, through the Committee of Governmental Experts, is working towards their resolution.

Whereas this Legal Subcommittee is not the right platform to debate or negotiate the text of the Space Assets Protocol and this is being very expertly managed by UNIDROIT, the responsibility lies on this Subcommittee to ensure that the legal regime established through the space treaties is not disturbed. This is the main intent of the present formulation of agenda item 8.

Therefore, the Indian delegation is eagerly awaiting for the official statement of UNIDROIT on this topic to learn about recent developments and proposes that this be examined within the scope of agenda item 8.

Thank you Mr. Chairman.

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

The next speaker on my list is the distinguished representative of the Republic of China. You have the floor.

**Mr. X. MA** (China) (*interpretation from Chinese*): Mr. Chairman, since this is the first time the Chinese delegation makes a statement, after you assumed the presidency. First of all, we would like to

congratulate you on your election as the President and we believe that under your excellent leadership, through the cooperation and the tasks assigned to this Committee, will be fulfilled. The Chinese delegation would like to offer its cooperation and to promote the discussion of various issues.

We would also like to commend the work done by Professor Marchisio.

Mr. Chairman, the Chinese delegation would like to express its appreciation for the efforts made by UNIDROIT in drafting the Protocol on Matters Specific to Space Assets to the Convention on Mobile Equipment.

The financing issues, such as the guarantee and security, involve some complicated legal issues, and, as opposed to the Protocols on Aircraft and the Railway Rolling Stock, it is more arduous work to draft a protocol on space assets. The Chinese delegation supports the Subcommittee to consider the draft Protocol and we believe that this will help to address the difficulties and the problems faced by the Protocol.

The Chinese delegation believes that the Protocol on Space Assets is a positive attempt to deal with the commercialization of space utilization and it is an unavoidable(?) trend to have commercialization and privatization in space activities and that will inevitably bring about many legal issues including the issue such as security of space assets. And it is, indeed, necessary to regulate these issues through relevant laws.

If we include in the space law, financing the legal safe(?) systems such as guarantees and security, we will have questions such as how to address the rights and obligations between the United Nations(?) governmental entities participating in the space object financing and the relations the State they belong to, as well as how a State can undertake international responsibility, liabilities included, for these commercialized space activities carried out by non-governmental entities.

Existing space law has a State(?) as a subject to undertake the rights and obligations for space objects, that is the States approve and supervise the space activities carried out by non-governmental entities.

In the name of a State, a State registered their satellites, and that these entities launched and the States also, exercise jurisdiction control over the object and undertake the State of responsibility for non-governmental entities' work.

And also how to link these financial financing systems of security with space law is a question that needs to further assessed and studied.

The other question of the United Nations acting as a Supervisory Authority, as demonstrated by the last session of the Subcommittee, if the United Nations plays a role as a register for the Space Assets Protocol and there will be questions of a legal basis and resources involved and the Subcommittee should pay attention to these issues.

Thank you.

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

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

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): Thank you very much Mr. Chairman. Mr. Chairman, I would like to be very brief in making a few remarks on the matter under consideration.

I would like to start by endorsing what India has just said when it comes to the institutional matter, namely, the opportunity for the United Nations to play the role of monitoring or surveillance authority of the registry. Now, that discussion is something that it is over and done with. I would like to recall what I said two years ago. There is no question of re-opening this debate on this specific subject.

Now, three years ago, we had a response from the Legal Department of the United Nations and the reply was entirely diplomatically negative and I would like to stress this, it was a negative response. Why, then, re-open or pursue the debate on this matter which is preventing us from seeing the importance of the Space Protocol which is very important, which demands a lot of work to make sure that it is successful, but away from this institutional aspect. That is my proposal then when it comes to how to pursue this matter. Of course, delegations represent sovereign States and they are entitled to say whatever they like during sessions of our Subcommittee, as long, that is, as the topic falls under the agenda, full stop, punkt(?), as we say in German.

Now, I would like to stress three matters which seem very important when it comes to the effectiveness and efficiency of the future Protocol.

Firstly, a strict compatibility thereof with international public space law in force. That is, we must make sure that there is no undermining of the international law as it applies to space.

