

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

Unedited transcript

747th Meeting

Thursday, 13 April 2006, 10 a.m.

Vienna

Chairman: Mr. R. González (Chile)

The meeting was called to order at 10.21 a.m.

The CHAIRMAN (*interpretation from Spanish*): Good morning one and all. It is a great pleasure to see you here. I am very sorry that we are winding up our work today. It is impossible, however, to extend this meeting.

Practice of States and international organizations in registering space objects (agenda item 11)

So we are going to be working on item 11, Practice of States and International Organizations in Registering Space Objects. And then we will be approving the report of the Working Group on this.

Then we will proceed with the adoption of the report of the Legal Subcommittee.

I think I have forgotten to say something. Yes, I wanted to call the meeting to order but I think you have understood that it has been called to order.

Today we are going to be immediately closing this min-meeting so that my friend, Kai-Uwe Schrogl could chair the adoption of the report on item 11.

Distinguished delegates, I would like to resume our session. I understand that everyone has read the report. Yesterday, we approved L.263 so now we will look at L.263, Add.1. This is the third section I believe.

Now I see that the Secretariat is actually too intelligent. So let me go back to what I was saying. I would like to go back to the script here. I apologize.

My friend, Kai-Uwe, I am just going to call you by your first name because I cannot say your last name, but anyway we have been friends for a long time and I apologize to my friend. I would like to ask him to first present the report of the Working Group and, moreover, it is my understanding, and I would like to congratulate him ahead of time because I understand he has done a fantastic job so let me give him the floor so he can report on the Working Group.

Mr. K.-U. SCHROGL (Germany): Thank you Mr. Chairman. Mr. Chairman, distinguished delegates, it is my pleasure to inform you that the work of the Working Group on Agenda Item 11, the Practice of States and International Organizations in Registering Space Objects, was very productive and successful.

The Working Group held six meetings. The Working Group agreed on a set of elements that could constitute the basis for a consensus on specific recommendations as conclusions to be included in the report to be prepared by the Subcommittee at its forty-sixth session in 2007.

The Working Group also agreed that it should reconvene at the forty-sixth session of the Legal Subcommittee in 2007 in order to assist the Subcommittee in preparing their report to be submitted to the Committee in accordance with the Work Plan under agenda item 11.

The Working Group further agreed that to facilitate its work in relation to that report, the Chairman of the Working Group could conduct informal consultations, open to all interested member States of the Committee, before the forty-sixth session

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.

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of the Subcommittee, by electronic means or any other appropriate manner.

The report of the Working Group, as it has just been adopted by its members, is contained in document A/AC.105/C.2/2006/REG/L.1. It is my pleasure to submit the report to the Subcommittee for its consideration.

And on a personal note, Mr. Chairman, I am very grateful to you, personally, for us to provide additional time for meeting and concluding our considerations and again I would like to thank the delegations for their spirit of working intensely and very hard on reaching the results we have achieved. And finally, of course, and again my greatest thanks to the Secretariat for an outstanding job.

Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): Thank you for your report. I would also like to convey my most heartfelt gratitude because, indeed, your work was crowned with success and some of the elements were very significant and I am sure that you will continue to work on those contents in future.

Distinguished delegates, I would now like to approve the report of the Working Group. I understand you already approved it in the context of the Working Group but I hope nobody will begrudge me this last two and a half minutes. If we could approve this, let us go and do it. Done.

With that, we have concluded item 11 on the agenda and you know what it is.

So now we will continue and approve the report. As I was saying earlier, we have already done L.263 and today we will tackle Add.1 and Add.2, which are the remaining parts.

I understand that everybody read the report as they should yesterday and now we have Addendum 1 of L.263, which is 6, 7, 8, and 9 on the agenda.

Let us begin approval of the second part of the report.

As a result, we can proceed in the following manner, which is our customary practice, and that is paragraph-by-paragraph.

So L.263, Add.1, Section III, Status and Application of the Five United Nations Treaties on Outer Space.

Comments on paragraph 1?

Approved.

Paragraph 2. If I may, I would like to suggest a small modification, if everyone agrees, of course. "The Subcommittee noted with satisfaction that the Secretariat had distributed an excellent updated document". I just want to insert the word "excellent".

If everyone agrees.

It is approved. Paragraph 2 approved.

Paragraph 3, which is the same as the title.

Approved.

Paragraph (a). Basically it is a factual paragraph. There is no value judgement here. I would propose, given that it is factual that we just go ahead and tackle sub-paragraphs (a) through (e) altogether. If you have any comments with regard to the number of signatures or ratifications or any suggestions with regard to the facts.

OK, so we are looking at (a) through (e).

Are there any figures that need to be rapidly corrected? It does not make a lot of sense really to discuss this paragraph, in my view.

Paragraph 3 is approved.

Moving on to 4. Comments on 4.

Paragraph 5.

Approved.

Paragraph 6. Comments on 6.

Approved.

Paragraph 7. I would like to take this opportunity to congratulate the distinguished delegation of China. Clearly, this type of effort is a powerful contribution to regional cooperation which, moreover, is in keeping with the '82 UNISPACE report on regional and interregional cooperation, which has been increasing over time and as reflected in various reports. So I think this is a very good contribution. So let us approve 7.

Paragraph 8. Again this is a factual paragraph.

Approved.

Paragraph 9. This is about respecting sovereignty.

Approved.

Paragraph 10. Any comments on 10?

Approved.

Paragraph 11. Comments on 11?

Approved.

Paragraph 12.

