

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

Unedited transcript

762nd Meeting

Wednesday, 4 April 2007, 10 a.m.

Vienna

Chairman: Mr. R. González (Chile)

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

The CHAIRMAN (*interpretation from Spanish*): Good morning distinguished delegates, I now declare open the 762nd meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. Before we embark upon our deliberations, what I would like to do, is tell you the following. Latin American countries were concerned about certain statements made by some delegations and that poses some difficulties, especially with regard to practices of States in the registration of outer space objects, these countries believe that, what has happened is really an affront. A statement was made with reference to the Chairman, it was suggested that some statements be rejected as unfounded, incidents like that do happen, maybe once a year or so, in any case, I wanted to address the Ambassador of Germany and say, we appreciate her contribution and her delegation's work, I am going to listen to the English interpretation while I am speaking. We received reflections, comments were made by Ibero-American States, not only Latin American States but Spain as well, so I will say Ibero-American States. This group has been faced with a complex and difficult situation, what I wanted to talk about, however, is friendship also, is gratitude also, forgive me for not speaking fast but I am waiting for the interpreters and, of course, the interpreters are waiting for the Chairman to finish every sentence, so this slows down the process a little bit. I wanted to point out that I feel great friendship and affection for Germany and the countries that stand with Germany, what I am referring to is the content of the proposal made and I want to refer to what you had to say on the matter of practice in registration with regard to registers. The Working Group chaired by

Mr. Kai-Uwe Schrogl of Germany, who is not here at the moment. The group has decided to join Germany and other States in trying to discuss a draft resolution that would be different, a draft resolution addressing the matter of the practice of States in registering space objects, I do not recall the exact name but you know very well what I am referring to. Believe me, Madam Ambassador, for my delegation it was a pleasure to work with you and your co-workers and, at our next meeting, we should invite Germany as well. However, things have not been easy for us, here is what I would like to recall.

Since the very beginning, as far as we are concerned and, allow me to speak on behalf of the Chilean delegation, for the moment, so for us, for the delegation of Chile but also for other delegations of the Ibero-American group. We have been very explicit and clear with regard to the major contribution constituted by this document and our main problem is, and here, I say you this straight, our great problem is something that we find in other countries of the Latin American region and, when one finds oneself up against a fait accompli, you can see what the implications are. However, when all is said and done and, as a diplomat of course necessarily has to do, we are convinced that account should be taken of the obligations of States, the duties of States and in such a clear case, what needs to be done is to demonstrate consistency and to comply with paragraph 4 of the preambular part, or paragraph 3, I am not sure exactly which paragraph it is, of the Fourth Committee resolution, where we talk about the need to promote and reinforce international space law. In such a context, you can count upon our cooperation, when it comes to the adoption of a separate draft resolution on this matter of registration

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V.07-84842 (E)



practice. That is what I wanted to say before calling the meeting officially to order. I recognize the distinguished ambassador of Colombia.

Mr. A. REY-CÓRDOBA (Colombia) (*interpretation from Spanish*): On behalf of this delegation and, taking up on this issue, I should like to make the following statement. Given that my delegation is, indeed, one of those that took part in the debate that has been mentioned by our Chairman, this morning, and given that we set forth a very clear position in this regard, as I said, a very clear position was brought forward by my delegation on this agenda item, in particular, with regard to procedures which have led to the production of this document and the other matter here, is the actual contents of the document. With regard to the very contents of the document, my sense is that, at this session, I have reiterated that, for this delegation, the work accomplished by the Chair of the Working Group and, I have known the gentleman for a long time now, I am glad to say, in the context of the Legal Subcommittee. I would like to underline what excellent work was done by the Chairman of the Working Group, excellent work which demonstrated his flexibility and his tact and this was what ultimately led us to the position where we were able to introduce into this document the ideas which were put forward under this agenda item. It goes without saying that, of course, the Convention needs to be updated, that is something that needs to happen but the Colombian position in this regard, has and has always been, in this Committee, that we should always address legal issues in the Legal Subcommittee. In saying this, I am saying that we must always do what needs to be done with regard to the treaties, to make sure that they are implemented and to look into possible revisions to be adopted and I made a number of statements, on a number of occasions, to put forward the point of view of my delegation in this regard. After all, we are talking about treaties which are legal instruments that need to be examined with a great deal of caution and respect, given the importance of these documents, in the context of the development of space law. These are the cornerstones of the matter and they are the fruit of consensus, which is the result of a great deal of work. We continue to consider that these are fundamental texts of which, one might say, that they are almost relatively untouchable, however, of course, one needs to take account of the development of science and technology, and all space activities, for that matter. The mechanism used, to which Professor Kolosov and the Russian Federation has drawn attention in the current session, he drew attention to the moral weight and the political weight of General Assembly resolutions and that is something that we entirely share, that is an opinion which we entirely

