

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

Unedited transcript

778th Meeting

Tuesday, 8 April 2008, 3 p.m.

Vienna

Chairman: Mr. V. Kopal (Czech Republic)

The meeting was called to order at 3.20 p.m.

The CHAIRMAN: Good afternoon distinguished delegates, I now declare open the 778th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

I would first like to inform you of our programme of work for this afternoon.

We will continue our consideration of agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, and agenda item 13, Proposals to the Committee for New Agenda Items.

I would also like to remind delegates that following this session there will be a Reception on the occasion of the forty-seventh session of the Legal Subcommittee of COPUOS, hosted by the United States of America in the Vienna International Centre Restaurant.

Are there any questions or comments on this proposed schedule?

I see none.

It is so adopted.

General exchange of information on national legislation relevant to the peaceful exploration and use of outer space (agenda item 12)

Now I would like to continue our consideration of agenda item 12, General Exchange of

Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

I do not have any speaker on the list of speakers so far. Is there any delegation wishing to speak on this particular item this afternoon?

I see none.

We will, therefore, continue our consideration of agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, tomorrow morning.

Proposals to the Committee for new agenda items (agenda item 13)

I would now like to continue our consideration of agenda item 13, Proposals to the Committee for New Agenda Items.

Yes, the distinguished delegation of Brazil, to whom I give the floor.

Mr. A. TENÓRIO MOURÃO (Brazil): Thank you Mr. Chairman. The Brazilian delegation is very pleased that the issue of capacity-building in space law was added to the Subcommittee's agenda and would like to express its support for the extension of the item beyond this session.

We attach great priority to the matter which we believe touches the core of one of the most crucial needs of developing countries in matters related to the outer space. In this manner, we are proud to have an

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active participation in the efforts to bridge the knowledge gap in this field.

Brazil was pleased with the results of the United Nations Expert Meeting on Promoting Education in Space Law which took place in this capital in December 2007. At that occasion, we were represented by Professor José Monserrat Filho and Dr. Tanya Maria Sousan(?), Director of the Brazilian Campus of the United Nations Regional Centre for Space Science and Technology Education for Latin America and the Caribbean, CARACTELC(?). CARACTELC(?) is one of our most major tools in developing capacities in our region. The Centre is currently led by Mexico and Brazil, with campuses in Toransyncla(?) in the Mexican State of Puebla, and Santa Maria in the southern region of Brazil. We expect to soon have other countries as members of the Centre.

The Secretariat of CARACTELC(?) was recently transferred to Mexico where Dr. Sergio Camacho-Lara, who for many years served the United Nations Office for Outer Space Affairs, was appointed the new Secretary-General, following Dr. José Marcos Da Costa.

The development of courses in space law is part of Dr. Sergio Camacho's work plan for 2008. As always, these courses will aim at benefiting all countries of the Latin American and Caribbean region.

Brazil is proud to cooperate with Argentina in the area of space law. In 2007, aimed at the future establishment of a Centre for Space Law, our countries have agreed on a bilateral programme for development of space law studies which foresees the realization of joint workshops. We commit ourselves to keep this body up-to-date with our activities on this issue. Thank you very much Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of Brazil for your statement on item 11, Capacity-Building in Space Law. You underlined the great priority that your country and, of course, the delegation of your country attach to this issue. You also evaluated the results of the United Nations Expert Meeting on Promoting Education in Space Law, where two experts from your country were present and participated effectively in the discussions. It was Professor José Monserrat Filho and Dr. Tanya Maria Sousan(?), who is Director of the Brazilian Campus of the United Nations Regional Centre for Space Science and Technology Education for Latin America and the Caribbean.

You then elaborated on this institution which is certainly important for the development of studies in your area and you also informed us that the Secretariat of the Brazilian Campus is now transferred to Mexico where, and this is good news for all of us, Dr. Sergio Camacho-Lara, who for many years served in an excellent way here in the United Nations Office for Outer Space Affairs, as its leaders, was appointed the new Secretary-General, following Dr. José Marcos Da Costa. And you also informed us that Dr. Sergio Camacho included in his work plan the development of courses in space law.

And finally, you also informed us about the cooperation of Brazil with Argentina in the area of space law and both these courses are renowned by the tradition of studies in international law and in particular now in space law. Thank you very much.

I have still on my list speakers the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece): Thank you Mr. Chairman, good afternoon. I would like although not to make an intervention on this, but just to for information please, I heard at the beginning of this session that there was prepared a curriculum concerning the education in space law through the Regional Centres and I was not at all informed before and I do not know who and how this curricula or curriculum was produced. And I am not aware at all and I am a little bit surprised because, as you may know, I liked to participate in these meetings and also my efforts for the, unfortunately not finally succeed to be established the Centre for Central Eastern and South Eastern Europe. So that is the one question.

