

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

Unedited transcript

760th Meeting

Tuesday, 3 April 2007, 10 a.m.

Vienna

Chairman: Mr. R. González (Chile)

The meeting was called to order at 10.10 a.m.

The CHAIRMAN (*interpretation from Spanish*): I call to order the 760th meeting of the Legal Subcommittee. This morning we will continue and conclude our consideration of agenda item 8, which is the UNIDROIT item, which is of special interest to a number of delegates. We will also continue consideration of agenda item 9, pertaining to practice in registering space objects, with a very interesting Working Group which has been created on that item. Then we will begin consideration of agenda item 10, proposals to the Committee for new agenda items, which has been stewarded, so ably, by the head of the Czech delegation, Professor Kopal. By the way, I would like to give a warm welcome to the distinguished representative of Belgium. We will also see the representative of Austria, who we have not seen in recent days but you are always most welcome too, so welcome to you. Austria is extremely well represented today. As regards the Working Group on the practice in registering space objects, it will be holding its fourth and last meeting, under the chairmanship of Kai-Uwe Schrogl.

Let us now move on to item 8 of the agenda, I do not have any speakers on the list. I do not know if any of the delegates wishes to take the floor on item 8? That is the UNIDROIT item. Yesterday we heard a very interesting presentation from the representative of UNIDROIT and I would like to express thanks to him again, it is a very novel, innovative, interesting item and little by little, I would hope we would have more delegates speaking on this item but also new developments in future but also it is going to depend on your meeting dates, to ensure that they are compatible

with COPUOS meetings and the General Assembly dates. Does any delegation wish to take the floor on this item? The distinguished representative of Egypt, you have the floor.

Mr. M. MAHMOUD (Egypt) (*interpretation from Arabic*): With regard to item 8 of the agenda, the delegation of Egypt does appreciate the statement by the representative of UNIDROIT on the work of this Committee. It is the belief of the Egyptian delegation that the protocol to the matters related to access to outer space and the equipment in outer space, is very important. This is because the developing countries in particular, are expected to be the main beneficiary of the finances and the services made available under the provisions of that protocol. The delegation of Egypt would like to stress the need to take into consideration the specific nature of the activities related to the exploration of outer space and thus, the assets and equipment of space because this impacts and impinges the main interests of States, as well as, the sovereign rights related to natural resources of these countries. The delegation of Egypt, therefore, believes that we should take into consideration, the need to make the necessary finance harmonized and to preserve the interests, as well as the sovereign rights of these countries. Also, we should preserve the natural resources of these countries. What is of interest to developing countries, in general, and Egypt in particular, are those that is related to aviation as well as to railroads. Space equipment in particular gives rise to certain sensitivities, in view of the fact that, this equipment should be transferred in terms of property, to the financial institutions which finance this kind of activity. This, in particular, gives rise to questions and concerns over the sovereign rights of certain States.

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The CHAIRMAN (*interpretation from Spanish*): I would like to thank the representative of Egypt. I just wanted to highlight as an indication for future discussions on this issue because you have put it fairly clearly. What I would like to highlight then, is this question of harmonizing matters, taking into account, the sovereign interests of member States. We should remember that there is a specific General Assembly resolution, 1808 I think, I am not sure of the figure, referring to sovereign access of States to natural resources and obviously, as Professor Kolosov put it so well yesterday, when it comes to General Assembly resolutions, recommendations come forth and those recommendations have two fundamental characteristics. The first is, that they set certain premises which can then give rise to customary law so you have made an interesting contribution, I should like to thank the representative of Egypt and I hope these details can be taken into account in future discussions on this item. Any further speakers wishing to take the floor on item 8?

Let us move on to our consideration of item 9, practice in registering space objects. The distinguished representative of Egypt, you have the floor.