Approved.

Paragraph 13. Pretty much along the same lines.

Approved.

Now I am referring to the paragraphs here, of course, and not the delegations.

Paragraph 14.

Approved.

Paragraph 15. And here I just have one doubt that I would ask the Secretariat. I do not know if it was one delegation or several.

I am told that the paragraph has to remain as is. There was just one delegation and so one view was expressed. Thank you to the Secretariat.

Approved.

Paragraph 16.

Approved.

(Interpreter) Thank you.

Paragraph 17. I do not know if the Spanish text says "would slow or create obstacles". It is the Spanish. It is just a semantic problem. Of course, I have no authority over this paragraph. Just a language problem in Spanish.

Approved.

Paragraph 18. Comments on 18?

Approved.

Paragraph 19. If I may, I would say that "Subcommittee noted with satisfaction", perhaps adding the word "satisfaction", that the publication with the electronic database by this Institute, which is really very prestigious. We might want to be satisfied with this. Is Argentina in agreement? Yes, OK.

Approved.

Paragraph 20. Here we need to fill the gaps with the appropriate information.

Comments on 20?

Approved.

Paragraph 21. I think this is an important paragraph. In fact, there is a lot of time involved in this.

Any comments on 21?

Approved.

Paragraph 22. Comments on 22?

Approved.

Paragraph 23. Comments on 23? Again, this is a factual paragraph.

We now move on to Section IV, Information on the Activities of International Organizations Relating to Space Law. What happened? Something about the interpreters. Was there a problem with the interpreters?

Section IV, Information on the Activities of International Organizations Relating to Space Law.

Paragraph 24. Any comments on 24?

It is approved.

Paragraph 25. Comments on 25?

Approved.

Paragraph 26 is, again, a factual paragraph. Any comments on 26?

Paragraph 26 is approved.

Paragraph 27 Comments on 27?

Approved.

Paragraph 28, in the Spanish text. In keeping with the background on this, with regard to the _____ (*unclear*) should say "the Subcommittee noted, with appreciation, that the European Centre for Space Law had established a virtual network". That is fine. "..., free of charge, on space law" because that is what has happened. Thank you.

Paragraph 28 is approved.

Paragraph 29. The distinguished representative of the Czech Republic has the floor.

Mr. V. KOPAL (Czech Republic): Thank you very much Mr. Chairman. I fully agree with paragraph 29 dealing with the invitation of the IISL and ECSL. Perhaps the order of these organizations mentioned here should be inverted. It means first IISL and then ECSL because IISL was the original organizer of this symposia and ECSL joined the IISL later. So this is a minor amendment.

But my question is, this concerns only the future symposia to be held next year and my delegation proposed a high appreciation of this year's symposia, will it be somewhere else in this report, reflected or not?

The CHAIRMAN (*interpretation from Spanish*): I have two comments Professor Kopal, two comments Sir.

First, I agree with inverting them. It is an issue of seniority. I would prefer to say that in Spanish. The word is "antiquity". It is a little different and there is another connotation there but a little different from "seniority".

But, secondly, I would like to say I think that you are entirely right. Indeed, it was the symposia which were very important and played a vital role, you played a vital role. They served as a stimulus so that the following year was more productive. But, if you will give me a moment, I do not have a good memory about this. The Secretariat is consulting on this but clearly I, as a Chair, do not worry, I will ask that it be included. But if you would just give me about five seconds, I will be able to answer your question.

I am being told by the Secretariat that if you look at paragraph 12 of L.263, which we approved yesterday, it says "_____ (*not clear*)."
Did you understand me distinguished delegate of the United States? Did I pronounce it correctly? Was it understandable? Thank you.

Professor Kopal, I want to know, is that satisfactory to you?

Going even a step further, there is the advantage of the fact that it is in the beginning of the report, the first part that we approved yesterday, so it is upfront. And, as you say, it is very good to mention it, it is good that you brought it up because this gives us the stimulus and the aspiration of next year, hopefully having an even broader seminar or symposium so that we can spend an entire day on this.

And I fully also agree with you that we should invert the reference to the two institutions, the co-organizers of this seminar.

Would everyone agree with that? Thank you.

Paragraph 29 is now approved.

Paragraph 30. I have a proposal from the Chair for paragraph 30 to put for your consideration. I think it is a very restricted paragraph. I would also add, we should find the appropriate wording "some delegations noted that the subject of outer space had been introduced into the programmes of their secondary schools" and something about also the need to include it in higher education, university-level education.

Or, I am sorry, we could even have a separate paragraph. If I may, I would like to propose that we say that "the Subcommittee took note ...". I will say it at dictation speed. This just occurred to me. So I ask for your indulgence if it does not come out perfectly in dictation.

So this could be 30 *bis*. "The Subcommittee took note of the need for higher education institutions to include in their curricula subjects related to space law."

This would provide for better preparation and discussion of and possibility of a real exchange of knowledge.

So this is a proposal from the Chair.

Are there any comments?

Paragraph 30 bis is approved.

We move on now to paragraph 31. Any comments on 31?

It is approved.

Before moving on to paragraph 32, the Chair has another proposal for you, based on a comment I, myself, made during the discussion of space law in general and this refers to the need for the reports of various institutions, universities and centres of learning, any education institutions that have sessions on a regular basis, that they at least notify the Office for Outer Space Affairs. I understand that the Office for Outer Space Affairs often does not receive this information.