But the second is maybe to apologize because I was last year opposed, I had some doubts at the very beginning to accept as observer the Space Security Foundation. You remember last year? We accepted it finally to have permanent observer status. Only(?) that with this apologies, I have to underline what important work they do. We received last month during the Subcommittee, the Scientific and Technical Subcommittee session, their review with the name Space Security 2007 which contains very important information about technical, political and legal and other events for the last year. I found that they began to produce this review from 2003 and I have to congratulate the Foundation for this review and other work on that specific matter which is a very, very good tool for all researchers. Thank you very much.

The CHAIRMAN: Thank you very much distinguished representative of Greece for your

intervention. As to the first point, I only will say that the convening of the Group of Experts was the initiative of the Office for Outer Space Affairs and for it I will give the floor to the Secretary of the Committee to explain about how they decided to organize that meeting at once.

But I will also comment on your second point concerning the Space Security Foundation. I think there was some reluctance or hesitation to admit this, I believe, important non-governmental organization which is developing a very interesting programme in the protection of the peaceful activities in outer space but I think it was not on the level of our Subcommittee. The opposition of some or reluctance of some delegations including your own was developed during the session of the Main Committee, of the Main Committee which has to decide on the admission of the Space Security Foundation. On the other hand, the application of this Foundation was supported by several delegations including the delegation of my own country, but it is only in margin that I am saying it. And it was fortunately decided that, though the final admission should be decided by the Committee at the next session, it means at the session of this year. It was, at the same time, decided that they might be participating on a provisional basis in the sessions of both Subcommittees this year and this was done, this was fulfilled during the session of the Scientific and Technical Subcommittee and I do not know if the Foundation is represented here but it also related to the session of the Legal Subcommittee.

So this is my explanation and reply to your intervention and I now give the floor to the Secretary of the Subcommittee.

Ms. N. RODRIGUES (Deputy Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. As regards the meeting that was held in December to begin the development of a basic course on space law, the meeting was organized in December with the intention of taking action on a recommendation of the Legal Subcommittee last year that had asked the Secretariat to pursue the possibility of starting the development of such work. The meeting was convened with a very small group of people, it was the four Directors of the Centres, because we needed their input because the intention at that stage was that the courses would start out within the context of the Regional Centres, and a handful of educators. The meeting was only two days. It was a very short start-up meeting. We spent quite a bit of time elaborating the difficulties that Centres have, the structure of how they work, whatever structure the curriculum would take would be able to fit in with the existing education

programmes that the Centres offer at the moment. And the meeting concluded by starting out with the first elaboration of bullet points of a potential curriculum.

All of the information or a very brief summary of the meeting is contained in report A/AC.105/908. What the Subcommittee might value is that the Group is continuing their work to use basically by e-mail, mostly by e-mail, and when possible, by using the modules of other international meetings when there is maybe three or four of them together they can make further progress. And it is the intention that the first draft, now when the draft is in a phase where it can actually be presented, it will be very broadly circulated. We are hoping that we will be ready to do so by the next Legal Subcommittee so that we can make the draft public and then invite some feed comment so that we can broaden our perspective. At the moment, it is just a small working group that is just putting together the first elements of the curriculum but by nowhere in any phase that is to be considered complete or it is at the development phase at this point. Thank you Mr. Chairman.

The CHAIRMAN: Thank you Ms. Deputy Secretary of the Subcommittee for your information and reply to the comment made by our distinguished colleague from Greece.

Yes, Greece again.

Mr. V. CASSAPOGLOU (Greece): Thank you very much Mr. Chairman. I appreciate the explanation given by the Secretariat but I have to reiterate my question and asking who decided and under what criteria to invite people, educators and other people, because at least we are not informed by the Office through our Embassies here. Thank you.

The CHAIRMAN: Yes, Mr. Secretary?

Mr. V. CASSAPOGLOU (Greece): ... decide who, the specialists(?) (questions?), because we have not enough, maybe enough questions here. Thank you.

The CHAIRMAN: Mr. Secretary?

Mr. N. HEDMAN (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. Yes, I will try to respond to that. First of all, the Group that Ms. Rodrigues explained was, is not closed and this is a continuing process and as Ms. Rodrigues outlined, it is proposed only the first account, and this is the multi-year task that we all have to work on through the Legal Subcommittee. Now, in the report that was referred to,

document 908, you had a list of the participants of this first informal meeting. The Office invited those people to the meeting. We needed to keep a very small group and we are always bound to try to seek the geographical distribution among all the regions in the world. So that was our main objective for this meeting. Thank you Mr. Chairman.

The CHAIRMAN: Thank you Mr. Secretary for your additional explanation on this point.

Ladies and gentlemen, are there any other delegations wishing to speak on agenda item 13 for the time being?