Mr. M. MAHMOUD (Egypt) (*interpretation from Arabic*): Thank you for giving me the floor for the second time today. Here, I would like to refer to the Egyptian practice, with regard to the registration of space objects. Egypt launched two satellites in the geostationary orbit, we are in the process of launching a third satellite related to remote sensing. The Egyptian practice here, refers to the fact that Egypt contracts those satellites as turnkey projects or as in terms of transfer of technology. In both cases, we draft contracts with the other party on the basis that, the other party would secure the launch and look after the responsibilities related to that satellite so that Egypt would receive the satellite operating in orbit. In these kinds of contracts, there is an obligation for the other party to register those kinds of satellites. Egypt believes, that the obligation to register those satellites is an objective obligation and it is not an individual thing because Egypt has not acceded, as yet, to the Liability Convention. Egypt believes, that it is important to carry out the obligation to register this space object. This is done through the contract with the other party, therefore, I would like to make this practice clear because in some of the documents, it is said that, Egypt has not registered Nilesat 101 or Nilesat 102, so here I would like to make clear that the party which is responsible for the launching, is the one who is responsible for the registration because there is a provision in the contract to that effect. Egypt, even after the launch and after the commissioning phase of

the satellite, is not yet in position of the satellite. Those contracts stipulated that the transfer of property will take place when the satellite is already operating in the geostationary orbit.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of Egypt for your contribution on this item too. Would there be any further speakers on the practice item? Or, should we focus endeavours in the Working Group? There is some important legal ammunition still to be forthcoming, looking at the distinguished representative of Brazil, José Monserrat Filho.

Mr. J. MONSERRAT FILHO (Brazil) (*interpretation from Spanish*): I would like to speak a little about the experience we had with work in the Working Group. In Mexico, there is a very good axiom, they say in Mexico that, when nothing happens, nothing happens. That expression is a very appropriate one to characterize the paralysis and stagnation which sometimes afflicts the bodies of international organizations but here, we have the enormous satisfaction of seeing that a lot has happened, at least there are victories here, which should be hailed very vigorously, this prompts me to take the floor at this stage. It seems to me that, the Working Group has done a professional job, a competent job, a dynamic job, a job which wanted to be dynamic to save time not waste time, so this has been an experience which should be encouraged a great deal in future. On this matter it is timely to recall that, a couple of years ago, there was a proposal from Brazil and other countries, relating to telecommunication principles. Initially, we proposed the transformation of principles into something more binding, there was no consensus at that time. The following year, with the assistance of our dear friend, Professor _____ (*inaudible*), we proposed consideration of practices in the application of the principles of remote sensing, unfortunately, our proposal was dealt with in a very similar fashion to the Registration Convention but unfortunately our proposal did not receive the essential, necessary consensus. It seems to me that, it is valid to recall this experience precisely so that we are quite clear that perhaps the time we waste can be put right, if you look at what we have done with the registration of space objects and this is a good practice vis-à-vis the way we deal with our documents. It is an important practice, which can be seen to be a solution to tackle the problems of shortcomings and loopholes in existing space law instruments. These documents need to be updated, that is the substantive issue, it is the underlying problem, we must address the issue of updating the treaties and declarations without undermining the underlying principles but we must make progress on this. If we

have the time and the chance to do this with the principles on remote sensing, if we had had the chance to do that, then we should look at the good example that has been set now, particularly with respect to progress made on the launching State concept.