And I have also seen this in two other elements that I would like to highlight as a positive. The first came from the distinguished representative of India who sent something in that was actually of very good quality and the German delegation also held a meeting in Cologne which was of high legal calibre and they were both reported. So I would urge so that henceforth if we want to be consistent with what we have already approve, I would urge that we approve a paragraph that would say that “the proceedings that arise as a result of different days of seminars, conferences, congresses on space-related subjects should be available to the Office for Outer Space Affairs, taking into account especially the needs of developing countries and in the context of international cooperation” That would be paragraph 31 *bis*.

Have you been able to take note of the proposal?

And in parentheses, I would say that I just had this idea, perhaps it needs to be refined, the wording needs to be edited a little bit. But I am asking if you agree with the substance.

The distinguished representative of the United States.

Mr. K. HODGKINS (United States of America): Thank you Mr. Chairman. Mr. Chairman, I think what we need to reflect on a bit more on exactly what this paragraph is intended to do because I do not think that anybody disagrees with the general intent. I mean, are we expected now to survey the world community as to who is putting on seminars and contacting them telling them they should be giving their proceedings to the Office for Outer Space

Affairs? How many law schools do we have that might touch on space law around the world? Or are we asking member States to make this available? I guess I am just not quite sure what operation this means and how we are supposed to fulfil this particular matter and I do not think that we should adding paragraphs to the report unless we have a clear idea of how we would make this happen. And again, I am not disagreeing with the general concept, it is just that I am not quite sure what we are expected to do.

Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): I think the intention was fairly clear. The idea is for developing countries to have an opportunity to know more about space law at a time when telecommunications are increasingly user-friendly and it is easier to send something. You do not even have to use the old form which was to put something in an envelope and put a stamp on it and mail it. Now it is so much easier to send information.

But the paragraph is approved. We move on to paragraph 32. Not approved? I apologize. The interpretation was incorrect. I withdraw the paragraph. For me, it was clear and obvious that there is a need. I have seen it in many developing countries and I am saying that proceedings could be sent to the Office for Outer Space Affairs. It is not a huge endeavour to do that. I do not think we need to reflect on it. It is just an aspiration of having access to the knowledge. And, as it was my proposal, I sovereignly declare it withdrawn. Not approved. Thank you.

We move on to paragraph 32. Comments on paragraph 32?

It is approved.

Paragraph 33. Before I give the floor to Brazil, I just wanted to draw your attention to the paragraph that says “with satisfaction”. Brazil, microphone.

Mr. C. E. DA CUNHA OLIVEIRA (Brazil): ... paragraph, here in its third line, it says “it had started its second short-term course on space law”. Actually, what we wanted to say is that space law has been included for the second consecutive year as part of the curricula of the international course on remote sensing offered by the Regional Centre in Brazil.

So, with your permission, I would like to propose that the following correction. On the third line, we would strike through the whole third line and

we would replace it by “had included space law as part of the curricula of its international course on remote sensing”. The international course on remote sensing is offered annually by the Regional Centre and for the second year in a row that space law has been included as part of the programme of the course.

Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much. We have all heard the comments of the Brazilian delegation on paragraph 33, of course. Would you have any comments?

Paragraph 33 has been adopted, as amended by Brazil itself.

Paragraph 34. The Czech Republic.

Mr. V. KOPAL (Czech Republic): Thank you very much Mr. Chairman. I agree with the first sentence of this particular paragraph 34, but I would like to have us start a certain re-drafting of the second sentence because the second sentence reflects our view that we expressed in our statement during the general exchange of views and be formulated in a slight different way. Because as it states now, it looks that we may had some critical attitude to the UNESCO because they did not fill their intention, their task, but, on the contrary, we appreciated that UNESCO decided itself not to prepare a special declaration. And, therefore, I would suggest the text as follows: “it was noted with satisfaction that UNESCO had decided not to prepare a special declaration of particular(?) principles relating to outer space activities.”

The CHAIRMAN (*interpretation from Spanish*): Thank you very much Czech Republic. I just have a short comment on that which is perfectly well along the lines of which you have just said yourself. We cannot really note with satisfaction something which has not been done. I would call on my Spanish-speaking friends in the room. Could they possibly come out with another turn of wording here? You cannot really note with satisfaction an omission of an international organization, especially one which has, indeed, played a key role in the preparation of the Chilean Conference on Space Law. It has been very active in the Latin American region and the Ambassador of Ecuador can confirm this because it is in his country that the Fifth Space Conference of the Americas will be held. In our region, certainly we are delighted with what UNESCO is doing. All I am asking, Mr. Kopal, is for us to find a more felicitous wording of the idea that you have put, a more positive spin on it. I do not think you can really say it was

noted with satisfaction that UNESCO decided not to do something, because they are usually commended for doing things. I do not know if I have been clear.

I believe there is a problem of harmonization between the English and Spanish texts. I think you are right. It is just that I was making a more general comment. I wanted to support you in the idea that you have been putting here. UNESCO is doing work of essential importance.

Can we express support for the amendment tabled by Professor Kopal? Thank you.

Paragraph 35 now. This seems to be an excellent contribution to the work of this Subcommittee.

We have adopted that.

Let us go on to paragraph 36 now.

Adopted.

Paragraph 37. The representative of Chile has the floor.

Ms. I. ACEVEDO ALBORNOZ (Chile) (*interpretation from Spanish*): Thank you Mr. Chairman. I wanted to refer to where we say “need of receiving written reports from those organizations that could not be represented”. I think this is a constant situation so possibly this just affects the Spanish version, the wording of which could be improved.