Secondly, we must maintain and respect the fact that international natural resources are a public resources, and I am thinking of orbits and, above all, of frequencies. These are resources and this is intrinsic to their nature. These resources belong to humanity, not to individual States. I will never cease to repeat that States are simply the managers of the use of these resources. There can be no question of any interference of private law on this domain.

And another point that I would like to use to conclude that in the context of UNIDROIT, there is the question of implementation.

These are my remarks and I feel that a great deal of effort needs to be made to make sure that we complete this work in the context of UNIDROIT, not in the context of this Committee, which is not mandated to discuss the regulations proposed by UNIDROIT. It is the Diplomatic Conference that would decide on that matter in future.

Thank you Sir.

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

I recognize UNIDROIT.

**Mr. M. STANFORD** (International Institute for the Unification of Private Law): Mr. Chairman, distinguished representatives, distinguished observers, good morning.

The International Institute for the Unification of Private Law, UNIDROIT, greatly appreciates the invitation that it has received from the United Nations Office for Outer Space Affairs to report to the forty-fifth session of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space on developments concerning the preliminary draft Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets.

Before I do this though, may I permitted first to congratulate Ambassador González on his election to the post of Chairman of the Legal Subcommittee and wish him every success in this role.

And secondly, apologize for the fact that I had not been able to be here earlier this week. I was running a Committee of Experts in Rome which has to report back to our Governing Council in a month's time and unfortunately I was running a meeting and this was the last meeting of the Committee. So I was held up in Rome until yesterday. I do apologize profusely for my unavailability earlier this week.

The first news that I bring to you today concerns the entry into force of the first Protocol to the Cape Town Convention, that on Matters Specific to Aircraft Equipment, and, with it, the Convention as applied to aircraft objects. This happened on 1 March 2006. And to date, nine States are Parties to the Convention and the Aircraft Protocol. These are Ethiopia, Ireland, Malaysia, Nigeria, Oman, Pakistan, Panama, Senegal and the United States of America. A number of other States have signalled that they are close to becoming Parties too. Simultaneously, with the entry into force of the Convention as applied to aircraft objects, the International Registry for Aircraft Objects also entered into operation on 1 March. The Cape Town regime has thus now been fully operational for over a month.

UNIDROIT in the meantime continues to be fully committed to the timeous completion of work on the development of another Protocol to the Cape Town Convention, this time on Matters Specific to Space Assets. Indeed, the General Assembly of UNIDROIT member States at its fifty-ninth session, held on 1 December 2005, assigned this project priority status on the UNIDROIT Work Programme for the 2006/2008 triennium.

It is true that the UNIDROIT Committee of Governmental Experts spearheading this project has not met since its second session, held in October 2004. There are a number of reasons for this. First and foremost, the priority that has necessarily had to be given to bringing first the Convention and secondly the Convention as applied to aircraft objects into force.

But a number of critical intersessional assignments were also handed out at the second session of Governmental Experts to be completed in time for the next session of the Committee. The completion of these assignments is, therefore, to be seen as a necessary prerequisite for the reconvening of the Committee.

Foremost among these assignments was the invitation to participating governments and the Space Working Group to provide the UNIDROIT Secretariat

with information as to which services should be considered as “public services” in their countries for the purposes of Article XV, paragraph 3, of the preliminary draft Protocol and how these services were protected in their countries at present. The Committee invited the Secretariat to provide it with a report on the subject, in the light of the responses of governments and the Space Working Group, in time for the next session of the Committee. Those governments which have not to date responded to this invitation are, therefore, kindly invited to do so at the earliest opportunity.

The second key intersessional assignment handed out by the Committee at its second session consisted in the setting up of a Subcommittee to develop proposals relating to the future international registration system for space assets. A number of specific questions were referred to the Subcommittee and, first, the identification of space assets and related matters, secondly, the practical operation of the future International Registry for Space Assets, and, thirdly, the role of the Supervisory Authority of the future International Registry. The Subcommittee was asked to work by electronic means and again to report back to the Committee in time for its next session. An electronic forum for discussion among members of the Subcommittee was kindly placed at its disposal by the International Telecommunication Union and a significant number of governments formally informed the UNIDROIT Secretariat of their intention to participate in this electronic intersessional work. Given the importance of completing this work too, in time for the reconvening of the Committee of Governmental Experts, those governments interested in participating are again kindly invited to do so, via the special ITU web forum, at the earliest opportunity.