endorse. We also share the concern expressed by the Professor, with regards to certain other elements but for us, these mechanisms and, I am also thinking of touching upon the matters of launching States, these are mechanisms which could lead us to the question of updating our text, but some text needs to be therefore reviewed, in the context of recent evolutions in developments and this may have implications for international space law as a whole. Ultimately, we are talking about progressive space law after all and this is an approach which we have always endorsed.

I would like to resume by reiterating my position to the effect that, I would like to congratulate the Chair of the Working Group for the work which he has accomplished. We feel that the final document is the result of a negotiation process, it is an intelligent and well-built document and, if we were able to manage other issues on the agenda with the same deftness, the Committee would really be able to make progress. This leads me to say that, the matter for the Latin American countries means that we can take up a position with regard to the way things have moved forward but what really counts here is the contents of what is going to emerge from our Committee, the consensus that has been achieved. We have seen how this has come about and we have also been witnesses of the way in which all countries here have been willing to participate in discussing all the details of our document. We have had contributions from a very broad range of speakers and we have seen modifications and changes and details addressed as a result. This will mean that this document should be able to play the role which it ought to play and, that hence our position, with regard to this _____ (*inaudible*) a General Assembly resolution. This should, therefore, be completely supported and we should make sure that we understand the importance of this document, now and in the future.

There is another point I would like to make, namely, that other issues I feel should be treated in the same serious fashion and with the same swiftness as well, as for the matter at hand. This is something that is of great importance in this Committee and for instance, last week, my delegation referred to the proposal put forward by the Netherlands, with regard to the Moon. Here, we are willing to accept, that this is a matter which could, indeed, be taken up because this is the spirit which inspires my delegation as we participate in the work of the Legal Subcommittee. I am not going to insist any further because we have a great deal more on our agenda but I just wanted to say that my delegation entirely supports the contents and the nature of the matters to be addressed, to make sure that this really does become a living document and that it really can

contribute to the progressive development of space law. We are entirely open to seeking consensus in this regard.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much indeed for your contribution. I now recognize the United States.

Mr. K. HODGKINS (United States of America): My delegation is a bit confused as to what is going on at this point. We had come this morning to discuss, if I am not mistaken on today's journal, item 10, new agenda items and now, we are in a discussion about the item on practice in registration of space objects and we are now having a new debate on whether we need a resolution or not. I am a bit confused as to what the rest of the delegations here are supposed to be doing as we have this discussion because it seems to be a one-way recitation of why a position taken earlier is no longer going to be the case. I am asking, what is it we are supposed to do now? We are now on Wednesday, the Chair has made it clear that he would expect our work to end earlier than expected and we are more than happy to do that but now, it seems as though we are entering into a new set of discussions and debate on how to dispose of the work we have done in the Working Group and my understanding yesterday was that we are done with that work. Are we now saying we are going to re-open the document? Are we now going to reconstitute the Working Group for the remainder of this week until we resolve this whole issue of the resolution? As a delegation that has been deeply involved in the discussions of the registration practice and, in fact, the United States was one of the original proposers of this item, I am a bit confused as to how we are supposed to dispose of our work and I would really appreciate some clarification and perhaps other delegations are as perplexed as mine is, or perhaps, it is just the United States.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much for your statement and perhaps I could seek to dispel your concerns. As I have said, I wanted to make an announcement before calling the meeting officially to order, that was my stand at the beginning and I felt that it was a good thing to announce in order to avoid a whole debate taking place on the report and that I thought it would be better to dissipate any doubts in advance in this fashion. I had the support, in doing so, of the Latin American group with regard to this proposal, this is something that was made just by the Chairman at the beginning and I have absolutely no intention of re-opening the work of the Working Group. We are going to pursue our agenda as said at the beginning but I just wanted to make an

