

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

Unedited transcript

745th Meeting

Wednesday, 12 April 2006, 10 a.m.

Vienna

Chairman: Mr. R. González (Chile)

The meeting was called to order at 10.11 a.m.

The CHAIRMAN (*interpretation from Spanish*): I would like to call to order the 745th meeting of the Legal Subcommittee of COPUOS.

Before we commence with our consideration of the items on the agenda of the Subcommittee, I would like to announce that today we are commemorating the forty-fifth anniversary of the first spaceflight around the Earth by a human being.

I believe that this is of momentous importance, this event. It is as from this major scientific and technological moment that we were able to launch scientific, technical and legal work in this field. So this is truly an anniversary of key importance.

That is the positive note that I wished to strike.

A somewhat less positive note is a bad(?) surprise when I took a look at the list of participants and accredited countries this morning within this Legal Subcommittee, I see that some delegations have numerous delegates who are not present in our forum and other delegations have made extensive efforts to join the Legal Subcommittee and who, nonetheless, are absent from our meetings. I really do not understand why they have so little interest in contributing to the work of our Subcommittee.

Despite the sheer curiosity, I would ask, could you take a look at the list of participants at a given point in time today and check out the countries who are really, really participating in the meetings.

I would like to refer to the delegation of Burkina Faso which is coming from very far away and which is making a major effort. I remember a statement that drew my attention. You said that it was necessary to create a standard setting framework that would be durable, lasting in time. I would like to take this opportunity to congratulate you for that statement.

I think that it is a shame that spare-faring nations are not present here. Not just now but in general. Some of these countries, and be virtual in my reference, are simply invisible. At a given point in time, other countries were very dynamic, very active at the time when I was the Chairman of the Space Committee. I had been asked to conclude the negotiations to allow them to join the Committee, even if formerly we had decided not to broaden the coverage of membership. And then these countries joined and subsequently disappeared from the landscape.

Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-sixth session (agenda item 12)

We are now going to be continuing and concluding our consideration of agenda item 12, Proposals to the Committee on the Peaceful Uses of Outer Space for New Items to be Considered for the Legal Subcommittee at its Forty-Sixth Session.

Would anyone care to take the floor?

If you wish to speak, please indicate this to the Secretariat as soon as possible.

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.



The Working Group on Agenda Item 11 will then hold its fourth meeting under the chairmanship of Mr. Schrogl of Germany.

Now on item 12, would I have any speakers?

Mr. Kopal, I had not seen that you had asked for the floor. You have the floor Professor.

Mr. V. KOPAL (Czech Republic): Thank you Mr. Chairman. It is very kind of you. As a matter of fact I only wanted to make it clear that I would like to speak on item 12, as you requested, as to do it, it means my application was addressed to the Secretary of Mr. Hedman. But if you allow me, I will now start my modest contribution.

It is just to a certain degree to repeat what I already said earlier but I think it will be quite useful if I repeat in total because this is just a point concerning item 12. It means new items to be included in the agenda of the Subcommittee.

I would like to recall that at the Space Law Symposium that was held by the International Institute of Space Law and the European Centre for Space Law on the first day of the forty-fifth session of the Legal Subcommittee, the question was raised whether the topic of that Symposium could not be considered as a new item for the agenda of the Legal Subcommittee.

I raised this question but, of course, I raised this question in my personal capacity not as representative of my country because this was non-governmental action. But now the delegation of the Czech Republic brings this to the attention to the Legal Subcommittee for its further consideration and it is an item that we would, in brevity, call "Legal Aspects of Disaster Management".

Mr. Chairman, we do not insist on the inclusion of this item in the 2007 agenda of the Legal Subcommittee but we would like to see it on the record, in the Report of the Subcommittee for further thinking of the delegations. I am doing, in particular, in connection with the work of a Special Group of Experts in the Scientific and Technical Subcommittee that deals with disaster management, international space coordination organization. This has been under consideration for a certain time. I can say that two of our experts of the Czech Republic participate in this work of this Special Group. Of course, the work of this Special Group will continue, it has not been finished, but if the Group was requested to submit its report. So we are waiting for this report. Hopefully it

might be done during the June session of the main Committee and we believe that in parallel to this discussion, as soon as it is ended, also the discussion on legal aspects of disaster management could develop.

So this is what I wanted to say.

(Continued in Russian) ... the Russian Federation linked with the celebration today of the forty-fifth anniversary of the first flight of Yuri Gagarin, cosmonaut. I would like to congratulate the Russian Federation on that.

