

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

Unedited transcript

755th Meeting

Thursday, 29 March 2007, 3 p.m.

Vienna

Chairman: Mr. R. González (Chile)

The meeting was called to order at 3.08 p.m.

The CHAIRMAN (*interpretation from Spanish*): Good afternoon distinguished delegates, I call to order the 755th meeting of the Legal Subcommittee. This afternoon we will continue and hopefully conclude, our consideration of agenda item 5. We will also continue our consideration of item 6(a) and 6(b). The Working Group on Status and Application of the five United Nations Treaties on Outer Space, chaired by my friend, Mr. Vassilios Cassapoglou, will hold its fourth meeting, immediately afterwards.

Distinguished delegates, I would now like us to continue our consideration of agenda item 5, I have no speakers on the list. Could I ask if there is anybody wishing to take the floor on item 5? The International Law Association has asked for the floor, you have the floor.

Ms. M. WILLIAMS (International Law Association): The International Law Association, Headquarters, London, which I am honoured to represent, was founded 134 years ago, in Brussels, formerly the Alabama arbitration. Its Space Law Committee goes back almost 50 years, it was set up during the ILA biennial conference in New York, 1958, just after the first sputnik and its work continues, without interruption to date. The President of the International Law Association is Dr. Milos Barutckiski from Canada and Lord Slynn of Hadley, is the Chairman of the Executive Council. The Committee is a permanent observer to COPUOS and to both its two Subcommittees, we are very proud of that, and the officers presently are, Professor Stephan Hobe, from

Germany, as general rapporteur and the present speaker as Chair. We frequently work in cooperation with other international organizations, public and private, such as the International Law Commission and the International Institute of Space Law. During the last half century, the ILA Space Law Committee, produced a number of proposals, draft principles and instruments, the balance of which, has been reported to this Legal Subcommittee and full committee, therefore, this report, will be narrowed down to our most recent work for the Toronto conference in 2006 and thereafter.

The terms of reference for Toronto 2006 included, remote sensing, national space legislation and registration, a matter which the Committee felt was increasingly being linked to the first two. Along these lines, and these were important questions, these were delicate questions and they have an unquestionable political dimension. First we had a questionnaire circulated before the Toronto conference, addressing all three topics because the previous conference in Berlin, 2004, had dealt quite exhaustively with remote sensing and national space legislation, registration issues were highlighted in the questionnaire and in Toronto 2006, as well. To this end, a number of recent sources were the object of reference, inter alia, the Working Group on Registration set up by the Legal Subcommittee, the figures provided by a note dated, 14 April 2005, circulated by the Secretariat of COPUOS, on registration statistics, the work carried out by the University of Cologne, concerning Project 2001 Plus, conducted by Professor Hobe, likewise, the research projects on the subject carried out by the University of Buenos Aires and the National Council for Scientific Research of Argentina, under the

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direction of the present Chair and also, a comparative study of a number of national laws on the matter in surveys including both, industrialized and developing countries and where the ILA Space Law Committee members, very distinguished members, played an important part, some of whom are with us today and have been with us in previous days. The terms of reference therefore, were, remote sensing, national space legislation and registration. I shall take these matters in turn.

Remote sensing. Space Law Committee members agreed in general on the need for further discussion of the 1986 principles, in today's light, and without further implications, except perhaps, to draw up some ILA guidelines on interpretation. They also commented on the validity of the principles, namely, if they were part of customary international law or, to state it in reverse, whether State practice revealed that the principles are being observed. Answers were on _____ (*inaudible*) in the affirmative, with some exceptions and this is all reflected in the Toronto report, which may be found on the ILA website and in book format, it should be out any moment now. I might add that, principle 12, on the right of access, was the most controversial, even though the problem has nowadays lost part of its intensity because, at the moment, sense States are also becoming sensing States and there is an increasing number of sense States presently carrying out remote sensing activities and on the other hand, the topic is becoming more and more commercial, so the problem is not as dramatic as it was in 1986, when the principles were adopted. As to registration and remote sensing, ILA Committee members provided and we all compared, systems and mechanisms adopted by the different countries, generally on the administrative level. For details, as before, we refer you to the ILA website or to the books.

