

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

Unedited transcript

759th Meeting

Monday, 2 April 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 now declare open the 759th meeting of the Legal Subcommittee and we are going to continue with item 8, the UNIDROIT Convention and then we will move on to consider agenda item 9, practice of States and international organizations in registering space objects. The Working Group on that topic, will hold its third meeting under chairmanship of Mr. Kai-Uwe Schrogl of Germany. I recognize the Republic of Korea under agenda item 8.

Mr. J. LEE (Republic of Korea): On agenda item 8, draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment, my delegation reiterates its view that, the conclusion of a protocol on space assets would enable all the parties concerned to maximize their use of available resources, thereby facilitating the expansion of outer space activities. The space activities in the Republic of Korea have been mainly performed by the government and Korea Aerospace Research Institute, a government funded institute, or Korea Telecom, a state run company but, nowadays, the private sector has increased the interest and participation in space activities, especially in the field of satellite manufacturing and satellite applications for the purpose of broadcasting telecommunications, etc. Even a decade ago, it was hard to imagine in Korea, of the private sector's participation in space activities, but now, we all are aware that, there is a dramatic increase in the activities conducted by the private sector. In this regard, our delegation welcomes the efforts having been made so far by UNIDROIT and expect further

development in the protocol on matters specific to space assets. Our delegation hopes that, after the ongoing meaningful discussions, the adoption of the space assets protocol will be finally achieved, as we have already seen in the matters of the Aircraft Protocol and Railway Stock Protocol.

The CHAIRMAN (*interpretation from Spanish*): I should like to thank the distinguished representative of the Republic of Korea for his statement. I would like to ask whether there are any other requests for the floor, under the UNIDROIT agenda item? Without further ado, we will turn our attention to item 9 of the agenda. I recognize Kazakhstan.

Ms. G. OMAROVA (Kazakhstan): This is my first intervention. Let me express our appreciation on your excellent chairmanship over the COPUOS Legal Subcommittee session and to wish the distinguished delegates very successful work at the forty-sixth session of the Subcommittee, under your wise leadership.

We are considering a very significant agenda item on the Legal Subcommittee session on the practice of States and international organizations in registering space objects. We highly respect the reports of member States and international organizations on their practice and policy in registering space objects and submitting the required information to the Office of Outer Space Affairs, for inclusion on the United Nations Register of objects launched into outer space. My country _____ (*inaudible*) has ratified all five United Nations treaties on outer space, recognizing the international principles and norms regarding the

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peaceful uses of outer space. The government of my country has adopted in 2005, a three-year national programme and plan for development of space activities which lays the foundation for the next long-term national space programme, with plans of launching different purpose of satellite. At the end of last year, Kazakhstan for the first time applied the Registration Convention, establishing a national registry for objects launched into outer space, registering the first national geostationary communication satellite, KazSat, and submitting the required information to the Office for Outer Space Affairs in conformity with the Registration Convention. The registration of space objects is representing one of the important legal issues of international space law, it reflects the dynamics of increased international cooperation in the field of space activities, in fact, the current status of registration of space objects is very complex, due to many reasons. In this regard, the Working Group, under the chairmanship of Mr. Kai-Uwe Schrogl, has performed very useful work, examining the practice of registration and developing appropriate recommendations. We believe that, the registration issue should be under further consideration of the Subcommittee.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of Kazakhstan for her statement and, if my memory serves me correctly, your country has not been a member of this Committee for a very long time and therefore, I would like congratulate you because your country has ratified the five United Nations treaties in this regard and your contribution, therefore, has been very precious and I would like to thank you for it. I would like now to turn to the room to ask if there are any other requests for the floor? I do not see any such requests. I will therefore give the floor to the International Law Association because I would like to ask the ILA to repeat something with regard to a seminar in Brazil next year, so I would like to give the ILA the floor.

Ms. M. WILLIAMS (International Law Association): ... to my presentation on Thursday, I would like to announce, because we have just got the dates on Friday, that the seventy-third conference of International Law Association, will be held in Brazil, in Rio de Janeiro, in 2008, between 17-22 August. On that occasion, the Space Law Committee of International Law Association will be submitting its third report to the conference on remote sensing, national space legislation, registration and also, our traditional summary on the legal aspects of space debris, with reference to the ILA international instrument on space debris, adopted in 1994 at the

Buenos Aires conference and which is under permanent review and, dispute settlement related to space activities. This will be the final report of the Space Law Committee on these issues and we shall, there and then, agree on the topics for our future work. You are all more than welcome to attend the conference.