I am not trying to dig up the past, I am not speaking with any rancour, there is no malice in what I am saying, I just want to say that the professional job which has been done in the Working Group on the Registration Convention, demonstrates that we do see a solution to the problem of updating international instruments. Next year, for example, it will be the fortieth anniversary of the agreement on rescue and return of astronauts and space objects, that will be a golden opportunity, it seems to me, once again to convene a good working group and a competent team, as has been the case this year, to make a proposal to resolve or to produce a resolution, whatever form it may take, to update these instruments. That is the major challenge we are facing and here we have had a very strong lesson we have learnt, we should not say, in this case, as the Mexicans do, that when nothing happens, nothing happens, something has happened this time and we should draw strength from it.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of Brazil. Could I just add a few comments, brief ones. I recall, that Brazil submitted an excellent working paper on that issue, four years ago, if we compare this with what has happened on other items, then we have already have a General Assembly resolution because as we say in our country, equal reason demands equal disposition and you look at what has happened on other items. We should have demonstrated at least a modicum of respect, I am not staying whether it was a good draft or not, but Chile, at that time, and I was part of the delegation that expressed explicit support for Brazil's proposal and we wanted it to be negotiated but, as he rightly pointed out, there was indifference in the room which was not commensurate to the importance of Brazil's proposal. You could agree or disagree but at least have a debate, as has been the case for the practice item, I am talking about practice in registering space objects, I am talking about that item, we have proceeded with supersonic speed at that time, it was a very limited debate we had. These are facts of life, I am just being neutral in reporting them, but one of the great merits which we had in the Working Group on practice in registering space objects, was that it generated a serious, thorough and substantive debate but implicitly this augurs well for items being discussed with the same speed and dispatch. This is something which emerges clearly from what we have seen of that Working Group, there is one fact which is

perfectly objective, the principles of remote sensing were adopted in 1986, 20 years ago, could someone demonstrate to me that, between 1986 and 2007, nothing has been happening technologically in this field? The change in technology has been drastic and radical, drastic in the best sense of the term and the speed of development and if we wish to keep making progress then one cannot deny or refuse to consider the possibility of examining and updating of the principles, not just on remote sensing but other principles as well which are on the table. There are principles on international cooperation, for example, there was a fine initiative at the time which Brazil led, I believe, the rapporteur in the Committee at that time then moved on to be Ambassador to Australia, I cannot remember who it was, but he was the one who put forward this idea of international cooperation, the Brazilian Ambassador. This led to a meeting in the 80s in Geneva, with the Brazilian delegation headed by my good friend, the ex-Ambassador Enrique _____ (*inaudible*), so I wholeheartedly agree with you that objectively speaking, the situation is as you have indicated it and we have moved with greater speed, with the same technological developments with registering of space objects, but it has not been the case for the other items. I would like, explicitly, to express my satisfaction with what the delegation of Germany has achieved and I would especially like to thank them for raising this item. I am sure they raised it with the purpose of opening up the possibility for other items to be tackled with the same speed and enthusiasm as this item so that they may treat it in the same way, according to the same patterns as has been the case in this item, so I would certainly like to thank the German delegation, it augurs well for the future. Thank you very much again distinguished representative of Brazil. I now have the distinguished representative of Nigeria, to whom I give the floor.

Mr. J. ONUOHA (Nigeria): Nigeria is a member of UNIDROIT and, as a member of UNIDROIT remains committed to the proper implementation of existing international legal instruments. We attach great importance to this subject of the draft space protocol to the Convention on International Interests in Mobile Equipment. The UNIDROIT Convention on International Interests in Mobile Equipment and Aircraft Protocol, which we signed in 2004, both came into force on 1 March 2006. In this respect, we are convinced that, as implementation of the new treaty system progresses and with the currently operational new international finance registry, the experience gathered in implementing these instruments will prove valuable to the continuing work on the space assets protocol. Consequently, my delegation is comfortable with the

idea of the possibility of the United Nations Office for Outer Space Affairs taking on the role of a supervisory authority. It is also our intention to be involved in the negotiation process, with respect to the space assets protocol during the course of the next meeting of Governmental Experts, alongside our unwavering support as a UNIDROIT member State.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of Nigeria for your statement. The distinguished representative of Colombia has the floor.