Another issue related to remote sensing, which was a matter of concern to Committee members was, the use of satellite data in court proceedings as means of evidence and it was seen as a problem of substance. Satellite imagery can be easily modified without possibility of further detection and this fact is running counter to its use in court, specially where boundary disputes are concerned and where sensitive problems of sovereignty are involved. The problem was clearly seen in some cases before the International Court of Justice (ICJ) and other international tribunals, for example, in Qatar, Bahrain, in Botswana, Namibia, in Nigeria, Cameroon, we had problems with digital mapping. Manipulation of digital data is affecting many other areas as well and calls for urgent realistic solutions. Among the ideas brought forward by the

Space Law Committee to confront pitfalls, suggestions were, drawing up a draft on international standards concerning authentication of satellite data, to control the process of data collection from the initial stages and to agree on a list of qualified experts to which the parties to the dispute and the courts may be able to resort.

Now I turn to national space legislation, the second topic addressed in Toronto 2006, the Committee's work advanced on what was seen as the agreed building blocks or pillars on national space legislation, which are, authorization of space activities and supervision of space activities, both of them very much linked to article 6 of the Outer Space Treaty and the obligation of States and international organizations to supervise and to authorize space activities carried out by non-space actors. The third building block or pillar was registration and the fourth was compensation. State practice was reviewed in the field of national space legislation with special reference to the conclusions and recommendations of Project 2001 plus, which I have mentioned at the outset. It was noted that, space practice in this area was incipient, emphasis was given to the authorization and licensing of earth observation satellites and operation and supervision, data policies and access, recommending that this should be covered by domestic legislation. Among the countries that so far had enacted some kind of regulation, mention was made of Argentina, Australia, Brazil, Norway, Russian Federation, Sweden, the United Kingdom and the United States of America. At the time of the Toronto conference, the Netherlands and France, were working on this topic. A few reasons were identified by the ILA Committee, concerning the scarcity of national space legislation, such as the harsh differences in State practice regarding registration and even more so licensing, which encouraged license shopping. Also, differences in fields and insurance conditions which differed sharply from country to country. Another reason, in the Committee's view, was that States were not really too aware of their obligations stemming from article 6 of the Space Treaty concerning authorization and supervision of national space activities carried out by non-State actors.

Now for our comments on registration, as a modest contribution to the work of the United Nations Working Group on the topic, from the ILA Space Law Committee. The topic has, in fact, been on the agenda of the ILA since the year 2000, when a special report was submitted to the sixty-ninth Conference of the ILA, in London, by Professor Kopal. At the forming conference, New Delhi, 2002, a resolution of substance was adopted by the Conference which contained

recommendations on registration and also, on the need to revise the United Nations space treaties in the new international scenario. We dealt with the Outer Space Treaty, the Registration Convention and the Liability Convention and the Moon Agreement, I refer you once again to the ILA publications on the matter, which are in the public domain.

In Toronto, the general feeling was that, certain sections of the 1975 Convention on Registration was somewhat outdated and that a reasonable way to correct this was during national implementation. The new millennium was marked by a number of meetings on this topic, both at the governmental and private level, which I mentioned at the outset, and the underlying idea was to keep an adequate equilibrium between the position of industrialized and developing countries. The opinions voiced at the Scientific and Technical Subcommittee also enlightened us on the technical aspects and were borne in mind. The intention of the ILA Space Law Committee, as far as registration is concerned, is to increase the overall acceptance of the 1975 Convention, both by States and international organizations and by private entities operating in outer space. What follows is a list of ten comments made by our Committee, which I shall very briefly, mention.

First, a general comment. We fully support the underlying objective of the United Nations Working Group on Registration, section 8 of the report, in the sense that, every effort should be used to broaden the acceptance of the Convention.

2. Definitions. Some of the key notions relating to the registration of space objects should be made use of, with a view to increasing support to the 1975 Convention:

(a) Within the concept of launching State which is embodied in the United Nations General Assembly resolution 59/115, we feel it advisable to include, not only the actual launching State and the State from whose facilities or territory the space object is launched but also, the State procuring the launching. To this end, the meaning of procurement should be clarified by adding the terms, State control in the launching activity. This would, no doubt, ease the possibility of also considering as launching States, those States which authorize or supervise private space activities;

(b) Furthermore, and following again resolution 59/115, the concept of space object should also include, parts of a space object and the launcher, in addition, if such objects are included within that

concept, then objects that are technically or functionally independent products of larger space objects, should also be included;

(c) Space objects built in outer space using various parts or elements launched thereto, for that purpose, should be equally considered, space objects;

(d) The expression, State of Registry, should be fully introduced as meaning, the launching State in whose registry a space object has been listed pursuant to article 2 of the Registration Convention;

(e) In cases where more than one possibility of a State of Registry exists, the States involved should establish, in accordance with terms of their underlying agreements, which of them is to be considered the State of Registry.