I see none. Excuse me. Ladies and gentlemen, I have been advised by the Secretary of our Subcommittee that the Secretariat had prepared a Non-Paper including all topics that could be included in the draft agenda for the next session of our Subcommittee. This Non-Paper includes all items that are expected to be included, it is more or less the reflection of the present agenda that we have been discussing during this session. But it means that regular items are included here, then single issue items for discussion that again have been included in our agenda at this particular session and where it is expected that they should be included again in the agenda for the next session.

Then, of course, we have item considered under work plan which is work plan for our activities during four years up to 2011 and you have here in this paper, particularly the plan for the session in 2009, examination in a working group of the responses received in order to develop and understand of the manner in which member States have regulated governmental and non-governmental space activities. This was already approved by the Committee and endorsed by the United Nations General Assembly in its resolution.

Then on the second page of this document, you will find new items for the forty-eighth session. Here, the topic for this year's symposium on Legal Implications of Space Applications for Global Climate Change is included and I referred about it already during this meeting so I will not read it again.

Then it is followed by a list of topics that were proposed, suggested by different delegations during the past years and that have been retained on the list of possible topics to be considered and eventually adopted, also during the present consideration.

And finally we have here also a proposal for a new agenda item under, which was made during the general exchange of views at the current session. It reads as follows: exchange of information about national rules for space debris mitigation and measures for the voluntary implementation of the COPUOS Guidelines which was proposed, as it is stated here, by Italy and Ukraine during the general exchange of views. Of course, this point was also considered informally or has been considered informally because this consideration perhaps still continues and, after all, its best (bad?) wording may be adjusted on the basis of the results of these informal consultations.

And you also have (b) with ... it means if anybody of you might have another topic to be included in the list of items so it would be then added.

So this is the brief interaction that I wanted offered to you and I understand that this Non-Paper has been already distributed so that you have it before you in writing.

Now I open the discussion. We do not necessarily need to finish this consultation or informal consultation today because we have still to include it in the programme for tomorrow morning but please if you have some constructive proposals, do not hesitate to advise us.

The floor is open.

Yes, I have the following suggestion on procedure, ladies and gentlemen. We could start again from the beginning of this list and indicate what has been already adopted or where we do not expect any further consultations because it is evident that it will be adopted. And in this way, we will pinpoint one, two, three, maybe points that still deserve our further discussion and consultation and in this way we will minimize the text to be further elaborated.

Yes, do you agree with this procedure?

I see that you agree, yes. Thank you very much for your cooperation.

So starting from the very beginning, opening of the regular items, Opening of the Session, Election of the Chairman, that is no longer valid, only opening of the session because I have to remain here in the Chair for another year.

Second, Statement by the Chairman. Yes, it will be prepared and will be delivered.

Three, General Exchange of Views. The general exchange of views this year, I think, was quite fruitful and constructive and interesting and, of course, it is, we may wish to repeat this experience again next year.

Four, Status and Application of the Five United Nations Treaties on Outer Space. We have already discussed and agreed upon on the extension of this consideration and also on the establishment of the Working Group on this particular subject during the next year's session so I think we do not have any problem.

Information on the Activities of International Intergovernmental and Non-Governmental Organizations Relating to Space Law. It is indeed a regular item and the report submitted by international intergovernmental and non-governmental organizations submitted in writing and/or presented here during the session of our Subcommittee have been most useful.

Point number six, Matters Relating to the Definition and Delimitation of Outer Space, it is (a) and (b) the Character and Utilization of the Geostationary Orbit, and so on and so on. I believe that we will, of course, consider the report of the Working Group on the subject of definition and delimitation of outer space, it means the only subject on which the Working Group was re-established this year. We will have it at our disposal for consideration tomorrow or Thursday, Thursday probably.

As to (b), it is the constant part of our agenda of our regular item 6 so I also believe that it will stand as it is.

Now we have single issues, items for discussion, it means point seven (nine?), Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space. I think that it was recommended during the discussion on this item that it should be retained for further discussions before next year so, therefore, nobody opposed this idea so that we may that again agreement has been reached on this point.

Examination and Review of the Developments Concerning the Draft Protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment. We have heard a report prepared by the representative and observer for the UNIDROIT at this session. It was read by our distinguished colleague, Professor Marchisio of Italy who has held the position of Chairman of the Group of Governmental Experts within the UNIDROIT

Organization and a discussion on this particular item and it was requested by a couple or several delegations that this point should remain on the agenda because some important events are expected in further consultations within the UNIDROIT. Therefore, we would be interested in being informed about further development of these consultations within UNIDROIT next year.

Point Capacity-Building in Space Law that was originally sponsored by the distinguished delegation of South Africa and supported by several delegations held this year, in my opinion, a meaningful discussion and it was proposed by South Africa and several other delegations that it should remain on the agenda of our Subcommittee for the next year.