The CHAIRMAN (*interpretation from Spanish*): Are there any comments?

The paragraph is adopted.

Paragraph 38. The United States.

Mr. K. HODGKINS (United States of America): Thank you Mr. Chairman. I apologize but I would like to go back to paragraph 31 just for a clarification please. I have been studying it and my question is whether the ECSC, of those three organizations, whether they are the only ones that are educating young people. That is to say, it strikes me that the University, the National Remote Sensing Centre and Space Law Centre of the University of Mississippi all have young people attending. I think that we should revise that paragraph with the idea of commending all three organizations for educating young people about space. I do not think that the ECSL is the only one that has done that.

Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): Thank you. I would have some comments on this. On the substance, no problems. But I would like to ask you not to re-open paragraphs that we have already adopted. In this Subcommittee, usually once we have adopted paragraphs, I do not have the intention of re-opening paragraphs already adopted but this would be an exception.

The amendment is a logical one. I would speak personally but I think the proposal of the Chairman is also very logical. It is important to have access to young people and make them aware of space law. I think that we could contact the University of Mississippi and ask them, for example, to send over reports to the Office for Outer Space Affairs but we never received anything. And the paragraph that I proposed has been turned down.

To get back to the report, I would repeat that all delegations are equal and I am not going to be re-opening a paragraph which has already been adopted.

Paragraph 38. The United States.

Mr. K. HODGKINS (United States of America): Thank you Mr. Chairman. I fully appreciate your concern about re-opening paragraphs that have already been adopted. My only point here is that this really is not correct. I think that we, for the sake of the Committee and the utility of this report, that it is possible that it be corrected because otherwise this particular paragraph as it is drafted leaves one with the impression that there are no young people being educated about space at the University of Athens or the University of Mississippi. And I think that on the face of it, that does not quite make sense and I apologize for not having caught this earlier but I am in your hands Mr. Chairman and I certainly do not want to hold up our proceedings.

Thank you.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much. We have taken due note of the proposal of the United States and I would ask the Secretariat now to read out 31 as amended.

Mr. S. CAMACHO-LARA (Director, Office for Outer Space Affairs): Thank you Mr. Chairman. What we could do would be to delete in the third line, after the words “in particular”, delete “of the” and then after the word “contribution” delete “of the latter” so

that it would read “and in particular their contributions to educating young people about space”. So we would add the word “their” after “in particular”.

The CHAIRMAN (*interpretation from Spanish*): I would turn to the representative of the Czech Republic and ask you to help me in my work and not come back to paragraph 31 which has been adopted, unless you really insist. I do not wish to revert to and re-open paragraphs that you, yourselves, have adopted because that would be like throwing the door open to your changing what you have said and not said. Professor Kopal, do you really wish to take the floor?

Mr. V. KOPAL (Czech Republic): ... Mr. Chairman because the wording of this particular paragraph 31 is really unhappy and perhaps we should ask the Secretariat to consider this paragraph and to complete it because there have been other institutions as well doing very good contributions in education and I do not know why it should be limited only to these three institutions. Moreover, the contributions of the individual institutions that are quoted here are different so that there should be some more consideration given to the formulation but this could be done by the Secretariat.

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

We could also add the Argentina Outer Space Institutes. There are ever so many other institutes as well. Sorry, the Brazilian Association of Space Law as well. There are ever so many institutions around the world doing good work.

The Secretariat.

Mr. S. CAMACHO-LARA (Director, Office for Outer Space Affairs): The report reflects in each section what was said in the statements. We could, of course, expand any paragraph to include what we might think are other institutions. But what we have in the report, we might have missed an institution, we might have missed two institutions. But the report reflects only that what was said and that would be in general under all the sections.

Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): Thank you. Yes, I think that that is certainly common sense. These are the procedures of the Subcommittee. So I believe that everything is perfectly clear with respect to 31.

Which brings us back to 39. Sorry, 38 rather. If I might make a minor amendment here. Could the Secretariat allow me to make it? I am surrounded by two Spanish speakers. I would say “the Subcommittee noted with appreciation that the Office for Outer Space Affairs has devoted efforts to building capacity” and here comes my amendment, “even though one could not build on legal and academic precedence”, or “arising from academic”, “with all the legal academic background from” or “rising from academic institutions”.

Truly, I think, the Secretariat does spectacular work. They really have to make a maximum effort for us to have everything we need.

Do we agree with the amendment?

I am going to ask the Secretariat to read the proposal. The Secretariat has made a very good suggestion. They will write the text in English so there is enough time. And in the meantime, we will continue with a few other paragraphs and then we can come back to number 38 so that we have a complete and concrete idea of what I just proposed.

Paragraph 39.

I am sorry. Let us move on to paragraph 40. I think we are doing justice to what the distinguished delegation of Nigeria ... Professor Kopal has the floor. This is on paragraph 40? Paragraph 39 is not approved. Paragraph 39, I was explaining the Secretariat will translate it into English. My proposal, they will translate it and then we will come back. This is on 40. You have the floor Sir. The distinguished representative of the Czech Republic.

Mr. V. KOPAL (Czech Republic): Thank you Mr. Chairman. Indeed, I wish to speak on paragraph 40 not on 39, on paragraph 40. I fully agree with the appreciation expressed here to the Government of Nigeria and so on. The full text is quite correct, in my opinion, and I support it but I would like to add one more sentence because we should also appreciate the efficient and dedicated work of the Secretariat for this particular workshop. I said it in my opening statement at this Subcommittee and there is no word about it here. So to add a new sentence that would express the appreciation of the Subcommittee for an efficient and dedicated preparation and realization of this workshop.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much to Professor Kopal. I

think it does justice. We could put it at the end, “does justice to the work of the Secretariat and the organization of seminars, in helping comply with the objectives of the seminar”.