3. Duty to register. Here we have two aspects, the national aspects concerning the entry into the national registry and the international aspects, which concerns registration with all the required information with the Secretary-General of the United Nations. These duties are incumbent on the State responsible for launch and, if and when, the requirements laid down in article 7 of the Registration Convention are met, also on international organizations. A case of more than one launching State, the States involved shall establish, by way of an inter-party agreement, which of them is to be the State of Registry. As a caveat to this comment, it should, however, be borne in mind that, in spite of the need for inter-party agreement, normal practice, as we have seen it, is dual notification. The United Nations Registry normally takes account of this with dual references to notifications.

4. Contents of the United Nations Registry. With the objective of avoiding delays and from a very strict, legal standpoint, we are inclined to say that, it should be agreed to consider the formula as soon as practicable embodied in article 4, as meaning 24/72 hours after the launch, but on second thoughts, we come to the conclusion that this statement is without prejudice to certain realities. For example, some geostationary satellites may take some time to reach final orbit position, particularly when using electric propulsion, therefore, final details will remain uncertain for a time. This is also the case for those and other geostationary satellites that are purchased in orbit. In these circumstances, the State having procured the launch, does not own the satellite for many months after launch. The prevailing trend of the major launching States, we noticed, is to notify in batches, three or four times a year. That said, and the scientific information required by article 4 of the Registration

Convention, information should be included on the designation of the space object, made in accordance with the COSPAR standard, as well as the date and time of the launch, the place and jurisdiction of the launch and the specific function of the object. Kilometres, metres and degrees are recommended as agreed standards. The report of the United Nations Working Group underlines the need for additional information to be furnished in connection with a space object, this is section 8 IV, and in this respect, it appears appropriate for the following additional information to be furnished to the Secretary-General. Information about the mass of the space object, the owner and operator, the change of owner or State of Registry, the use of nuclear power sources on board, the presence of astronauts on board, information concerning the non-functioning of a space object, the date of decay of the space object, information concerning a military satellite, provided this does not affect strategic information, the date of entry into national registry, designation of a national authority for registration and any change of a mission or of fundamental parameters of the orbit should also be furnished to the United Nations Secretary-General. Indeed, agreement on the need to provide this information, as described in the report of the United Nations Working Group, would be an important step forward in itself.

5. Requirements for national registration. In addition to those I have just listed, we have added three more requirements, in the case of national registration but before saying that, the general idea of the ILA Committee is maintaining uniformity of the national registry. What we add to the details of the Working Group, are the following. In the cases of joint launches, the text of the relevant agreements, the details relating to insurance and the measures and precautions concerning possible contamination resulting from the activity of the space object in question.

6. Transfer in orbit and this is a very topical issue covered in section 8 of the report of the United Nations Working Group. It is important to have in mind, that in case of a transfer of ownership from one legal person to another, this should be informed by the State of Registry to the United Nations Secretary-General, with every detail of the new legal situation.

7. Registry of payloads in case of transfer of payloads, the launching vehicle and the payload on board should be registered separately. The launching vehicle should be registered by the State meeting the requirements set out in article 1 of the Registration Convention, the registry of the payload on board is incumbent on the State procuring the launch, on the

State under whose jurisdiction or control the launch is made.

8. Nuclear power sources. If the object is to use nuclear power sources, all this should appear in the registry.

9. Change of contents of the registry which should be informed, as soon as possible, and also when a space object leaves an orbit and re-enters the earth's atmosphere.

10. International organizations. Those not fulfilling the requirements of article 7 of the Registration Convention, shall register objects on a voluntary basis, pursuant to United Nations General Assembly resolution 1721. Privatized international organizations, such as, INTELSAT and INMARSAT, should be treated as private enterprises. The seat of a company or satellite organization should be the main point of reference for attributing responsibility to a seat State for exercising jurisdiction and control.