Now items, or better to say item in singular because we have but one such item considered under a work plan, it is the General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space. This year we have listened to a number of important information, meaningful information on national legislation from among several delegations and, of course, this agenda item is open for further information if it is possible. But we have for the year 2009 sub-item Examination in a Working Group of the Responses Received in Order to Develop an Understanding of the Manner in which Member States have regulated Governmental and Non-Governmental Space Activities. This is in accordance with the resolution of the General Assembly so that it has been already decided that it should be on our agenda for the next year's session. And you have here indication of the plan for further years for 2010 and for 2011 but this is only for your information for the time being. So again, I believe that here too on item considered under the work plan, there is a full consensus reached.

Ladies and gentlemen, I believe, unless you have some important reason why you still raise some question or comment, in relation to these points that I have just read and a list of which is before you, may I assume that it is decided that all these items will be a part of our agenda for the next year?

Yes, the distinguished representative of Greece.

I wanted only to say before we start discussing the second page which we have not discussed yet but these elements, starting from point one through point 10, yes?

Mr. V. CASSAPOGLOU (Greece): Thank you Mr. Chairman. I fully agree to have all these points and items in the next year's agenda with two light, one addition to 6(b) and one modification to 8. Concerning 6(b), as you remember during my interventions, I said that Article 44 of the ITU Constitution speaks from 1998 until now, from Minneapolis until now, not only for the GSO, GEO, the geostationary orbit, but also the other orbits. So I would like to adapt the wording of the (b) to this Article because as it is appearing now is a kind of _____(?) and not exactly reflecting the problems we have in using also the low-Earth satellites and medium-Earth satellites. So we have to re-write this sentence.

And second about item 8, my proposal was to replace "examination and review of" by "only information on the developments" and to say "Convention of Cape Town of 2003 on ...", etc., just to know what the Convention is. We say the Vienna Convention and the Law of the Treaties, the Montego Bay Convention on the Law of the Sea and so on. So I think we need to put the Convention of Cape Town of 2003 on International Interests.

That is the two remarks I would like to present. Thank you very much.

The CHAIRMAN: Thank you very much distinguished representative of Greece for your intervention on two points, it means on point 6(b) and on point 8.

Is there any other delegation wishing to react to this proposal?

Yes, I recognize the distinguished representative of the United States of America.

Mr. _____(?) (United States of America): Thank you Mr. Chairman. Just as a point of clarification, it was not clear what drafting change was proposed for item 6(b). Thank you.

The CHAIRMAN: Yes, I have also the application for the discussion by the distinguished representative of Colombia.

Mr. _____(?) (Colombia) (*Interpretation from Spanish*): Yes, thank you Mr. Chairman. I do recall the discussion and the constructive contribution made by the delegate of Greece on the issue of geostationary orbit. Still, Mr. Chairman, there is a text reached by consensus, as you recall, and we have a Compendium of the United

Nations Treaties on Outer Space and introducing a modification presents certain difficulties. The delegation of Ecuador actually, which is highly sensitive to this subject, made the comment in this regard and I think for the moment we should put it aside, give us a chance to hold consultations with the delegation of Ecuador and then make sure that we are all together on this. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of Colombia and in your contribution you requested a certain delay of the decision on this particular point because of the present absence of the distinguished representative of Ecuador. It has been recorded, yes.

If there is no other, yes, I recognize the distinguished representative of The Netherlands.

Mr. _____(?) (Netherlands): Thank you Mr. Chairman, good afternoon colleagues. On the proposal by Greece in relation to agenda item 8, we would have difficulties in accepting the proposal that has been made. We understood the proposal as it was made earlier this week as to prevent this Committee from doing the same work as the intergovernmental group that is working under the auspices of UNIDROIT and in principle we would agree to that that we should not negotiate the same treaty in two places at the same time. However, and there are two issues that this Committee involved in this draft Convention. One is the relationship between that draft Space Assets Protocol and the five United Nations space treaties and the second is the possibility of inviting the United Nations to act as a Supervisory Authority of any register that may be adopted. And we have suspended our consideration of the latter issue but we may return to that at a later date. And the first issue remains important for us to consider, pending the negotiations. I think it would be useful for this Committee to have a look at the final text of the Space Assets Protocol and then to assess the final text before it goes to the Governory(?) Conference and then to assess to what extent it is or is not compatible with the five United Nations outer space treaties. And I think the current formulation provides us with the necessary hoops to take that up and we would like to retain that and no reason to change examination and review by information provided by UNIDROIT.

As far as the title of the Convention is concerned, we are flexible that can be changed if necessary. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of The Netherlands.