Mr. A. REY-CÓRDOBA (Colombia) (*interpretation from Spanish*): I, too, wish to express my satisfaction with the way in which work has progressed on this item pertaining to practice in registering space objects. I am also very gratified to have listened to the statements made today which prompts me to speak myself because, although not much needs to be added, I am very satisfied that there is this commonality of views which we have had a chance to express on the very first day of this Subcommittee, when we had a chance to refer to an item which had been raised by the Netherlands about the Moon Treaty. On that occasion, I recall that we spoke to say that we supported the view expressed by the Netherlands and, I went further than that, by saying that there was even a mandate in the international treaties themselves for them to be reviewed after a certain amount of time. On that occasion, following the proposal from the Netherlands, we agreed that we would welcome this item even though people were saying that nothing much had happened in the General Assembly on this issue. My delegation's intention was indeed, to generate a spirit in the Working Group to look at the way international law had developed and I remember it was said, that we are here to build, to construct international law, this is the most practical means of doing it because we are a Subcommittee with major working groups so that we can rid ourselves of formal constraints so that we can then produce documents which can be analysed subsequently. Fortunately, that view was supported. Now we have seen the experience which has been produced in the Working Group on practice in registering space objects and irrespective of the form, which will be debated, which will be analysed, nonetheless, it has been a fine job which has been done and we need to thank the delegation of Germany and the Chair, for the spirit and fillip which they have given this document. It has also triggered involvement by many delegations on this item, which shows the interest, which takes me back to what I said at the start of the meeting when it was clear that it was not crazy what I was saying, when I said that we should analyse these issues and you have put in

very well, Mr. Chairman, referring to the changes in technology, the fact that technology is moving forward and perhaps we could be a little lagging behind. That does not alter the fact, that we need to acknowledge the fact that the instruments governing these fields are very solid, very robust, very important ones, so important and so robust that it would be almost a sin to tinker with them too much. Looking at those documents I cannot fail to recall the fact that, after a certain amount of time, as those instruments themselves say, it may be necessary to review and update those documents.

I do not want to speak at greater length, I just want to record this situation. It was worthwhile registering that point because the deliberations at this session of the Subcommittee have been extremely important, we have worked, we have made progress and you can see that we are on the right road, which we have all wanted to see at the start of this meeting. I wish to declare my gratification about this fact and about the draft which we are now discussing. I would again like to thank the German delegation in particular and I would certainly echo the words of the distinguished delegate of Brazil, which were always so appropriate, so germane, so I certainly wish to express my wish that all the deliberations of this Committee should go down the same path.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of Colombia, you are certainly not saying things which are crazy, you have made a fine contribution, you are an old stager in this Committee. I have no further speakers on item 9. Could I ask if any other delegation wishes to speak?

I have just been receiving the relevant instructions for pursuing our work. Let us now move on to item 10 of the agenda which, as you recall, was the subject of some fine informal consultations, it could not be otherwise, as they were chaired by Professor Kopal. Forthwith, I wish to congratulate you on the way in which you have been stewarding these informal consultations on new agenda items. I would like to know if any speaker wishes to take the floor on this item? The distinguished representative of the People's Republic of China has the floor.

Mr. G. TANG (People's Republic of China) (*interpretation from Chinese*): My delegation is delighted to note that the Russian Federation has produced a new proposal. This proposal is not new for us because in the year 2000, at the 632nd session of the Legal Subcommittee of COPUOS, this proposal was presented at that time and it was appreciated and supported by a number of countries at the time. Certain

countries wish to be co-sponsors of that proposal. My delegation would like to reiterate its support for this proposal, namely, the opportunity to draft a global text on space law. It is not a matter of starting from scratch, we are not seeking to change the entire current legal system, not at all, what we feel we need to do is to maintain the fundamental principles of international space law, which are effective and, on that basis, we should seek to improve the current system. My delegation considers that the fundamental principles of existing space law and recognized space law should not be affected. We would like to work together with all delegations.

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

Mr. J. LAFOURCADE-RAMÍREZ (Chile) (*interpretation from Spanish*): Just a very brief statement. The delegation of Chile enthusiastically welcomes the proposal recently made by the Chinese delegation in exactly the same terms which he expressed. There is great interest to be derived from developing universal space law in keeping with the fundamental principles, so the delegation of Chile is very satisfied to see the points made by the distinguished representative of China.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of Chile. Any further speakers on this item? I see nobody wishing to speak.

Currently being distributed in the room is a paper on the informal consultations on new agenda items, it is a non-paper, which I hope will be duly reflected nonetheless in the report. On item 10, I give the floor to the distinguished representative of the Russian Federation.