On this note, Mr. Chairman, I shall close our comments and suggestions. I may add, that I have here with me a copy of the full report of Toronto 2006 and also Powerpoint, which is at your disposal. We may have some copies made, I may leave Powerpoint with the Secretariat or whatever you may decide is more convenient. Thank you very much for your attention.

The CHAIRMAN (*interpretation from Spanish*): I should like to thank the distinguished representative of the International Law Association. I have a number of questions that I would like to put, if I might. Firstly, might I thank you for your very detailed and complete report on all these issues. Would you be so kind as to make available what you have said, could your written text be distributed via the Secretariat? It would be very useful if all delegates could have access to this very important document.

Secondly, nothing to do with your Association but to do with my country. The means of distribution, when it comes to the national section which corresponds to the International Law Association, does not work very well as the conveyor of this information. Perhaps via your intermediary, you could look into how this information reaches nations such as mine, as that information is very interesting and it is a matter I would like to raise for the entire committee. In the light of your statement, namely, that there is an ongoing link with the International Law Commission, is made up of eminent jurists from around the world and we are talking about countries which are, as I said, represented in the United Nations and the relevant Committee, in

particular, the Sixth Committee and taking up on what we heard from Colombia yesterday, we are here after all to make law and I wonder if you would agree to the idea, that we should ask the International Law Commission to provide results on an annual basis of its deliberations. This would provide us with extra information for discussion and would allow us to focus better our debates from the legal point of view but also from the policy point of view, but from the legal point of view above all.

Ms. M. WILLIAMS (International Law Association) (*interpretation from Spanish*): As regards the first issue, there is a problem here between the headquarters and the local branch, it is very important, of course, that the Toronto report should be available and distributed, it is going to be published very soon. As regards the second question, the International Law Commission and your request. Might I say here, that we are working with a study group which is where _____ (*inaudible*) from Colombia is the Chairman and we are looking at the question of objective liability, this is a very thorny issue in the area of space law, especially this matter of liability. It is not the Commission as such, it is the members that can respond there. A lot of work is being done here and I will make sure that everything that we have is conveyed to you, all the results, even if they are not finished.

The CHAIRMAN (*interpretation from Spanish*): That is exactly the answer I was hoping to hear. Unless there is any objection I intend to proceed as follows. I would like to make the following points that we can look forward to _____ (*inaudible*) taken by the ILC and we will be able to deal with those issues. We are not just talking about space law after all, this is taking in place in a more general context of international law as a whole. We have just heard an important statement and therefore as of next year, the ILC, via our friend, the representative of the International Law Association, we will be able to hear what is being done by the ILC. Any objections?

We are going to continue with our work. As regards item 4 of the agenda, I would like to see whether there are any requests for the floor under this item. The Netherlands have asked to make a statement under this item.

Mr. E. KOK (Netherlands): Thank you for giving me the opportunity to speak under agenda item 4, the Working Group on the status of the space treaties. On Tuesday, Professor Hobe explained why the Moon Treaty is of importance for the conduct of future activities in outer space. Yesterday, our

colleague from Colombia stressed the need for a substantive discussion on this matter, furthermore, we have all heard our Egyptian colleague propose, that the status of the Moon treaties should be addressed by this Working Group. This should not come as a surprise, in view of the renewed interest of the Moon in recent years. In the near future, China, India, Japan and the United States, will carry out missions to further explore the Moon and its resources, including manned missions. Just last year, ESA's probe SMART-1, successfully ended its three-year surveillance of the Moon. We believe that it is within the overall mandate of the Legal Subcommittee to assess whether international and national rules adequately address activities on the Moon and other celestial bodies, that are currently carried out or will be carried out in the near future. In this respect, we note that the Moon Treaty has, as yet, not attracted sufficient adherence to become the universally accepted legal regime that could govern such activities. We therefore propose that, the Legal Subcommittee, through this Working Group, if this is so decided, should address this matter by first identifying issues which are currently carried out or will be carried out in the near future.

Second, identify the national and international rules that govern activities on the Moon and other celestial bodies and third, assessing whether existing international and national rules adequately address activities on the Moon and other celestial bodies. We submit that this proposal fits squarely within the state of goals, many here, to build capacity international law and to address substantive issues.