Before going on in this discussion, I, myself, would like to draw your attention to one important fact that point 6(b) was the result of indeed a consensus and this was a difficult issue that needed much of our efforts before we reached this consensus. So, therefore, it is repeated intact in all previous agendas because this indeed was agreed upon among all delegations and it was a consensus that related to the geostationary orbit, only to the geostationary orbit, not to other orbits, to the geostationary orbit. And again, this problem of the geostationary orbit was included in this double point 6 because of its close relationship with the definition and delimitation of outer space and, therefore, it was a balanced decision at that time and we should be very cautious whether we should really re-open this discussion or not. This I am saying only for reminding you of the historical development of this particular point.

And second, this also, to a certain extent, relates to point 8. Again, last year when we were discussing it and after all it was approved that it should remain on our agenda. It was pondered very carefully each word and the words "examination and review" were indeed the results of a consensus and I would like here to emphasize that it was examination and review of the developments, so that it was agreed upon among us that these are developments not any result of these developments, not any exact problem but all the developments that occurred during the consideration of the UNIDROIT initiative and that during the following considerations that would be developed that still this year and perhaps still next year, I do not know.

So this I wanted to bring to your attention before you open or continue in the debate on these two items.

As to the second remark of our distinguished colleague to item 8, I believe it was already indicated by the distinguished representative of Netherlands that we might easily include to the Convention on International Interests in Mobile Equipment to the 2001 Cape Town Convention, if you wish it, will be still more indicative but it is up to you.

Thank you very much for your listening to my own observations and please if there are any other contributions the floor is open.

Yes, the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece): Thank you Mr. Chairman. Just also to reply through you to

my United States colleague. The idea is that to introduce in the wording of this topic, the idea of the other orbits which is the same problem. As you may remember, in the Scientific and Technical Subcommittee, analyzed (as realized?) in this Committee, all colleagues, especially from the Equatorial region States, insist on the uses to be on an equal basis and in the benefit and of the developing countries, etc., which is almost verbatim the citation of Article 44 of the ITU Constitution.

So to concentrate our legal discussion, first of all on the character and utilization which is almost technical approach and only when it is a means to assure the rational and equitable use, forgetting what is now from many years, the main demand of the Equatorial States and other non-Equatorial States, so-called developing not industrialized, I think is necessary a little bit not modernize but because Minneapolis is almost 10 years there, but to conserve something like a museum of palaeontology(?) I do not think is something, you know, good in the Legal Subcommittee, it should be very dynamic and very abrogative(?). That is the idea.

Concerning now, so with this explanation my colleagues from the United States are satisfied, otherwise I am open to give them a more specific details.

Concerning the examination and review, the idea to put instead "information on" is exactly to underline that we are completely uncompetent(?), I mean the Subcommittee to deal with the substance of this draft Convention, draft Protocol. It is outside of our mandate. We cannot negotiate within this Committee mainly private law convention which is the Protocol.

Sorry?

The CHAIRMAN: ... private law is excluded from our competence. Who said it? Who decided it?

Mr. V. CASSAPOGLOU (Greece): Excuse me, I do not understand.

The CHAIRMAN: We speak about all aspects of international law relating to space activities including private international(?) law ...

Mr. V. CASSAPOGLOU (Greece): Yes, but this is not for the peaceful uses of outer space, dear colleague, it is for private banks, securities on space assets. It has nothing to do, in my poor(?) view, it has

absolutely nothing to do with the peaceful uses of outer space entirely. That is the idea. So if my colleague from The Netherlands considers that, and as you mentioned very wisely, that examination and review is concentrated only in the developed months(?) (mass?) and not in the substance of the draft Convention, I have no objection to retain the wording. Otherwise, I am completely opposed. So it is up to you to clarify if it is only on the developments concerning the drafting but not the substance of the provisions of the Convention, the Space Assets Protocol. Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of Greece. But in replying to your comments, I made it abundantly clear that the point reads “examination and review of the developments”, the accent is on “the developments”. So this is what you now requested. I do not say on the substance, examination and review of the substance, on the developments concerning the draft. To me, at least, it is quite clear. I do not have any doubts about it and it is not a consideration of the substance but of the developments of the draft, developments that is being done within the UNIDROIT and its bodies.

Would you understand it? Would you be so kind? Absolutely. Very good. Thank you for your cooperation.

I have now the representative of the United Kingdom.

Ms. _____(?) (United Kingdom of Great Britain and Northern Ireland): Thank you Mr. Chairman and thank you also for your helpful explanation of the historical background of the wording of these two agenda items. And given the points that you made on the difficulty of agreeing the wording of these agenda items, we in the United Kingdom would prefer to actually stick with the wording that we have got, unless, of course, our Greek colleague feels very strongly about it.

And I would also like to support the comments made by my Dutch colleague on agenda item 8. As discussions of this text were still ongoing in UNIDROIT, I think the wording that we have heard very much expresses what we, in COPUOS, at this point, would like to do with the Convention. So, on balance, unless our Greek colleague feels very strongly about it, we would like to stick with the language that we have got here. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of the United Kingdom.