On behalf of UNIDROIT, I can, however, assure you that we fully intend reconvening the Committee of Governmental Experts later this year and have indeed already made tentative arrangements for holding the third session in Rome from 11 to 15 December 2006. We are, moreover, planning a number of meetings in the interim designed to advance progress on a number of the issues needing to be dealt with in order to ensure the success of such a third session. First, at the invitation of a new sponsor of the Space Working Group, a special meeting is being held in London later this month, principally addressed to key representatives of the international commercial space and financial community designed to ensure maximum support from these communities in a push to complete work on the project as timeously as possible. Secondly, later on in the year, at the invitation of one of the governments involved in the work of the

Subcommittee on the international registration system, we are planning to hold a meeting designed to advance progress on the issues referred to the Subcommittee by the Committee of Governmental Experts at its last session.

Clearly, though, in order for us to confirm the reconvening of the Committee and send out formal invitations at the earliest opportunity, we need to be sure of the full support of participating governments. And, of course, all member governments of COPUOS are, as you know, regularly invited to participate in the work of the Committee. Permit me, therefore, Mr. Chairman, to seize this opportunity to invite all those governments that have not yet provided us with their responses on the “public service” issue to get their responses to us as speedily as possible. This is an issue that provided the basis for lively discussion at the last session and it is, therefore, essential that, in preparing the report that the Secretariat has been asked to prepare on this issue for the next session of the Committee, we can base our analysis and conclusions on as wide a range of responses as possible. Likewise, Mr. Chairman, permit me, through you, to invite those governments interest in advancing the work of the Subcommittee asked to develop proposals relating to the future international registration system for space assets to post their comments on the special ITU web forum that has been created for this purpose as soon as possible.

I have the details of the person who is responsible for assigning log-in numbers on the ITU website and I can obviously provide that to those of you who are interested in having it. Members, advisors and observers of the Subcommittee already have their log-in numbers.

In general, Mr. Chairman, the two sessions of the Committee held to date have provided eloquent testimony of the desirability of governments coming to such sessions fully briefed on key issues and not, therefore, finding themselves having to make decisions regarding such issues, as it were, on the hoof. It is, in the opinion of both UNIDROIT and the UNIDROIT Space Working Group, vital for all involved in the intergovernmental consultation process, to engage in direct discussions with one another on key issues in advance of the next session so as to ensure the best possible results emerge from that session.

Speaking now for both UNIDROIT and the Space Working Group, permit me again, therefore, through you Mr. Chairman, to stress our full availability to engage in such pre-session discussions with governments with a view to ensuring that we

make the best possible use of the next session and are thus able to move the process forward to completion as successfully and expeditiously as possible.

Thank you Mr. Chairman.

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

We have, therefore, concluded our examination of item 10 for this morning.

I will, therefore, proceed to adjourn this meeting so that the Working Group on Item 8 can hold its meeting.

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

I recognize the Czech Republic.

**Mr. V. KOPAL** (Czech Republic): Mr. Chairman, I apologize for my intervention but you were fast in ending the discussion on item 10. I only wanted to ask for your patience and give me the floor to say a few words on this item now during this meeting. Thank you.

Mr. Chairman, I believe that, first of all, I should convey the thanks of our delegation to the distinguished observer for UNIDROIT who has just presented a very important and, in my opinion, a substantive report about the actual developments in the consideration of the preliminary draft Protocol on Space Assets.

I believe that very important news was extended here. First, already by the observers for ICAO two days ago and now confirmed in this presentation of the observer for UNIDROIT, that the 2001 Cape Town Convention and the first Protocol, the Air Protocol, entered into force and that day collected already nine ratifications.