The CHAIRMAN *(interpretation from Spanish)*: Thank you to the distinguished Professor Kopal. Your contribution is very constructive and I believe that it is important that it be reflected in the report, both what was discussed in the Symposium and, as you very well put it, elements of subsequent reflection which, furthermore, is related to the Group of Experts' work in the context of the Scientific and Technical Subcommittee.

And, in passing, I should say that you maybe realize that I had forgotten to mention the country and person and, in this case, the cosmonaut that made the first spaceflight and I would like to congratulate the Russian Federation on the commemoration of that event.

Would anyone else like to speak to Professor Kopal's suggestion which, I think, is very constructive and helpful as always.

The distinguished representative of Brazil

Mr. C. E. DA CUNHA OLIVEIRA (Brazil) *(interpretation from Spanish)*: Thank you Mr. Chairman. I would like to speak briefly just to say that my delegation shares the views expressed by Professor Kopal on possibly including this item on the agenda for the Subcommittee.

We believe it is very important and timely in terms of the discussion promotion by the European Space Agency and the Institute and we believe that it might well be a subject for the consideration of the Subcommittee.

Thank you.

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

And moreover, I should say that the subject of natural disasters is one that cuts across everyone, all mankind. And if we look at the United Nations official publications on the number of deaths, we will see that they have the sad record of being the most significant killer on the planet.

Would anyone else like to make any comments?

The distinguished representative of Korea has the floor.

The distinguished representative of Korea and then the distinguished representative of India. The distinguished representative of Korea has the floor.

Mr. K.-Y. CHUNG (Republic of Korea): Thank you Mr. Chairman. To start, I would like to draw your attention to the fact that my delegation has made an intervention as to the concept of international organizations two times so my delegation is wondering that whether the Legal Subcommittee table the consideration to such a concern. Of if that is not the case, maybe my delegation would like to propose a certain language to be included in the report. I would just like to seek a clarification first.

Thank you very much.

The CHAIRMAN (*interpretation from Spanish*): Before the clarification, if I may, to the distinguished representative, if you do not mind, I would like to give the floor first to India. You have the floor Sir.

Mr. R. LOCHAN (India): Thank you Mr. Chairman. I appreciate the intervention of the distinguished delegate of the Czech Republic and support extended by the distinguished delegate of Brazil. This proposal is really very important and we wonder whether the Czech Republic would like to introduce it formally as a new agenda item. In that case, the delegation of India would like to support that and it could be included in the next session of the Legal Subcommittee itself.

Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): Thank you. We might want to proceed on a part-by-part basis so if no one minds, let us first look at what the distinguished representative of the Republic of Korea said on several occasions.

I, as Chairman, believe that what Korea is proposing provides us with an interesting element for our consideration. Not only the international organizations' contributions but also non-governmental organizations' contributions, and other entities for that matter.

If you look at these meetings, in reality, with the participation of the observers, and the participation of non-governmental organizations, which is fundamentally what an international organization is, if you think conceptually about it. So I would propose, based on that, that we accept the proposal of the distinguished representative of the Republic of Korea.

And my philosophy from the outset has been to try to solve problems as they arise when they do not affect anything in the long-term or they are not going to create any controversies, and, on the contrary, it is going to be productive to tackle them right away. That is why I would like to do that right now.

Would anyone like to speak to Korea's proposal?

The distinguished representative of Canada. She can do it in Spanish too.

Ms. A. KAPELLAS (Canada): Thank you Mr. Chairman. We do not oppose the Korean representative's proposal but could you clarify what the proposal is please because we do not exactly recall. Thank you.

The CHAIRMAN (*interpretation from Spanish*): If I may, with your permission, representative of Korea, I would like to read it.

The delegation of Korea suggested modifying the title of the programme "Information on the Activities of International Organizations Relating to Space Law" for future sessions of the Subcommittee. The proposal is to add the words "and non-governmental" after the word "international". So that we would also have information on both international organizations activities and non-governmental organizations activities, space activities.

Is the distinguished representative of Korea in agreement with what I just read? Then, I will give the floor to the distinguished representative of Canada. OK? Fine, thank you.

Before giving the floor to Professor Kopal, I just would like to clarify what was proposed and supported by Brazil. What I understood, at least, is

that the subject that was discussed at the Symposium is one that might provide us food for thought in the future, based on what is happening in the Group of Experts in the context of the Scientific and Technical Subcommittee. So this is an element that is to be taken as a future subject for the Subcommittee. Is that correct? Did I interpret that correctly?