Is there any other delegation wishing to speak?

I think we more or less reached a certain agreement about the text of point 8 after the explanation that I have given to our distinguished representative of Greece and his kind cooperation and understanding in this respect.

And as to point 6, our distinguished representative, colleague representative of Colombia requested still a certain patience in this respect until our distinguished colleague from Ecuador writes and he perhaps will have also some comment on the wording of point 6 because, as I already told you, this has been a result of long negotiations in which Ecuador, Colombia and other delegations, including my own and other delegations participated and this was the result of these negotiations. So perhaps as to point 6(b) we might still have a certain patience and return to it as and when our distinguished colleague, the representative of Ecuador writes.

The distinguished representative of Colombia.

Mr. _____(?) (Colombia) (*interpretation from Spanish*): Yes, thank you Mr. Chairman. I am just, out of courtesy for the delegation of Ecuador, because as you know very well they have been strongly in favour of maintaining this item and, of course, it has been a process ongoing for a number of years, almost 15 years, and in this Subcommittee we have arrived at a certain consensus in this regard. But a different process might be started but maybe this is not the moment. This is not the time to do that. Colombia would prefer to keep it as it is written here and the concern expressed by the delegate of Greece could be addressed in the future in a different type of discussion.

We were talking about the geostationary orbit without prejudice to the role of the ITU, as the Greek delegate pointed out, but this is the wording that is agreed to by all and on Page 78 of the Compendium before us, this is also addressed in this way. Thank you very much.

The CHAIRMAN: Thank you distinguished representative of Colombia for your intervention by which you made again evidence of your cooperation in this particular point.

Is there any other delegation wishing to speak on these points one to 10?

I see none.

So perhaps I could resume what has been agreed upon among us. It means that we accept all these points in which are included on the first page of the non-paper, it means starting from point one through point 10, as they are here included, with the exception relating to point 6 in order to give the opportunity to our distinguished colleague from Ecuador who, in the past, participated in an important manner in the formulation of this point, in order to give him the opportunity to present his position in this particular question, otherwise the text maybe considered as generally approved.

Yes?

It is so decided.

Now on Page 2. Yes, we will start discussion because paragraph or point 11 on Page 2 is just for explanatory reasons. We will start discussing the following paragraphs, starting with the Symposium for the next year.

Gentlemen, we will have to decide, or to consult at least, on the subject of the Symposium for the next year. This year it was "Legal Implications of Space Applications for Global Climate Change". It was organized in two sessions, or in two parts, that were effected on the first and the second days of this year's session of the Subcommittee. And in this connection, there was also, last year, a suggestion made by our former Chairman of the Legal Subcommittee, Ambassador González. So this point is now open for discussion.

Do you have any comments on this paragraph or not?

Yes, our Secretary reminded me that this is the quotation of the last year report of the Legal Subcommittee as it was included there so this is here practically for your information and we should decide on the Symposium to be held this year. And there have been also some ideas that I have heard but it is only for your information, it does not mean proposed, as a formal proposal that the Symposium for the next year might be only during the Thursday of the session of the Subcommittee. So, therefore, this point is now open for discussion.

Is there any delegation wishing to speak?

I recognize the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece): Thank you Mr. Chairman. Mr. Chairman, I think that to have two more afternoons for the Global Climate Change we had this year, two afternoons and to have again for climate change. It is not the case, I think that is enough. We have also yesterday the proposal from Austria for this academic symposium on the Moon Treaty, on the Moon Agreement and we said that it should be helpful to have this before the Legal Subcommittee session or maybe at the very, very early stage of the next session, exactly to use the first results of this Symposium, supported also not only by Austria, but supported by other countries, to use it during the next session. So it is, I do not think the Subcommittee is so competent to speak about climate change and then we have some years we have had the water which belongs to other international specialized agencies. That is, you know, my doubts about the utility of these subjects.

And then we have also on this opportunity maybe discuss for the Austrian proposal for the intersessional, excuse me, interdisciplinary academic symposium. Thank you very much.

The CHAIRMAN: Thank you very much distinguished representative of Greece for your intervention and suggestion how to proceed with this particular question of the programme of the next Symposium. I only repeat that, I and the Secretariat included it in the non-paper for your benefit to remind you the last year the decision. It was not meant that it should be included again in the next session as a subject of the next Symposium during the next session of the Subcommittee. But thank you in anyway for your suggestion.

Is there any other delegation wishing to speak on the subject of the Symposium?

I recognize the distinguished representative of Chile.

Mr. _____ (?) (Chile)
(*interpretation from Spanish*): Thank you Mr. Chairman, distinguished colleagues. I just had a question on this item.