But I have been asked for the floor by the distinguished representative of Nigeria. You have the floor Sir.

Mr. T. C. BRISIBE (Nigeria): Thank you Mr. Chairman for giving us the floor. Very briefly, we would like to support the statement that has just been made by the distinguished representative of the Czech Republic and perhaps to also add to the amendment that he has just suggested that “note should be made of the very excellent contribution which was made by the experts who participated during the course of that workshop”.

Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): Thank you. If I interpret the two proposals correctly, what would happen is we would have a paragraph recognizing the Office, or the Secretariat, and the experts who participated in the seminar. Thank you very much.

We will then approve paragraph 40.

Paragraph 41. I think this is a very good initiative. If there is no objection, we can approve this paragraph.

Paragraph 42. I have no problem with paragraph 42. But I would just like to ask, would it not be good in future, and I am just saying this for something for us to think about and subsequently talk about amongst ourselves, would it not be good for the IAF to have ... no, they have important sessions on space law or related to space law and I would have hoped that this would be more highlighted here. But in any case, I think that paragraph 42 ... How about “the Subcommittee noted with appreciation”?

Comments on 42?

It is approved.

Moving on paragraph 43.

Approved. It is a factual paragraph.

Now we come back to paragraph 39. Not yet. I am sorry. It is not ready yet.

We can move on then to Section V, Matters Relating to the Definition and Delimitation of Outer Space. Paragraph 44.

Any comments?

Adopted.

Paragraph 45. In paragraph 45 you will see that there is no reference to any documents. It is a paragraph which is purely description in nature. If nobody is opposed, we approve 45.

Paragraph 46. Any comments on 46?

Approved.

Paragraph 47. The distinguished representative of the Czech Republic. You have the floor Sir. This is on 47, correct?

Mr. V. KOPAL (Czech Republic): I am sorry Mr. Chairman. I have to bring to your attention one minor error that is in paragraph 46. I only ascertained it now so if you wish, I can tell you that the language here is not correct. "The view was expressed that the exploitation of the geostationary orbit", we should not speak about "exploitation of the geostationary orbit", we should use about the "use of geostationary orbit".

The CHAIRMAN (*interpretation from Spanish*): Thank you Professor Kopal. I think from a legal point of view, you are right. Thus, if there are no objections to this substitution, we would approve paragraph 46 with this change. The distinguished Ambassador of Ecuador is in agreement? OK, since it is a source of concern to you Ecuador, that is why I was asking to make sure it makes sense to you. Thank you.

Paragraph 46 is adopted.

Paragraph 47. Comments on 47?

Approved.

Paragraph 48. paragraph 48 here "the views were expressed", we have to respect the views that are expressed.

Approved.

Paragraph 49. Comments? Professor Kopal, you have the floor Sir.

Mr. V. KOPAL (Czech Republic): Mr. Chairman, my delegation was one of those delegations which referred to this consensus that is mentioned here but it should be added that "the consensus reached by the Scientific and Technical Subcommittee endorsed by the Committee". This was very essential because it was then brought to the attention of the full Committee and the full Committee endorsed it.

The CHAIRMAN (*interpretation from Spanish*): Once again, you are correct Professor Kopal. Thank you very much because this helps us to have a more rigorous idea of what happened.

With that comment, would we be in a position to adopt paragraph 49?

Thank you, it is adopted.

Paragraph 50. Comments on paragraph 50?

It is adopted.

Paragraph 51

Adopted.

Paragraph 52.

Adopted.

Paragraph 53.

Approved.

Paragraph 54. Any comments? I think this was approved at the time, right?

The distinguished representative of Chile has the floor.

Ms. I. ACEVEDO ALZBORNOZ (Chile) (*interpretation from Spanish*): It is just to say something about what Professor Kopal was saying about exploitation, that paragraph, and the word use. So we are going to harmonize. So in Spanish we would be using the word "use" also, not "exploitation", the _____ (*not clear*) "utillaccion"(?).

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

Moving on to paragraph 57, 55, excuse me. Any comments on paragraph 55?

Approved.

Paragraph 56. Any comments on 56?

Approved.

Professor Kopal, you have the floor.

Mr. V. KOPAL (Czech Republic): Thank you very much. I apologize Mr. Chairman for my new return to the paragraph that we have already approved but I had to do it because the discussion now went rather fast and it was not possible to follow everything in greater detail.

Here in paragraph 55, we have again, we discussed it yesterday, the question of terminology saying, at the third line, “the General(?) Assembly had requested entities of the United Nations systems”. It should read correctly “organizations of the United Nations systems and other international organizations”.

The CHAIRMAN (*interpretation from Spanish*): Indeed, I thought we even approved this paragraph yesterday. So let us change “entities” and put “organizations” there.

So we have approved it and now we have formally approved it.

Returning to paragraph 39 and I will ask the Secretariat to read out in English the version of 39. How did it end up? I would add that they please read slowly so that the interpretation into Spanish is such that I can compare them to make sure that it is what I proposed because I do not have it in writing in front of me. Thank you.

The Secretariat has the floor.

Ms. N. RODRIGUES (Office for Outer Space Affairs): Just for the benefit of our interpreters, I will read the sentence fully just that they can get the full sense of the sentence and then I will slow it down and repeat the sentence in dictation speed.