Mr. Y. KOLOSOV (Russian Federation) (*interpretation from Russian*): My delegation took part in the informal consultations under item 10 of the agenda and we would like to pay tribute to the Chair of those informal consultations, the distinguished Professor Vladimir Kopal. He was very deft and this is not the first time that he has shown such deftness. He was very deft in his conduct of the discussions at a time when a number of items on the agenda simply had not enough time for their discussion and we saw a very diplomatic effort on his part. My understanding is, that he did this in order to save face for a number of delegations and for that matter, not that saving face is absolutely necessary in this case, what we are

addressing here is an agenda item about the appropriateness and desirability of drafting a universal and comprehensive convention on international space law. Usually there are two objections to the inclusion of this item on the agenda, the first objection is, that the beginning of the shuffling of the existing body of international space law could concern private business and space activity is ever more dependent on investment on the part of private business and this is true, both nationally and internationally, and private business has every interest in the steadfastness and stability of international space law. This argument is somewhat contradictory because a number of delegations consider that space technology and space practice in the exploration of space and cooperation in this area, consider that this leads to the need to clarify and supplement or modify existing international space law and that, when these arguments are put forward, then for some reason the initial argument is forgotten. What I mean is, the argument in favour of steadfastness and the stability of international space law in the interests of encouraging private investment in space activities, that is private companies that wish to have clarity with regards to the future.

The second argument against the inclusion of this item on the agenda is, as follows, namely, that if one starts to draft a universal comprehensive convention, then a balanced and consensus situation which is currently taking shape in international law, this situation would be eroded and that would lead not only to dangers for private business but, indeed, for the entire system of international relations in the broadest sense because space activities are becoming ever more significant and they have a more practical significance for affairs on this earth. In this connection, we should like to address just two points in favour of the usefulness of including this item on the agenda.

The first point is, as follows, nobody following the inclusion of such an agenda item on the agenda, nobody is suggesting removing or getting rid of the main four space treaties or the five General Assembly resolutions, for that matter, which are annexed as principles and deal with a number of aspects of space activities and the discussion of such an item on the agenda and even the beginning of work on a new universal comprehensive convention, should by no means upset the stability of international space law. We will continue to strive towards universality for these basic space treaties and proper compliance with them on the part of all parties to them and even those who are not parties to them. There is no threat to current effective space law represented by the inclusion of this item on the agenda.

Secondly, should we get down to work on a universal comprehensive convention on international space law, all the fundamental provisions of principle of current international space law will, in such a convention, have to be properly reflected and will have to be preserved and the question of them being revised or, that some provisions of principles of international law will be set aside or, that there will be any steps of that kind. At the same time, work on a new universal comprehensive convention would put us in a position to find some resolutions, which our Subcommittee has not been in a position to find for a number of years now, that is, in seeking to find these decisions by the application of a package. This is something the Professor quite rightly mentioned, when he recalled the fact that, when the Law of the Sea Convention had been drafted and that the problem via the package method, led to resolutions in the Law of the Sea Convention. The question about the exclusive economic zone, that was a very good diplomatic method that was applied, it was a method that international legal experts used on a number of occasions and nobody refused to participate in that method and it was something that can be used in the future as well, as a technique. Therefore, we consider that attempts to modify international space law via resolutions or via the drafting of guidelines, that that sort of attempt is very unlikely given the integrity of international space law that that kind of technique is a very particular part of international law as a whole where all necessary matters are taken into account by the provisions in international space law and some people say that all the fundamental issues have been resolved. However, as my delegation has already stated, we would not be prepared to apply to the progressive development of international space law, the so-called piecemeal approach, we would not be prepared to apply that. That is, covering matters by individual provisions and saying that this is the area where most changes take place and we need to modify things in that area. Given that we cannot develop legally binding provisions by consensus, let us do it in the form of soft law, let us gradually develop an international customary space law and the conclusion that I am moving towards, is that, the piecemeal approach, the piecemeal modification or even repair of current international space law is not suitable, this is something that we have been involved in, in cooperation as members of this Subcommittee and we take part in the debate and we express our opinions but overall, this is not an acceptable approach for us. If we wish to achieve progress in the area of international space law and if we wish to achieve stability in this area and if we wish to have some kind of legal guarantees for all States aboveall and guarantees for private business, then the way towards that goal is via

the beginning of work on a universal comprehensive convention on international space law and it will be possible to keep all the _____ (*inaudible*) that we currently have in this area and we will be able to bolster and strengthen that _____ (*inaudible*) with a number of new provisions of which so much has been said by a number of delegations in the last few years.