announcement to be reflected in the report and if delegations agree, then consensus will emerge and will be visible as a result and it will be said, that the Committee thought this or some delegations thought this and others would disagree but in making that announcement I had absolutely no intention of re-opening the Working Group or any other working group on a matter, the examination of which, has already been completed. It is not a matter of a debate, it is just a position that I wanted to put forward, a stance that I wanted to take. I am in no way seeking to re-open the work of the Working Group, that would go against normal procedure, naturally, my point is simply to facilitate the way in which the report is going to be dealt with. I now recognize the German ambassador and then we will move on to our agenda of the Subcommittee and perhaps I could ask Madam Ambassador and then the Ambassador of Brazil to be as brief as possible.

Ms. V. GRÄFIN VON ROEDERN (Germany): Thank you very much for your nice words, you do not have to worry about the translation because I do understand Spanish, I am only afraid that once in a while a word will slip because not only are there close links between Germany and your country but I, myself, did three months of my legal training in Argentina, working for the German-Argentine Chamber of Industry and Commerce so there are no worries and having still a few years in my diplomatic career, I still hope that I might get a post in your part of the world so my heart is really also with this part of the world. I only wanted to quickly come to your point about what you rightly said, that _____ (*inaudible*) space law that there you can really count on our cooperation, this is really what we should do in this Committee. Having only come this week, I was quite impressed after first _____ (*inaudible*) signals then about the spirit of compromise in this Committee which, I must say, I very much appreciate and it is a good basis for our future work. The work of a United Nations Committee is that, of course, we have different viewpoints but we should always seek a compromise and do as constructive work as possible. This is particularly very well reflecting the 50 years of COPUOS, we are setting there a positive signal and I said this yesterday during lunch, it should encourage us to do constructive work as we have done this week.

The CHAIRMAN (*interpretation from Spanish*): I should like the distinguished ambassador of Germany and the last speaker, in this part of our meeting, with regard to the announcement I have made, the last speaker will be the representative of Brazil and then we will go back to our normal work as planned for today. I recognize Brazil.

Mr. J. MONSERRAT FILHO (Brazil) (*interpretation from Spanish*): I would like to very warmly welcome the statement that you have made, in addition to what was said by the Colombian ambassador. With regard to the drafting of a resolution on the Registration Convention, I would simply like to say that we very much hope, that this creative and positive stance that has been made so clear by Latin America, we hope that this positive stance will be seen to represent habits to be encouraged in our work.

The CHAIRMAN (*interpretation from Spanish*): I should like to thank the distinguished ambassador of Brazil. We will now turn our attention to item 10 of the agenda, proposals for new agenda items and I recognize the representative of the Czech Republic, Professor Kopal and I would like to recall that, Professor Kopal still has the entire day at his disposal for consultations and I hope that he will be able to make clear indications to us on the basis of those consultations but of course you have the necessary time for that.

Under this agenda item we have a non-paper and I am not going to read it out but we all know its contents and it is on this basis that the informal consultations are taking place and with regard to a number of the issues here, a number of Latin American countries have expressed the view to me, that they look positively on the examination of a number of these points, notably, what was proposed by the United States, that is just a comment on proceedings. Do I see any requests for the floor under this agenda item? Item 10 of our agenda, proposals for new agenda items. I do not see any such requests for comments.