What I heard just now is that the subject of space applications and the legal aspects of space applications for global climate change is a matter that can or will be discussed under this item or are we opening a debate on the substance of this item if we are just raising the issue of whether or not to reprise the discussion of this subject. That is fine for my delegation but if we are suggesting a discussion as to

the substance of the matter, whether or not it will be a substantive item on the agenda for next year, that is different. Then I have to refer back to the statement just made by the delegate of Greece. So my question is will it be a substantive item for discussion or are we just mentioning it? Thank you very much.

The CHAIRMAN: Thank you very much distinguished representative of Chile. Frankly speaking, I have to say that I probably did not understand fully what you were meaning. I would only mention that certainly legal implications of space applications for global climate change is not the subject of any substantive discussion now. We are speaking only about the programme of the Symposium for the next year and if I understood it correctly, our distinguished colleague from Greece expressed some hesitation about the possibility to extend this topic for the next year Symposium. So this is our discussion now. Nothing else, no substantive discussion at all.

Yes, thank you for your understanding distinguished representative of Chile.

I recognize the distinguished representative of the United States of America.

Mr. _____(?) (United States of America): Thank you Mr. Chairman. Mr. Chairman, the understanding of this delegation is that our past practice has not included negotiation of what would be the subject matter of the Symposium and that last year was actually an exceptional circumstance and our understanding is that it is usually left to the IISL to determine what the subject matter would be and there would not be any identification in the report itself of the subject matter and that again last year was exceptional. So we are questioning whether or not there needs to be a debate about the subject matter for next year. Thank you.

The CHAIRMAN: Thank you distinguished representative of the United States of America. You are right saying that indeed it was always the choice of the organizers of the Symposium, it means the International Institute of Space Law and the European Centre for Space Law to prepare such a Symposium as a kind of contribution, or gift if you wish for the benefit of this Subcommittee. And last year it was indeed an exception because it was discussed in a smaller group during the informal consultations when this topic was raised for inclusion in the agenda of our Subcommittee and, after all, there was compromise accepted that it would be the topic of the Symposium that should have been held for this year and that on the basis of this Symposium, the question of an eventual

inclusion of this topic I the agenda of the Subcommittee would be subject for further discussion. So this is at least my recollection of that development. Thank you very much.

Any other delegation wants to speak about the topic of the Symposium or would you agree with the idea that it will be up to the organizers of the Symposia for which we are very grateful because, I believe, that there is an evidence of a growing interest in the Symposia so that it would be the decision or offer of the two organizing non-governmental institutions to choose a proper topic for the next year's Symposium.

But I still have on my list of speakers the distinguished representative of France.

Mr. _____(?) (France) (*interpretation from French*): Chairman, thank you. I will speak as a member of a French delegation but perhaps also as the Deputy Chairman of the European Space Law Centre. And from that position I can but endorse the comment just made by our colleague from the United States is absolutely clear that it falls within the competence of the ECSL to determine the topic of their Symposium.

It is true that sometimes, especially last year, a wish had been voiced by the Legal Subcommittee but it still falls to the International Space Law Institute and the European Space Law Centre to determine the programme of the Symposium which is not a meeting of the Legal Subcommittee but encouraged by it.

The CHAIRMAN (*interpretation from French*): I thank you. You spoke as the Deputy Chairman of the European Space Law Centre and this information was most useful to us. So again, thank you.

And now I give the floor to the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Chairman. On the statement just made by the French delegation and the Vice-Chairman of the European Space Law Centre, I would like to state that, of course, the two institutes, the International Institute and the European Centre, can choose the topic but perhaps they are limited by not being able to choose topics which are of no interest to participants or which are perhaps for aside the present topics which we are tackling here now. So I believe that there was a need to draw up a list of two or three alternative topics because, of course, this is an organized event but under the aegis or

within the framework rather of our meetings. It is not a joint meeting of two scientific institutions outside our framework during which they can choose any topic they wish.

A few years back we had as a topic of presentations communications with ETs. So my friend and very dear colleague, Professor Coriss(?) perhaps was not present then but even for reasons of Committee we could not laugh out loud at the topic of the presentation at the time. And perhaps I am crossing the line somewhere here but I do believe that an appropriate balance needs to be struck and the topic should enjoy general consent, for example, one should not tackle the same topic two years running.

So I return now to something which was a small problem facing our Working Group, I am referring to the Austrian proposal and from a procedural point of view, I would like to know whether these academic symposiums proposed by colleagues and friends from Austria would take place within the framework or rather my Austrian colleague has already shaken her head and said no, but we had to at least to find two afternoons to devote to this meeting. So there was a need for us to consult each other and here in Vienna we are able to engage in harmonious consultations and decide on devoting sufficient time to the two events. Thank you Sir.

The CHAIRMAN (*interpretation from French*): Thank you distinguished representative of Greece. You are absolutely right and that one always has to make a comparison between on the one hand to non-governmental institutions which propose a subject for a Symposium and the Office for Outer Space Affairs because so far we do not know what the topic proposed by the two institutions is. This is something which will be considered by them and it is only following this that our Office will engage in negotiations with the institutes on how to implement this event. That is my first point.