The CHAIRMAN (*interpretation from Spanish*): I thank Professor Kolosov for his very thorough contribution. I just wanted to recall the fact that, in the Sixth Committee of the United Nations, one of the items under discussion is that pertaining to the fragmentation of international law. This brings us to the end of our discussion of item 10 for today.

I give the floor to the distinguished representative of the Czech Republic, Professor Kopal, so that he could give us a brief introduction to the informal consultations' conclusions, which are in the paper which has been circulated on new agenda items.

Mr. V. KOPAL (Czech Republic): Before every delegation there is now a non-paper, including a report on informal consultations on new agenda items. As you may know because you have effectively participated in these discussions, we could not exhaust all our tasks that included more suggestions and proposals that have been made during these consultations. At the informal consultations on new agenda items, on the second _____ (*inaudible*) it was agreed among the participating delegations, that a new point, capacity-building in space law, should be included as a new regular agenda item. The second agreement that was reached at the consultations, was to invite IISL and ECSL, to organize a symposium during the forty-seventh session of the Legal Subcommittee in 2008, with the theme, legal implications of space applications for global climate change, with a possible aim, that it becomes a single issue item of the agenda of the forty-eighth session of the Legal Subcommittee in 2009. As you know, there have been in the beginning, different positions relating to this particular item, however, I would like to appreciate the spirit of cooperation of those who participated in these consultations that enabled us to come to a compromise solution. That means to start first with the discussion on this item in symposium to be organized by IISL and ECSL, that would enable us to have a better idea, to get better ideas on what should be really discussed and elaborated and then, to discuss the possibility of including a single issue item on the agenda of the forty-eighth session of the Legal Subcommittee in 2009.

To my great regret, it was not possible to come to similar compromise conclusions in the

remaining items that have been on the agenda of the consultation group. In particular, it related to the proposal that has just been recalled by Professor Kolosov, the appropriateness and desirability of drafting a universal comprehensive convention on international space law proposed by China, Greece, the Russian Federation and Ukraine, as a single item. It was not because somebody would have wanted to end these consultations just at the moment when we were coming to this particular proposal, it was simply because of lack of time and you certainly remember, Mr. Chairman, that at that moment, I asked at least 30 more minutes to be given to the consultation group to finalize their job but the necessity to continue our discussions in the session of the Legal Subcommittee prevented such an extension of the time available for the consultative group. This question remained open, this question is now under discussion here in the Legal Subcommittee and I believe that, both the sponsoring delegations and other delegations, have the opportunity to speak on this item and to explain this item or to raise some questions or objections against it.

Then, of course, neither was it possible to reach an agreement on information about the implementation of the space debris mitigation guidelines by State and international organizations, that was proposed by Germany and supported by a number of other delegations as a single item. Then, of course, I believe that on this particular item, further discussions and consultations are still going on during the remaining time of the Legal Subcommittee's session.

Then, finally, there was discussion on the item, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space, proposed by the United States, as an item under a four-year workplan. During these consultations, substantial support was expressed by several delegations and there has been a hope to reach an agreement on this particular item, for an item to be developed under a four-year workplan during the forthcoming sessions of the Subcommittee. This discussion will also continue but there has been, as I told you already, a substantial support for the inclusion of this item in the agenda of the next session of the Subcommittee.