I would like to come back to the question of informal consultations. We have a draft report before us and I wonder if Professor Kopal is in a position to say whether he agrees that, at the end of this morning's meeting, he might be able to provide some kind of indications otherwise we are up against problems of time but of course, as I said earlier, that you have the entire day at your disposal but if you are in a position to give us some kind of picture at the end of the morning's meeting, then that would be of use for the entire Committee. I recognize the Czech Republic.

Mr. V. KOPAL (Czech Republic): Yesterday, when we were talking about the informal consultations and about the report from this informal consultations, I kindly asked you to give me still the possibility to discuss with the delegations during this morning and that I should be ready to give the final report of these discussions in the afternoon. I could repeat what I have already said but it would be better to

wait until this afternoon because the consultations are still continuing. I have received, for example, just now, another proposal and I have to look into it in some greater detail and perhaps to talk with the delegation that submitted such a proposal, once again, as we agreed yesterday, I would prefer to report to you and to the whole Subcommittee this afternoon.

The CHAIRMAN (*interpretation from Spanish*): Could I please ask you to be so kind as to present the report at the end of the morning, if at all possible, because when we talked about this yesterday, I did not have the draft report of the Subcommittee before me which it is my intention to discuss this afternoon. You have a couple of hours for consultations, I think that that is enough, is it not? Can we please proceed in that way? We have interpretation until 1 p.m. so perhaps if you could at 12.50 p.m. you could provide us some kind of final report on this matter. That is, after all, the afternoon, 1 p.m., so we can say that it will be in the afternoon if we hear that report just before 1 p.m. Could we please have your report therefore at 12.50 p.m. and then we will examine the Subcommittee's report this afternoon. I have seen no requests for the floor under agenda item 10 and I will therefore adjourn the meeting if I may.

I would like to inform delegates of what we are going to do this afternoon. We will meet at 3 p.m. when the Working Group on definition and delimitation of outer space will hold its meeting to adopt its report. The Working Group on practice in registration will hold its fifth meeting, purely on the adoption of the report, there will be no debate in that meeting. We will then meet in plenary to hear from the Chairman of the Working Group on the definition and delimitation of outer space to hear the report from that Working Group. Then we will hear from the Chairman of the Working Group on practice in registering space objects to adopt the report of that Working Group, there will be no debate. I therefore adjourn this meeting until 3 p.m. I recognize the Secretariat.

Mr. N. HEDMAN (Secretariat): As the Chairman pointed out, this afternoon the Working Group on definition and delimitation of outer space will reconvene and adopt its report. Thereafter, the Working Group on registration practice will reconvene and adopt its report. We will then resume the plenary and to endorse these two reports. Then we will take up agenda item 10, to hear the conclusions from the informal consultations and to conclude that item and, time permitting, the plenary will also start the adoption of the first part of the report, which has now been distributed in the pigeon holes, as contained in document A/AC.105/C.2/L.268 and that is the first part

of the report containing the introduction of the report and general exchange of views.

The meeting is adjourned.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much colleagues for being here and I would like to welcome you to this meeting. It is a very short meeting and without further ado I will immediately give the floor to Professor Kopal, the representative of the Czech Republic, who is going to inform us of the results of his consultations and I would like to spell out that this is the very last time that we will tackle this issue.

Mr. V. KOPAL (Czech Republic): According to your request, I am now ready to submit a brief report about the results of our consultations on new items to be included in the next session of the Legal Subcommittee. If I may recall, simply for purposes of our discussion, two items have been already approved, it means, to include capacity building in space law as a new single item and second, 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 the possible aim that it becomes a single issue item of the agenda of the forty-eighth session of the Legal Subcommittee in 2009, so these have already been decided, concluded and it should be included in the agenda of the Legal Subcommittee for the next session.

Three remaining proposals that were under discussion during the informal consultations, heard in a large group and also in smaller groups and, on a bilateral basis. From these three points, an almost consensus which, I may state here and, I suppose, that the full consensus could be reached now is 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. This is the first conclusion.