The CHAIRMAN (*interpretation from Spanish*): I would like briefly now to return to item 8 of the agenda because when we opened this agenda item, the representative of the United States was not in the room and I would therefore like to recognize the United States on this item.

Mr. K. HODGKINS (United States of America): Thank you for affording us the opportunity to present the United States' views regarding the work of the International Institute for the Unification of Private Law, UNIDROIT, in the development of a space assets protocol. As we have stated, in years past, my government is a firm supporter of the goals of the proposed space assets protocol. This protocol offers an opportunity to facilitate the expansion of the commercial space sector, as well as to enable a broader range of States, in all regions and at all levels of economic development to benefit from this expansion, both by having a better opportunity to acquire interests in space equipment, as well as, acquiring services generated from space equipment. We believe that, it is appropriate that the examination of the draft space assets protocol has remained on the Legal Subcommittee's agenda and we would like to comment on two issues.

First, we recognize that, notwithstanding a fair amount of support, there has been a lack of consensus on the possibility of the United Nations serving as a supervisory authority for the registry for financing interests, to be established under the draft protocol. We do not see further consideration of this aspect as useful at this time. We understand that UNIDROIT and others are examining the possibility of other inter-governmental bodies undertaking this role and look to further reports on this from UNIDROIT.

Another issue is the relationship between the terms of the preliminary draft protocol and the rights and obligations of States under the legal regime applicable to outer space. As we and other members of this Committee have stated before, the space assets protocol is not intended to, and as formulated, would not affect rights and obligations of States party to the Outer Space Treaty system or the rights and obligations of member States of the International Telecommunication Union. Indeed, our delegation

proposed, that this principle be explicit in the text of any space assets protocol, recognizing that UNIDROIT's draft protocol is intended to address only the distinct issue of private transactional law related to financing for commercial space activities. With respect to this Subcommittee, we believe that the Legal Subcommittee and its members have expertise that may be valuable in the development of the protocol. Ultimately the UNIDROIT space assets protocol would be negotiated by UNIDROIT member States through the UNIDROIT process but we hope, that the Legal Subcommittee will continue to offer its assistance, where appropriate. We are pleased that OOSA has participated as an observer in UNIDROIT negotiating sessions and we hope that, that participation will continue to be helpful in informing the positions of various member States. Given the ongoing work on this topic, we would look favourably upon the continued inclusion of this subject as a one-year agenda item.

The CHAIRMAN (*interpretation from Spanish*): I should like to thank the distinguished representative of the United States. I recognize Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Just a couple of points. I would like to reiterate our opposition to the use of the United Nations as a supervisory body and secondly, as regards the substance of the protocol text, that we should not tamper with, and I use the words very carefully, the sovereign right of States to use orbits and the associated radio frequencies, especially in the accomplishment of civil matters in this regard and, there may be other ways of carrying out these matters,

but the frequencies or the geostationary orbit must not be modified and in line with the innovative spirit of the authors of the protocol, we should find a solution to this matter.

The CHAIRMAN (*interpretation from Spanish*): I should like to thank the representative of Greece for his contribution and I use the word contribution because I am following the interpretation in English.

This brings us to the end of our examination of items 8 and 9 and I will shortly adjourn this meeting of the Subcommittee so that the Working Group can hold its third and possibly last meeting, well, last session but one. There are a number of points that I would like to point out, we will meet at 10 a.m. tomorrow morning in order to continue our consideration of agenda items 8, 9 and 10 and we will start with an examination of item 10, proposals to the Committee for new agenda items and, in this regard, I would like to point out that, as part of the informal consultations undertaken by Professor Kopal, there has been agreement on two new items and anything else that falls under that item will be discussed tomorrow when we take up agenda item 10 and then when we will deal with any other business. We will be able to enjoy the benefits of the informal consultations which have taken place. Now the Working Group on the practice in registering space objects, will then hold its fourth meeting, tomorrow morning. I now invite Mr. Kai-Uwe Schrogl of Germany to take the Chair of his meeting. I adjourn the meeting.

The meeting closed at 3.26 p.m.