Finally, in this non-paper, there are also listed the suggestions made during earlier sessions of the Legal Subcommittee that have been listed also in the report from our last session. These are listed under B, (a) to (e). I still expect from those sponsors whether they would request these proposals to be listed in this year's report for the possibility of including them on our agenda some time in the future.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of the Czech Republic, Professor Kopal, for the sterling job which he has done. I wanted just to take an extra minute by saying that this has been a daunting task and you have done it with great acumen. We have also seen this with the Working Group chaired by Germany on registration, also this item is still open and as you have rightly pointed out, the consultations are continuing and may continue on those items on which there was no consensus yet. Those are the three basic points I wish to make.

In order to make some progress, bearing in mind that we have little time left, I would like to ask the Committee that, if there is no objection we should formally adopt the two items which are in the non-paper for which there was agreement in the informal consultations. The English text, which I have before me, it says to include capacity-building in space law as a new regular agenda item. Then the second one is to do with the symposium on legal implications of space applications for global climate change. The distinguished representative of the United Kingdom has the floor.

Ms. C. LAVERY (United Kingdom of Great Britain and Northern Ireland): This is the first opportunity I have had to take the floor during this session, I would like to congratulate you on your appointment. On this item, although it was discussed in informal session yesterday, we unfortunately did not have instructions at that point. We think this could be an interesting item to discuss but we are concerned that, if you put it on the agenda as a regular item, that is, to be discussed every year, it might, at this stage, be a little premature to take that decision. What we would prefer is that, if the item is to appear on the agenda that it could be put on as a one-year item, we can look at it, discuss it next year and, then if we feel the need, then we could consider whether the item could be extended into further years. Apologies for not having had instructions yesterday and not being able to raise this at the informal consultations yesterday.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of the United Kingdom. Canada has the floor.

Mr. J. SOLOMON (Canada): Also, as this is the first time I am speaking, I wish to express our gratitude to your excellent chairmanship of this session. I also want to express similar views to those of my colleague of the United Kingdom. We think at this time that the subject is definitely valuable to consider, we are not certain yet that it is right for regular

consideration in the Subcommittee, we would be very supportive of it as a one-year item.

The CHAIRMAN (*interpretation from Spanish*): Thank you. Distinguished representative of France. I imagine that you are going to offer us an excellent way out of this problem, as is usually the case with the delegation of France.

Mr. A. KERREST (France) (*interpretation from French*): The French delegation wishes to join the British delegation in expressing our interest in this proposal which we think is very worthwhile but we also have misgivings about taking it up every single year following a decision of the Subcommittee. We would certainly endorse the statement made by the British delegation and the Canadian delegation too.

The CHAIRMAN (*interpretation from Spanish*): That prompts me to give the following summary. On the symposium there is no disagreement, I take it? I repeat, on the symposium it is so decided that such a symposium will take place as it states in the paper.

It is so decided.

With respect to the very constructive proposal put forward by the distinguished representative of South Africa. I would expect the objections to be raised in the informal working group and perhaps I could turn to the distinguished representative of South Africa to make a counter proposal if I do not solve the problem myself. The idea that it is not yet ripe for us to deal with capacity building, which effectively affects the developing countries, is a bit strong I think, to say that it is not ripe for discussion, it is going a bit far, it is a growing concern for developing countries and once again some sort of rift is being opened up, which from my personal standpoint, I do not share. The countries expressing misgivings are countries which are famous for international cooperation and in the case of France, it is a country of which I have tremendous admiration with respect to its legal output, even if it is just because of my ancestry I have to make that statement.

One of the fundamental core objectives of this Subcommittee is to provide training in the legal field for those countries which do not have the resources or the ability which the United Kingdom has, which France has, which Canada has, for example, the Aeronautical and Space University Centre at McGill University, which is of world renown but we do not have access to what is produced by that Centre, I am talking about us in the sense of developing countries. There are various academic centres in France which are

producing major contributions on these issues but when I went to Paris, specifically to the _____ (*inaudible*) Institute, which produces various literature on this item, I was not able to get hold of it. The United Kingdom constantly provides various contributions of a legal nature as well, once you pay for them. It is just a comment I wish to make. The representative of South Africa, perhaps I should give you the floor again to, perhaps I should give the floor again to France first and then I will come back to you, perhaps you wish to provide a final corollary to this debate. The representative of France has the floor first.