To accommodate the proposal that you have suggested, we would actually like to suggest that we just add an extra sentence at the end of paragraph 38 which would read as follows:

“The Subcommittee with appreciation that this work was being conducted despite the Office’s limited access to resources, including the full range of academic papers relating to space law.”

I will repeat that now at dictation speed.

It is a new sentence at the end of paragraph 38.

“The Subcommittee noted with appreciation that this work was being conducted despite the Office’s limited access to resources, including the full range of academic papers relating to space law.”

The CHAIRMAN (*interpretation from Spanish*): I think the Secretariat has exactly reflected my thinking and, thus, I would put this amendment to your consideration now.

The paragraph is now approved with the amendment.

Moving on now to paragraph 57. Comments on 57? The distinguished representative of Chile.

Ms. I. ACEVADEO ALBAORNOZ (Chile) (*interpretation from Spanish*): Thank you Mr. Chairman. In the second line, there is some inconsistency in saying “the commercialization of outer space”. Perhaps reference is being made to commercial entities in space. Paragraph 57 is just a view being expressed and often in documents commercialization has even been mentioned. If you want to say commercial entities, I do not mind, but common use is of the term “commercialization”.

The CHAIRMAN (*interpretation from Spanish*): I see that the Chilean delegation is not insisting so I would like to suggest that we adopt paragraph 57 as is. Thank you.

Adopted.

Paragraph 58. Comments?

It is adopted.

Paragraph 59.

Paragraph 59 is approved.

Paragraph 60. Comments on 60?

Approved.

And paragraph 61, as usual the Secretariat will fill in the gaps that are there and these are purely factual gaps.

Comments on 61? Thank you.

Approved.

Paragraph 62 is factual.

It is approved.

Paragraph 63, also factual.

Approved.

We move on now to Section VI, Nuclear Power Sources in Outer Space, paragraph 64.

Comments on 64?

The delegation of France have any comments?
No. OK, thank you.

Paragraph 64 approved.

Paragraph 65. Comments on 65?

It is approved.

Paragraph 66.

Paragraph 66 is approved.

Paragraph 67. Comments?

Paragraph 67 is approved.

Paragraph 68.

Paragraph 68 is adopted.

Paragraph 69.

Adopted.

Paragraph 70.

Approved.

Paragraph 71.

Approved.

Section VII. This is about UNIDROIT.
Paragraph 72. Comments?

Paragraph 72 is approved.

Paragraph 73. Comments?

Approved.

Paragraph 74.

Approved.

Paragraph 75. The distinguished representative of the Czech Republic. I ask please not to return to previous paragraphs. It is on 65.

Mr. V. KOPAL (Czech Republic): Definitely I will not return to previous paragraphs. However, I would have a kind request to you to proceed a little slower because this is important for us and that we did not have the opportunity to study the text in advance.

The CHAIRMAN (*interpretation from Spanish*): I will try to go slower. I would just like to recall to the Subcommittee that when we started this session, during the general discussion we requested comments be made so that we could prevent this kind of situation from happening. No delegation made any comments so I understood that we had agreed on everything. But then, too, I need to be respectful because the interpreters have a limited time and we need to finish within the time allotted.

Paragraph 76.

It is approved.

Paragraph 77.

Approved.

Paragraph 78.

Approved.

Paragraph 79.

Approved.

Paragraph 80. This is written in old Spanish.

(*Interpreter*): This is a discussion about the Spanish verbs. That is what the Chair is discussing with Ecuador.

The CHAIRMAN (*interpretation from Spanish*): So we can approve paragraph 80. thank you.

Paragraph 81. Comments, views, reflections.

Paragraph 81 is approved.

Paragraph 82. Comments on 82?

Approved.

Paragraph 83. Comments on 83?

Adopted.

Paragraph 84. The distinguished representative of the United States. This is on 84 or 83?

Mr. K. HODGKINS (United States of America): Thank you Mr. Chairman. Yes, my comments have to do with paragraph 84. My delegation understands that this paragraph does reflect the views expressed by some delegations and we certainly do not deny that but I have to ask the question whether we really should have in our report views being expressed or a paragraph expressing the idea that statements by other delegations are not(?) (*not clear*) a very important and legitimate question are disturbing. I note in other parts of the report that we had views expressed on items that are not even on the agenda of this Subcommittee but we do not have language in their reflecting that. Those statements were in some way out of line nor do we have any statements in there that say because no consensus was reached on that matter it can never be discussed again. And I will note in our report there are many topics where we have not reached consensus but we have not reflected the view that those topics can no longer be discussed. So I would ask, through you Mr. Chairman, whether these delegations insist that paragraph 84 as drafted should remain there. And if so, to what purpose are we trying to achieve here? We know that we could not reach consensus on the Supervisory Authority but the impression that one is left in paragraph 84 is that those delegations who still have very legitimate and sound reasons for why the Supervisory Authority could be in the United Nations as, in some way, disrupting the work of the Subcommittee by, in this phrase, even attempting to raise the question.

So again, Mr. Chairman, through you, I would ask that perhaps those delegations that have this view could find a different way of having it expressed in our report.

Thank you.

The CHAIRMAN (*interpretation from Spanish*): Thank you. I would like to communicate the concern of the distinguished representative of the United States to delegates who expressed this view.

First and foremost, I would like to say that the word of concern worrisome reflects what was said in the debate first.

And secondly, I just would like to ask those who made this statement if they would be willing to accept the request of the distinguished representative of the United States or maintain it, as is their right, maintain it as is.