And also important was the news that the ICAO assumed the role of the Supervisory Authority and that it already developed quite a rich volume of activities in this respect. First of all, the regulations and procedure for the International Registry as prepared and approved by the Preparatory Commission have been published by ICAO in accordance with Section 16 of the regulations. Moreover, the representative of ICAO informed us that they have received 660 transacted registrations and 2,230. These are very important in my opinion and optimistic

facts which witness, which are evident that the mechanism of the Cape Town Convention and the Air Protocol are really effective.

I also am grateful to the distinguished observer of UNIDROIT for his explanation of what has been going on between the last session of the Governmental Experts, or the Committee of the Governmental Experts, that was held at the end of 2004 and the forthcoming session that is considered and scheduled for the end of this year. I believe that this was a very persuasive explanation because, indeed, if the third session of the Committee of Intergovernmental Experts should proceed further and should reach further success in its deliberations, there must be something done in between and this is evident that it is being done.

I also appreciate that UNIDROIT provides for us always not only detailed information about its activities but that it repeatedly invites the members of the Committee on the Peaceful Uses of Outer Space to attend the sessions of the Committee of Intergovernmental Experts. And just to direct information and also advise the Committee of Intergovernmental Experts on the work of our Legal Subcommittee of main Committee and, of course, of their own governments.

Finally, I would like to say something on the comments that have been made a few minutes ago. It means it was said that this Subcommittee is no longer competent to discuss such important matters as is the role of the Supervisory Authority and as is the question of the possibility of assuming this important role by the United Nations. I am well aware that we do not discuss any longer this particular point in a working group in greater detail but the title of our present agenda 10 reads "Examination and Review of the Developments Concerning the Draft Protocol on Matters Specific to Space Assets" and so on, so that this item has been worded in a relatively clear and wide way that enables to speak about all questions concerning the developments of this particular Protocol. And, therefore, not only the further developments but also the present developments and the past developments are included in this item.

And in this connection, I would like to repeat the position of our delegation remains also unchanged. At least the other delegations also repeat it their own position as unchanged and so our position still is that the best body that could assume the role of the Supervising Authority under the system of the draft Protocol would be an international intergovernmental organization and preferably the United Nations. ICAO



is an international intergovernmental organization of the United Nations so I do not see any reason why another organization of the United Nations could not be asked to assume this particular role. Therefore, we remain to be convinced on the correctness and appropriateness of this proposal that we have held for a long time.

Finally, I would like to kindly request, as already done by other delegations, the present point 10 of our agenda is included also in the agenda of the next session of the Legal Subcommittee.

Thank you very much.

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

Two explanations. I am a little concerned because at the first meeting I asked for free discussion for all delegates so that everyone would have time to react and then unfortunately after three days, I have realized that it was not going to take place and now I have taken the path of least resistance and the path of speed and now I have a commitment with regard to respect, vis-à-vis, a colleague and that is the person who is going to be chairing the next Working Group. But, of course, all statements, as all delegates' statements, are very welcome, of course.

Having said that, we will now adjourn this session of the Subcommittee and we will continue and I trust we will conclude examination of item 10 in the afternoon.

And if time permits, we will begin our consideration of item 9, Review and Possible Review of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

And if necessary, we will come back to item 8 for a third session.

I would ask the distinguished delegate of Greece if, given the fact, that there is not very much time for the chair of the Working Group, if you can speak in the afternoon or do you need to react immediately?

You have the floor then.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): I would first like to thank Mr. Stanford for his contribution and thank him for the data that he presented to us.

At this time, I would further like to congratulate him on his promotion as Deputy Secretary-General of UNIDROIT. Indeed, this is a reward from the member States of UNIDROIT. A reward for his contribution to the endeavours of this scientific organization but also it is very important for us as well.

With regard to organizational matters in the United Nations, there is no conclusion here. It is just with regard to the wording of item 10 of the agenda when it speaks of developments. We would think that developments would have to do with the evolution of the draft Protocol on Space Assets, above and beyond, or outside this Subcommittee, i.e. in the context of UNIDROIT. That is what one would think.

Thank you Mr. Chairman.

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

This session is now adjourned and I will now ask the Chair of the next Working Group to come up to discuss the definition and delimitation of outer space.

*The meeting adjourned at 12.07 p.m*