Mr. A. KERREST (France) (*interpretation from French*): Perhaps there has not been complete understanding because your comments have been taken in an interpretation of our position, which may be slightly mistaken. We have nothing against this, as you know very well, you know how much France, Britain and Canada are regular participants in such meetings and make proposals for the training of young legal experts in the field of international space law. There is no question of limiting this activity, as far as we are concerned, in the field of teaching or capacity-building. The wisest course of action for our deliberations and you have very lengthy experience and I have it too, both of us have it, we think it is most wise to have an agenda item for a single year and then, we could take it up regularly, subsequently, if we see that it is successful and we are very efficient in this Committee and we tend to drop items if the need is no longer felt.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of France. You have given an excellent illustration and again I apologize to the representative of South Africa, I shall be giving the floor again but I think this can be resolved in the following fashion. Include the agenda item as a new agenda item for the Legal Subcommittee, taking into account, that the wording needs to be fine tuned but I would ask you to trust the Secretariat, which always does a fine job of drafting and, in the light of the results at that meeting, then that item could be renewed for future meetings too. Would that be agreeable? On the substance, I am taking on board France's proposal, which I do not think poses a problem. The distinguished representative of South Africa, would you agree with that sort of solution? It would be an item just for next year with the possibility, if the results of the debate warrant it or, if items are still pending for future debate, with the option then, of this being resumed for coming years as well. South Africa has the floor.

Ms. L. JOYCE (South Africa): Thank you for the comments made by the other delegations. We

would be amenable to have this as an item subject to review from time to time. May I just, in order to direct the proposed new item a little bit more, in fact that was discussed during the informal consultations, this item is not only going to be or, supposed to be, about capacity building in general. The item is based on our experience of the past symposium which we found very, very interesting but, unfortunately, not really aimed at the needs of developing countries and, in fact, we want to make this point again, that during the symposium, not a single reference was made to capacity building in sub-Saharan Africa and it is with that in view, that our delegation but also the delegations of Algeria, Chile, Colombia and Brazil, have come up with this proposal. We just want to slightly change the item description to make it a little bit more focused on our intention so it would read capacity building or opportunities in space law, aimed in particular, at cooperation with an assistance to developing countries. We want to make this point that, following again the example of our discussions of the symposium, that it would be unfortunate if our discussions in future are only limited to discussing capacity building mostly in developed countries and we would rather want the Secretariat, in fact, to take note of this but also the IISL, that in future we want a direction to be going to the needs and also the capacities and opportunities with regard to developing countries.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of South Africa. That is logical what she said and I also recall the representative of Chile expressly referred to the need of the symposium for there to be some sort of register of fellowships and the costs of registering such fellowships and all the benefits which could _____ (*inaudible*) to the developing States, the representatives of the research centres made presentations on this. I have the impression that France's proposal, the addition from the representative of South Africa could be such as to allow us to adopt a decision on this item. Agreed?

It is so decided.

As for the other aspects in the non-paper, it is natural and obvious that I would ask Professor Kopal to pursue whatever consultations are necessary and interested delegations should try to reach an agreement because this is an open question as he rightly said. We have accepted the proposals in A, in any event, of this non-paper. I shall now adjourn this meeting of the Subcommittee so that the Working Group on practice in registering space objects can hold its fourth meeting, under the chairmanship of Kai-Uwe Schrogl of

Germany. However, before doing so, I would like to inform delegates of our schedule for this afternoon. We shall meet, as always, sharply at 3 p.m., to adopt the report of the Working Group. We would then suspend our consideration of agenda item 9, pending discussions in the Working Group on practice and then we will continue our consideration of agenda item 10, proposals for new agenda items.

With respect to item 4, we would also be convening this afternoon to adopt the report. The Working Group on practice in registering space objects will be holding its fifth meeting this afternoon. I now wish to adjourn the meeting of the Subcommittee.

The meeting closed at 11.33 a.m.