I am told by the Secretariat that this paragraph was a view expressed by the distinguished delegations of India, Greece and Argentina. So I would like to ask them ... No, first, I would like to give the floor to the distinguished delegate of Germany to have a more overall view and then I will give the floor to you Sir. But first, I would like to hear what the delegate of Germany has to say. You have the floor Sir, distinguished delegate of Germany.

Mr. T. PFANNE (Germany): ... proposal in order to make a little bit softer, consider it to be removed instead of had been removed to make it a little bit more subjective instead of objective.

The CHAIRMAN (*interpretation from Spanish*): I now communicate the concern to those delegations that said it. The procedure should be clear here. When there is no agreement and there are several delegations involved against one delegation or if it is one delegation who says "the view was expressed" or if there is a consensus, we say "the Subcommittee" or "several expressed the views".

I give the floor to the distinguished representative of India. You had asked for the floor, right?

Mr. P. K. CHOUDHARY (India): Thank you Mr. Chairman. I think this paragraph reflects the correct position which was explained in the plenary and we would like to retain this paragraph as it is drafted because it is a factual position and it is more than one delegation which expressed this view. Thank you.

The CHAIRMAN (*interpretation from Spanish*): Thank you. In terms of procedure, the delegation of India is entirely correct. We would need to leave the paragraph as is, currently unquoted(?). therefore, we will approve paragraph 84.

Paragraph 85. France has the floor.

Mr. A. KERREST (France) (*interpretation from French*): Thank you and just a small

terminological change. In 85, instead of, this affects the French only, bien _____ (?) (*French*). The French is only affected.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much for this correction. The Secretariat will certainly take due account of this.

Paragraph 85, are there any comments?

It is adopted.

Paragraph 86. The distinguished representative of France.

Mr. A. KERREST (France) (*interpretation from French*): Sorry, yet another terminological point. In the middle of the paragraph, in the French text, the words “qui _____ (?) (*French*). This affects the French text only. _____ tres examine(?) (*French*). It does not affect the English.

The CHAIRMAN (*interpretation from Spanish*): Thank you distinguished representative of France.

Paragraph 86, once again. OK.

Paragraph 87. When we read the words “the view was expressed that”, I do not think it makes much sense but it is adopted anyway.

Paragraph 88.

Adopted.

Paragraph 89.

Adopted.

Paragraph 90.

Adopted.

Paragraph 91. Argentina, you have the floor.

Mr. S. SAYUS (Argentina) (*interpretation from Spanish*): Mr. Chairman, with regard to 91, my delegation would like to propose an addition. After the period, taking the period out and say “as was recommended by the Secretariat in its note A/AC.105/C.102(C.2?)/L.268.

So I will repeat it to facilitate the note taking.

The last line where it says “once the Protocol has entered into force, as recommended by the Secretariat in its note A/AC.105/102(C.2)/L.238 of 10 January 2003.

Thank you Sir.

The CHAIRMAN (*interpretation from Spanish*): Thank you to the distinguished delegate. Yes, and furthermore, you said it during the discussion. So this is fully consistent with what your delegation expressed during the meeting.

The United States.

Mr. K. HODGKINS (United States of America): Thank you Mr. Chairman. Mr. Chairman, I have no doubt that certain views were expressed along those lines but I would like to seek some clarification because I recalled that the report by the Secretariat dealt with a number of issues but did the Secretariat actually make a recommendation to UNIDROIT as to what should be done with the Supervisory Authority or was it merely one of several options? I thought that the member States were the ones that were making recommendations and deciding on how to proceed. And what we had asked for from the Secretariat was a report on the legal issues dealing with the United Nations serving as the Supervisory Authority and that maybe there other options. I am reluctant at this stage for the report to reflect that the Secretariat had made a specific recommendation on a Supervisory Authority question unless, in fact, they did and, of course, my memory could certainly be wrong.

Thank you Mr. Chairman.

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

Mr. S. CAMACHO-LARA (Director, Office for Outer Space Affairs): Thank you Mr. Chairman. My recollection is that it was one of various possibilities. It was not a recommendation. It was identified as a possibility that member States might consider.

Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): Thank you Secretariat. Would Argentina be able to allow for that and adjust for that?

Argentina.

Mr. S. SAYUS (Argentina) (*interpretation from Spanish*): Thank you Mr. Chairman. I quite agree with what the Director of the Office for Outer Space Affairs has just said. It is true that the Secretariat had made the statement within the context of conclusions and recommendations.

The CHAIRMAN (*interpretation from Spanish*): Fine. So I believe that we can adopt 91. So we are adopting 91, as amended.

The United States.

Mr. K. HODGKINS (United States of America): Thank you Mr. Chairman. I appreciate, Mr. Chairman, the flexibility shown by our distinguished colleague from Argentina and the explanation from the Secretary. My only question is, what exactly will the change be? Because, as first amended, from my delegation's standpoint, it did not accurately reflect what the Secretariat's report said. If it is going to be revised to the effect that there were several recommendations, those being one of them that member States might consider, that would be fine, but to leave the impression that that was the sole recommendation made by the report of the Secretariat, I think, would be inaccurate.

Thank you.

The CHAIRMAN (*interpretation from Spanish*): The representative of Argentina is indicating that he agrees with the interpretation of the United States on this so I think that we can adopt 91.

Paragraph 91 is adopted.

Paragraph 92. Any comments?

It is adopted.

Paragraph 93.

Adopted.

Paragraph 94.