The second conclusion concerns information about the implementation of the space debris mitigation guidelines by States and international organizations, as this title of these guidelines was proposed originally. Notwithstanding all efforts that we have developed and I would like to say that, indeed, up to the last moment these efforts continued, it was not possible to reach full consensus. Some delegations proposed changes in the heading of this item and several such proposals have been made, some delegations also expressed their willingness to support this item but a full consensus unfortunately, could not

be reached. It means, of course, that our efforts will probably continue next year or in the following years but for the agenda for the forty-sixth session of the Legal Subcommittee, a consensus did not emerge.

As to the third item, the appropriateness and desirability of drafting a universal comprehensive convention on international space law. Here, again, we have developed consultations with individual delegations, we also took into account the general exchange of views in which some delegations indicated that this would not be acceptable for them or that they would prefer another approach to the progressive development of space law and also, with regard to hesitation of some delegations to accept it, I have to say, that again, that in this point consensus could not be reached.

Finally, I would like to say that, in the light of the fact that the item on information about the implementation of the space debris mitigation guidelines by States and international organizations would be withdrawn, that those countries which touched the issue of space debris in the earlier proposals, wish to retain these points on the list of possible items for the future, as it was last year in the report of the Subcommittee under the same chapeau and under the same enumeration of these items. That is all what I can tell you.

The CHAIRMAN (*interpretation from Spanish*): I should like to thank the distinguished Professor Kopal of the Czech Republic and I would like to congratulate you, Professor, on all the efforts that you have made. You have had enormous success given the very little time at your disposal. I recognize the United States. Please remember that we have very little time.

Mr. K. HODGKINS (United States of America): I appreciate fully the limited time we have, I just wanted to express our delegation's deep appreciation to our distinguished colleague, Professor Kopal, for conducting the consultations on new items and, my delegation would also like to note that, while we might have made an initial proposal concerning national legislation, the reason we were able to reach consensus had more to do with the fact that we had these consultations and that there were some very good changes suggested to our original proposal. I would not want the United States delegation, to take the credit alone for this item but to note that it was really the results of the consultations we held last week and this week.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much. I recognize the Russian Federation.

Mr. E. ZAGAYNOV (Russian Federation) (*interpretation from Russian*): I will be very brief and I would simply like to focus on the proposal made by the delegations of the Russian Federation, Greece, China and Ukraine, namely, with regard to examining the question of the appropriateness and desirability of drafting a universal comprehensive convention on international space law. As quite properly noted by Professor Kopal, we did not have an opportunity to discuss this issue in the course of the informal consultations. It was touched upon in plenary and a number of delegations supported this proposal in plenary and naturally including my own delegation. We did not hear any direct objections to this proposal. It might be that Professor Kopal had some contacts during the consultations in which objections to the proposal were expressed but in any case, we would like this item to stay as an issue to be examined at the next session of the Legal Subcommittee.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much. We have two points, one is an agreement, a consensus, that is to say, on what was initially a United States initiative and I would like to submit this to you, therefore, given that consultation gave rise to a consensus. I think we can adopt it.

It is so decided.

With regard to the other matters, it should be noted that the intentions expressed by a number of delegations should be noted. These are matters which we might be able to discuss at the next meeting of the Subcommittee and delegations that wish to present these issues will be able to do so at that time. Any objections? I see none. Professor Kopal has asked for the floor.

Mr. V. KOPAL (Czech Republic): Thank you for giving me the floor once again. I only wanted to thank all delegations that participated in the informal consultations, either in the room 13 here on this floor and I thought that this exchange of views has been very sincere and open and that many delegations really cooperated with me in fulfilling my task. At the same time, I would like also to thank the delegation of Germany, which helped me very much and particularly to one member of that delegation, Dr. Marietta Benkoe, who, untirelessly I would say, tried to bring the views of the different delegations to a successful end. We have now the end of this, we cannot change it, but I am looking forward with hope to further cooperation of all members of the Legal Subcommittee at our next session in 2008.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much. I adjourn the meeting.

The meeting closed at 1.02 p.m.