The CHAIRMAN (*interpretation from Spanish*): I should like to thank the distinguished representative of the Kingdom of the Netherlands for that statement and we will now move forward with today's agenda item 6, that is to say, definition and delimitation of outer space. I recognize Austria, you have the floor.

Mr. T. LOIDL (Austria): Thank you for permitting me to still give a statement under agenda item 4. We have heard, by numerous speakers, that significant developments have taken place in the field of exploration of space in the last couple of years and they continue to do so at an ever faster pace. It is only in today's newspaper that I learnt, that a memorandum of understanding between the State of New Mexico and a private company has been concluded, in order to build a private space port with the aim to put tourists into space in the next couple of years. In our view, this and other developments merit a closer look whether the existing legal framework, as we have it before us, is still able to cope with the

challenges of the twenty-first century. During the general exchange of views, we had numerous calls for an increased adherence to the five United Nations treaties and, in yesterday's discussion we heard an eloquent plea by the Ambassador of Colombia, to substantively discuss, in the Working Group under agenda item 4, the status of the treaties and the review of their implementation. The distinguished delegate of Egypt, proposed also in yesterday's discussion, to consider the obstacles to an increased adherence to the Moon Agreement. I have already mentioned in our statement under agenda item 3, in the general exchange of views, that we hope that the work undertaken in the Working Group under agenda item 3 will, inter alia, contribute to explore the reasons for the low number of ratifications of certain treaties. As one of the States having ratified all of the five United Nations treaties on outer space, Austria would be ready to support the proposal just recently made by the distinguished delegate of the Netherlands, as well as by the delegate of Egypt during yesterday's discussion. I would even widen their proposal a little bit and we would therefore be ready to discuss the obstacles to a more wider acceptance of the Moon Agreement, as well as obstacles to a universal acceptance of the other four United Nations agreements on outer space as well. We would therefore support the extension of the mandate of the Working Group under agenda item 4 and we propose to conduct a substantive discussion in next year's meeting, in order to explore possibilities to make the five United Nations treaties and, in particular, the Moon Agreement, more attractive for States to become parties, while at the same time preserving the basic legal concepts of these treaties.

The CHAIRMAN (*interpretation from Spanish*): I should like to thank the distinguished representative of Austria very warmly. We are talking about a pending topic which would be nice to take up now but taking up what you and the Netherlands have said, would be interesting but I would like to start by giving the floor to Colombia.

Mr. C. ARÉVALO-YEPES (Colombia) (*interpretation from Spanish*): My delegation also considers that this proposal, as put forward by the Netherlands, goes a long way to what my delegation is also suggested, taking into account a constant concern of my country, namely, coming up with new elements that would lead to the utilization of the international instruments under discussion and this is why the proposal made by the Netherlands and developed in an appropriate fashion by Austria, does indeed deserve to be examined within the Working Group and subsequently that we should examine it in detail.

The CHAIRMAN (*interpretation from Spanish*): I now recognize Egypt.

Mr. M. MAHMOUD (Egypt) (*interpretation from Arabic*): My delegation considers that the Moon is _____ (*inaudible*) body which is closest to the Earth and it is therefore a more needy candidate when it comes to matters of space tourism and I therefore refer to a number of subjects in this regard by way of establishing whether this idea has any value. Whilst the Moon is not yet available for tourism, it is certain that in the future it will be open to tourism and inexpensive tourism at that and therefore we can say that the Moon occupies a special niche and therefore the relevant agreement covering the activities of States on the Moon is of special importance and I would therefore ask, once again, that in our group, that we study the obstacles which have resulted in only a small number of accessions and ratifications of this agreement and I fully support what the Netherlands said, supported by Austria.

The CHAIRMAN (*interpretation from Spanish*): I should like to thank the distinguished representative of Egypt and perhaps I could summarize because this could go along the same lines as my distinguished Greek friend, so perhaps a brief summary first of all and then I will give you the floor. I would like to take up a number of points that have been made and there are elements of convergence here for future debate and the vision set out by the Netherlands is very constructive and useful, taking into account what has been said by Austria. In addition, Colombia made a contribution. The Working Group on item 4 should be in a position to develop its mandate and it should be broadened to include elements indicated by the representative of the Netherlands who asked for this kind of broadening. Do you agree with that? I therefore turn to my friend Vassilios and ask him if he could just wait a little bit longer, we are talking about broadening the mandate of the Working Group on item 4, this is in line with what the Netherlands has suggested and that it is entirely in line with what other delegations have said. I very much agree that this is an important issue. The issue that we dealt with yesterday is a different one, legally speaking. I recognize Italy.