Adopted.

Now let us go on to Addendum 2, VIII, Practice of States and International Organizations in Registering Space Objects.

Paragraph 1. I think we can adopt that.

It is so adopted.

Paragraph 2, including the three subparagraphs, and this is purely descriptive.

Paragraph 2 is adopted.

Paragraph 3.

Adopted.

Paragraph 4.

It is adopted.

Paragraph 5.

Adopted.

Paragraph 6.

Adopted.

Paragraph 7. You cannot deny that I am going more slowly.

Paragraph 8. On 8, I would ask the Secretariat to take another look at the Spanish version which uses the word "decleve(?)" (*Spanish*), which I do not think is the right word but since they master Spanish better than I do, I will leave it in their hands.

Paragraph 8 has been adopted.

Paragraph 9.

Adopted.

Paragraph 10. Comments?

Adopted.

Paragraph 11.

Adopted.

Paragraph 12.

Adopted.

Paragraph 13.

Adopted.

Paragraph 14.

Adopted.

Paragraph 15 are views which must be respected.

Paragraph 15 is adopted.

Paragraph 16.

Adopted.

Paragraph 17. Here one must insert the appropriate words which the Secretariat will certainly do.

And 17, I am not going to be pronouncing the family name of the Chairman of the Working Group on Agenda Item 11.

Adopted.

Paragraph 18. Any comments?

Adopted.

Let us go on now to IX, Proposals for New Items to be Considered.

Paragraph 19.

Adopted.

Paragraph 20.

Adopted.

Paragraph 21. The representative of Brazil.

Mr. C. E. DA CUNHA OLIVEIRA (Brazil): Thank you very much once again, Mr. Chairman. My comment will be a brief one again. It concerns the second sentence which begins on the fourth line, "the Subcommittee noted that the proposal introduced by Brazil would be further refined and could be presented to the Committee". My only suggestion would be to clearly spell(?) though(?) that the preliminary nature of such a proposal and that it would be pursuing further consultations with as many delegations as possible, prior to its possible submission to the Committee. My suggestion in this case is simply to introduce the word "preliminary" on the second sentence, in the fourth line, prior to the word "introduce". And the sentence would read as "the Subcommittee noted that the proposal preliminary introduced by Brazil would be further refined and could be presented to the Committee".

Thank you.

The CHAIRMAN (*interpretation from Spanish*): Yes, I do remember perfectly well that Brazil had used this qualifier of "preliminary" so I think that is perfectly consistent, I believe, with what you are proposing now.

Everyone agrees.

Adopted.

Paragraph 22. Comments on 22?

Canada, did you wish to take the floor, in Spanish, now? I see that Canada is smiling at me which I think is delightful.

Paragraph 22 is adopted.

Paragraph 23. Argentina should not worry. You are all so serious. I know that you are all representing very serious ... Peru, did you wish to take the floor? No.

Paragraph 23.

Adopted.

Paragraph 24. These are all the items that are going to be on the agenda of our next meeting, descriptive in nature, this paragraph. We have already agreed on these items so we have adopted this.

Paragraph 25. Here I would like to take this opportunity that the work of the Working Groups' was very productive indeed. So I think that these Groups should be reconvened, from a procedural point but from a substantive point of view as well.

Paragraph 25 is adopted.

Paragraph 26. Comments on 26?

Adopted.

Paragraph 27. Yet another description. The representative of the Czech Republic.

Mr. V. KOPAL (Czech Republic): Thank you very much Mr. Chairman. My comment relates to paragraph 27(f). As a matter of fact, it was my delegation which requested that the inclusion of this paragraph in this report but I did not(?) request the addition of a new sub-paragraph (f), Legal Aspects of Disaster Management, proposed by the Czech

Republic, because my delegation shared the view that is expressed in paragraph 22, “some delegations proposed the inclusion of an item entitled ‘Legal Aspects of Disaster Management’ on the future agenda of the Legal Subcommittee and those delegations noted that it should be discussed and decided after the finalization of the report of a Special Group in the Scientific and Technical Subcommittee”. For the time being, I would suggest to withdraw sub-paragraph (f) in Article 27.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much Mr. Kopal. I also remember perfectly well that you were very precise. You had said that one should await the results of the debate of experts within the Scientific and Technical Subcommittee. You are quite right. There was no formal proposal and tabling of a new item. It is just in the light of those results that we will be able to take this decision. So for the time being we strike (f) in 27.

Paragraph 28, the last paragraph. Comments? Any debate, discussion, thinking out loud on 28?

It is adopted.

We have, thus, now adopted the report of the Legal Subcommittee, as amended.

I would like to particularly thank all of the delegations for your participation. Our work has been very useful indeed. We still have work to accomplish. I am sure that we have made the most of the time made available to us. I am sure that the number of meetings devoted to this Subcommittee is appropriate, especially for the developing countries, countries which are thus enabled to learn from all of those who actually engage in space activities. So once again, I am going to be airing a principle that is very dear to my heart which was mentioned by Burkina Faso. It is necessary to forge a lasting, sustainable, legal basis framework. We are throwing open new horizons on the basis of the work done in the past. Seeds have been sewn. There will be a harvest and the growth process is never-ending.

Thank you very much for your understanding, your participation, your support. I hope to soon have the pleasure next year to see you again, if I am still on planet Earth. Possibly I will be out there in orbit with other celestial bodies. Would that not be lovely to be in such good company.

So once again, thank you very much and I will see you next year.

The meeting closed at 12.41 p.m.