I give the floor to Professor Kopal.

Mr. V. KOPAL (Czech Republic): Excuse me Mr. Chairman, could you repeat the question to me? I was thinking about something and switched off my brain. Sorry.

The CHAIRMAN (*interpretation from Spanish*): No worries. Because a lot of people live completely disconnected. Indeed, I have some intervals that are lucid but most of the time I am also disconnected so I have sudden lucid intervals. I hope this is one of them.

I am referring to your first proposal, Sir, about the Symposium. What I had understood, what we have understood up here, is that you want to maintain that as an element for reflection as a possible future topic in connection with what the Group of Experts of the Scientific and Technical Subcommittee is discussing in this area and this was endorsed by Brazil.

Are we in agreement? OK. Thank you.

Now I give the floor to Professor Kopal.

Mr. V. KOPAL (Czech Republic): Thank you Mr. Chairman, first of all, I apologize for my negligence. I would like to say that what you have just said is exactly what I was meaning, it means not to include it now but to put it on the record and keep it for further consideration. I appreciate very much the support that my delegation received from the part of the distinguished delegate of India and certainly we would be very happy to co-sponsor such a point together with India. But we believe that it could be done still after further consideration of this point because, first of all, the report of the Special Group of Experts in the Scientific and Technical Subcommittee has not finished yet its task and we would like to have the result of their studies and of their considerations. And secondly, we did not have yet an opportunity to consult about the inclusion on the next agenda of the Subcommittee with a number of delegations here. Therefore, I would prefer for the time being the formula that you kindly suggested.

Thank you very much.

The CHAIRMAN (*interpretation from Spanish*): Thank you Professor Kopal. Once again, I think that is a very important contribution. It is enlightening and, indeed, I think it brings other elements that we need to bear in mind and that is that the deliberations are still ongoing in that Group of Experts.

So, number one, we have the proposal of Korea on the table. And then having heard the marvellous Spanish spoken by the distinguished representative of Canada, I just would like to ask the distinguished representative of India, is this about Korea's proposal? OK. You have the floor Sir.

Mr. R. LOCHAN (India): Thank you Mr. Chairman. The Indian delegation recalls that so far the membership(?), and observers(?) of this Committee had been confined to governmental(?), inter-governmental and professional bodies. The Indian delegation has no(?) objection to the inclusion of non-governmental organizations but I wonder whether this will open the door for participation of private entities also in future.

Thank you Mr. Chairman.

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

If I may, I would like to personally ask that we accept the distinguished representative of Korea's proposal, given the presence of those that attend the meetings, these are people who really want to make a contribution to our work and non-governmental entities in the field of space, especially in continents which are not as active in this area. In terms of the governments participation, we might want to focus more on this other area for their sake.

So if you agree, that would provide me with an opportunity that yours truly would be able to have us accept and approve the proposal of the distinguished delegate of the Republic of Korea.

Does Peru have a problem with it? No, thank you.

Professor Kopal, I ask for your help Sir. I am not giving you the floor, I am asking for your help.

Mr. V. KOPAL (Czech Republic): Thank you Mr. Chairman. Mr. Chairman, in principle, I agree with the idea of the distinguished delegate of Korea. It

is correct. But it might be spelt out in a more precise way because also the non-governmental organizations are organizations. Therefore, we use the acronym NGOs for them so we should perhaps say information on the activities of international inter-governmental and non-governmental organizations, because it reflects the actual state of affairs here. We have here observers for international inter-governmental organizations, such as ITU or UNESCO and IAEA and we have here observers for international non-governmental organizations such as the International Law Association, the International Astronautical Federation and others.

So I would repeat, I would spell it out "information on the activities of international inter-governmental and non-governmental organizations". If you wish, we still could add "having observership status with COPUOS".

The CHAIRMAN (*interpretation from Spanish*): I agree with Professor Kopal's proposal because, moreover, it reflects what is happening in other international organizations not just here. The Human Rights Commission is no longer Human Rights Commission but it has another name now. But here, we are not reinventing the wheel. No, there is no warm water in English, it is reinventing the wheel.

In any case, I would ask the distinguished representative of Korea if, tomorrow after 1.00 p.m., we have to fly to other continents, so what I want to do is approve your proposal. We need to approve your proposal, based on what Professor Kopal said, which is more rigorous in terms of the United Nations practice. Do you agree with that? No objections? No objections, OK.