Mr. S. MARCHISIO (Italy) (*interpretation from French*): Naturally, we agree with the discussion of the Moon Agreement but my delegation has a question, in particular, namely is the Dutch proposal which has been supported by Austria and by Egypt, does that proposal mean that we should set up a new working group on the Moon Agreement? No. Well, in that case I am wondering, given that we have already discussed the agreement on the Moon in the existing

Working Group and, under its mandate, whether we actually need to change the mandate because nothing has prevented that Working Group hitherto, discussing the agreement covering space activities on the Moon. There is nothing in the mandate that stops that and so the problem is that of rejuvenating the Working Group, which is coming to an end this year, I am not at all convinced of the need to change the mandate of the group.

The CHAIRMAN (*interpretation from Spanish*): I should like to thank the distinguished representative of Italy. My interpretation is entirely the same as yours, we do not need to modify the mandate, it is a matter of rejuvenating it but given that we are talking about the agreement on the Moon, this is a new element vis-à-vis what has been said given the statement made by the Netherlands. I now recognize Greece to be followed by the United States and Austria.

Mr. Vassilios CASSAPOGLOU (Greece) (*interpretation from French*): This is exactly why I asked for the floor. I wanted to say what you and our distinguished friend Professor Marchisio had to say, namely, that the Working Group on item 4 has a mandate which has already been given, so we are just talking about enriching that. We are just talking about adding a subject to be studied under that mandate but the only procedural matter which might come up, is that of extending the mandate in time, not in terms of context, not broadening but extending, that is renewing the mandate for a year or some several years.

The CHAIRMAN (*interpretation from Spanish*): Yes, that is what I suggested, we need to renew the mandate which would be more appropriate when it comes to dealing with the Agreement on the Moon taking into account the ideas put forward by the Netherlands. I now recognize the United States.

Mr. K. HODGKINS (United States of America): My delegation has just a few comments at this point before coming to a final decision as to how we would take up the question of the Moon Treaty, we would like to have further discussions and then maybe a refined proposal. I have a couple of reactions. The first point is, in our Working Group, when we look at the treaties, I am thinking of the Liability Convention and the Registration Convention, they are not universally adhered to at this point, that is, we do not have all the members of this Committee and of the United Nations States Parties and for reasons that only those governments could explain. What we have done in that Working Group is try to encourage States to adhere to those treaties and to explain the benefits of

why you would want to do that. That would probably have to be part of our assessment, in terms of the Moon Treaty, not looking at what barriers there are to becoming parties to the Moon Treaty because there are none. Everybody is free to join it or not, the question would be, what would be the immediate benefit of States to join the Moon Treaty. We demonstrated the immediate benefits of joining the Liability Convention and the Registration Convention perhaps we have to also to do this for the return of space objects and the rescue of astronauts and return of astronauts but it is up to us to demonstrate why it is a good idea to join these treaties at this time so that member States can make their own informed decision.

The second point I would like to make is, in the interventions we heard earlier concerning the mandate of the Working Group, one other proposal was that the Working Group would look at whether national rules are adequately addressing activities in space. I am not quite certain that that is within the mandate of the Legal Subcommittee. Are we really now going to begin assessing the adequacy of national actions that are taken and national rules, I think not, again these are sovereign decisions that member States will take. I would be very hesitant for the Working Group's mandate to be expanded to do an assessment of national activities that are being undertaken and whether they are adequate or not because I do not believe we are really in a position to do that. Those are just some general comments and either here in the plenary or perhaps in the Working Group, we could discuss further how we might address the question of the Moon Treaty and the other four treaties at the next session of the Subcommittee.

The CHAIRMAN (*interpretation from Spanish*): Thank you United States. The distinguished representative of Austria has asked for the floor.

Mr. T. LOIDL (Austria): With regard to the mandate, I can be very brief because the question has been very well addressed by the Chairman of the Working Group. This is just to underline that, at least in our view, the proposal forwarded by my delegation but also by the Dutch delegation is covered by the current mandate of the Working Group and so there would not be a need to extend the mandate. What would be needed is, of course, an extension in time of the mandate. Let me briefly quote from the annotated agenda which says that, at its fortieth session in 2001, the Legal Subcommittee agreed that the topics addressed in the discussions of the Working Group would include, inter alia, obstacles to their universal acceptance and it was in that line that I have made the proposals. Just to clarify the question of the mandate.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of Austria. The distinguished representative of Ukraine has the floor.

Ms. N. MALYSHEVA (Ukraine) (*interpretation from Russian*): Our delegation also thinks it is advisable to extend the mandate of the Working Group given the great importance of the issues being discussed in that Working Group. In addition to traditional issues, we have also heard today about the status of the Moon Agreement, obstacles to ratification of this Agreement and indeed, other space treaties. Furthermore, at yesterday's meeting of the Working Group, the decision of the last session of our Subcommittee was reaffirmed, that is, to consider a questionnaire on the prospects for future development of international space law. That was a questionnaire proposal put forward by our proposal in co-sponsorship with the Republic of Kazakhstan and the Russian Federation. I repeat, our delegation is for the renewal of the mandate of the Working Group but, at the same time, we would go along with what the United States said about not enlarging the mandate of this Working Group to national legislation.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of Ukraine. I think we have a fairly sensible way out of this situation. I would like to close the debate once the Netherlands has spoken and then I will cede the Chair for the Working Group to tackle these issues should they need to be discussed further.

Mr. E. KOK (Netherlands): First of all, the Netherlands very much agrees with what was proposed here by Italy, by Austria, that the mandate would be an extension in time and should not be an extension in substance. I would very much like to thank the United States, who rightly so pointed out that there are no obstacles to States becoming parties, however, what we propose is, to look at adherence, how we can improve adherence and in that sense, the remark that the United States delegation made, that perhaps we should look at what benefits could be offered is very useful and we should definitely look at that. With regard to what was said by the Ukrainian delegation, I think I have already answered that, we do not need to extend the mandate and if a review of national legislation is not an idea that countries here could support, then that would not be a high priority for the Netherlands. We need to be flexible in the words of the Ukrainian delegation earlier.

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

the Netherlands. In a nutshell, there has been no objection whatsoever to renewing the mandate, no objection. The objection which was adduced, was the product of some misunderstanding with respect to enlargement of the mandate, that is the first thing. Secondly, we cannot stop the Working Group discussing the question of the Moon Agreement because if we follow the line of argument that there are some countries that do not like the Moon Agreement, then there are other countries which do not like other treaties because they have not ratified them. We need to decide when we are going to discuss one treaty or another. If we pursue that line of thought, then we will not discuss anything, for example, the Liability Convention, I can assure you, that 90 per cent or at least a very high percentage of the countries here, have not ratified all four main treaties, this is a very respectable way of putting it but I am doing it just by way of an example. We do need to embark on some sort discussion, which would allow us to give us something to work on in the Legal Subcommittee because very often we find States saying, they do not like one treaty and there are going to be others who are going to be saying there are other treaties they do not like, so let us just renew the mandate and within the renewal of that mandate, we cannot stop anybody from talking about the scope, merits or demerits of any treaty in particular, be it the Moon Treaty or another. I was simply proposing for practical purposes, pragmatically, in the context, I repeat, of the renewal of the mandate not the modification or enlargement of the mandate, I repeat, in the context of that renewal we would allow us to discuss the issues raised by the Netherlands. Can I ask the Subcommittee if it can agree to renew the mandate in the stringent confines of the terms I have mentioned? It does not imply any enlargement of the content of that mandate. No objections.

It is so decided.

Let us now move on to item 6, I have no speakers. Distinguished delegates, let us adjourn so that the Working Group, chaired by Vassilios, my friend, can start its work. Then we shall resume at 10 a.m. tomorrow morning with our consideration of agenda item 6, I am not going to repeat the title and then item 7, nuclear power sources. The Working Group on the Definition and Delimitation of Outer Space, will also be holding its meeting under the chairmanship of that great expert, José Monserrat Filho, I would now like to give the floor over to Vassilios, to chair the fourth meeting of his Working Group. The meeting is adjourned.

The meeting closed at 4.09 p.m.