It is approved.

It is unusual to conclude and finish with a topic when you have no speakers on the list but in any case we will have now concluded our examination of item 12 and soon we will be adjourning the Subcommittee session so that the Working Group on Item 11 can hold its next meeting.

I understand that it will be the last meeting of the Working Group.

Now I would like to inform you of our plan of work for this afternoon.

I am going to Brazil. Unfortunately, I am not going to Brazil but I am going to give the floor to the delegate of Brazil.

We will be meeting at 3.00 p.m. sharp and if the Working Group's reports are available for the Working Group on Items 6 and 8, we will approve those reports this afternoon. And then we will come back together in the Subcommittee session to approve what has been previously agreed upon by the Working Groups and then we shall begin the Subcommittee's report.

Are there any questions or observations?

I am sorry, the distinguished representative of Brazil has the floor, followed by the distinguished representative of the Czech Republic. You have the floor Sir.

Mr. J. MONSERRAT FILHO (Brazil) (*interpretation from Russian – see speakers list*): Thank you very much Mr. Chairman. Could you allow me on behalf of the Brazilian delegation to congratulate the delegation of the Russian Federation as has already been done by the delegation of the Czech Republic for the forty-fifth anniversary of the first time ever of a manned flight, the flight of Yuri Gagarin. This was one of the major events in the history of humanity.

Thank you ever so much Mr. Chairman.

The CHAIRMAN (*interpretation from Russian – see speakers list*): Thank you very much comrade.

(*Continued in Spanish*) The distinguished representative of the Czech Republic has the floor.

Mr. V. KOPAL (Czech Republic): Thank you very much Mr. Chairman. Mr. Chairman, I just wanted to make still a very brief intervention concerning the item 12. It is my understanding that in the report of the Subcommittee for this year's session, it will be included as similar a paragraph as it was in the last report as paragraph 148. It means that "the Subcommittee noted that the sponsors of the following proposals for new items to be included in its agenda intended to retain their proposals for possible discussion at its subsequent sessions." It means that those items that were raised last year and recalled last year but did not enjoy the consensus of the Subcommittee, remained to be listed in the report for future consideration.

So this is just for purposes of clarity and a certain order.

Thank you very much.

The CHAIRMAN (*interpretation from Spanish*): Thank you Professor Kopal. Once again, I agree with him. When there are no agreements and subjects continue to be current, then that needs to be reflected in the report and they need to be discussed in an ongoing manner. If decisions are made, then those are adopted and otherwise some sort of formulate(?) reflection can take place in the report saying "a view was expressed" or something along those lines. But we should continue along the lines adopted in the past.

Now I give the floor to the distinguished representative of the Russian Federation and I cannot say anything else in Russian other than thank you. I hope you understand Sir.

Ms. O. Y. MOZOLINA (Russian Federation) (*interpretation from Russian*): Thank you very much Chairman. Thank you to all delegations having extended their congratulations to the Russian Federation with regard to this commemoration. It was heartening, indeed, to hear so much Russian spoken today in the meeting.

We would like to say that this is really an achievement which is that of all mankind so we would like to congratulate all the States with this commemoration. We would like to especially congratulate Kazakhstan and Ukraine because this was an achievement of all the republics of the USSR and its now independent States. There are cosmonauts in our ranks, our Romanian colleague, for example. And we would like to transmit best wishes in mastering the Universe to all States and best wishes to our Legal Subcommittee also in harnessing that work.

Thank you very much.

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

Moreover, I believe it is important to reiterate the fact that in this room we also find an ex-cosmonaut who was an excellent Chair of the Scientific and Technical Subcommittee and, above and beyond the first man flight of Yuri Gagarin, we have his memories of the beauty of the Moon and other celestial bodies. What are celestial bodies like? I would love to know. But we can talk about that in private later.

Would anyone else like to take the floor?

There is a practical problem at hand that I think we need to tackle with regard to Korea's proposal. I understood the Korean proposal, and I think most of us understood it as something that was suggested that we include international non-governmental organizations but not just those that are permanent observers, above and beyond them, including the others as well. That was the understanding here. Otherwise, the Korean proposal would not be novel. It is something that is already occurring. So that was our interpretation.

We approve it. Thank you.

I now invite my friend, Mr. Schrogl, to chair the fourth and last meeting of the Working Group on Item 11.

We now adjourn this meeting until 3.00 p.m. this afternoon.

The meeting adjourned at 10.48 a.m.