Now the second point. We still require light to be shed on which topics will be dealt with and tackled next year.

(*Continued in English*) I now have the application of the distinguished delegation of the United States.

Mr. _____ (?) (United States of America): Thank you Mr. Chairman and we appreciate the clarification that our French colleagues made about the ways Symposia are typically organized and topics decided and our understanding again is that

the decisions are not made necessarily at the time of the Legal Subcommittee a year in advance but between the two meetings so there does not need to be a decision made regarding the topic by the end of this session. But secondly, we do think that this subject is actually not, strictly speaking, the discussion of the agenda so we think it may be useful for us to proceed with the discussion of the proposed agenda items and then perhaps return to this after we have concluded consideration of the proposed agenda items. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of the United States. I agree with you that indeed the Symposium is not an official part of our session. It is effected for the benefit of our Subcommittee (*continued in French*) on the margins of the sessions of the Subcommittee. This was an established practice and I believe that we all recognize these practices and should perhaps continue rather in this spirit.

Then we had your suggestion that we could continue to address our agenda and perhaps once we had concluded our exercise and consideration, we could, if necessary, return to the issue of the Symposium. But in practice, it is up to the organizations followed by interaction between those organizations and the Office for Outer Space Affairs to decide.

(*Continued in English*) I now have on my list of speakers the distinguished representative of Colombia.

Mr. _____ (?) (Colombia) (*interpretation from Spanish*): Yes, thank you Chairman. I will be very brief. Just to remind you that if we take the example of last year, one must know that this question was chosen because a proposal had been put forward by a member State, and I believe it was Chile, if I am not mistaken. Chile had insisted and proposed that this topic be debated within the framework of informal consultations. And following this, a proposal was made that the two institutions should organize the Symposium. But I merely wanted to remind you what happened last year and perhaps this year we could do something to ensure that a proposal is made to each institution. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of Colombia. Indeed, and I said it also that this was an exceptional situation and in this way it was reached a compromise about how to accept and effectuate the idea that was raised during the informal consultations by our distinguished

colleague, Ambassador González of Chile. You are right, yes.

Is there any other suggestion or comment on this particular ... ?

I recognize the distinguished representative, is it Nigeria, of Nigeria.

Mr. _____(?): Thank you Mr. Chairman. Our delegation has listened very carefully to the information provided by several delegates on this issue and just like it has been said before, it is not a substantive agenda item but that we are extending information on this issue. We are very glad that the representative has given us the background history of how we arrived at this. This is a tradition and the honour has been done to IISL and the ECSL to give us Symposia that would be very enriching to the work of this Subcommittee. If this is the case, it is the proposal of my delegation that we let it remain as so unless there is a fundamental reason why we should change or why we should depart from the tradition. I think it is OK for us to remain at this. If this is the case, then there would be no reason to come back and discuss this matter unless we want to change. Thank you Sir.

The CHAIRMAN: Thank you distinguished representative of Nigeria for your contribution. My understanding is that you supported the idea of keeping the tradition that the topic of the Symposium should be offered or chosen by the two organizing bodies, it means IISL and ECSL and, of course, the topics must be in relation to the mandate of the Subcommittee and to its interests. Thank you very much.

Gentlemen, maybe now proceed with the following part of the paper, it means with that part on Page 2 which deals with A/AC.105/891/Paragraph 141. It means in this part of the non-paper a number of topics that had been proposed or suggested during the recent years was included in the report of the Subcommittee from the last year's session. I do not wish to go one by one or through these topics. You have the full list written on Page 2. I would only ask if there is any sponsoring delegation, any delegation that sponsored these topics in the past and would like to withdraw this topic, otherwise I will take it as keeping these topics on the list of possible topics as a list of possible topics for consideration for inclusion in the agenda of the Legal Subcommittee in the future.

I recognize the distinguished representative of France.

Mr. _____(?) (France) (*interpretation from French*): Chairman, thank you. Chairman, the French delegation would like little (d), space debris proposed by France and so forth, to be removed from this list, given the developments and the decision taken recently by the General Assembly. As this proposal had been made a long time ago, we do not believe there is any necessity now to include it here. This, of course, does not mean that we would not deal with space debris, but the proposal as it had been made is something which we believe can be withdrawn as this proposal had been made 10 years ago, eight or nine years ago. Thank you Chairman.

The CHAIRMAN (*interpretation from French*): Thank you distinguished representative of France for your statement. You had requested us to, for now, withdraw this item, this topic from the list of possible discussion topics for upcoming meetings.

The distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Chairman. Regarding the joint proposal of the Czech Republic and Greece regarding the review of existing norms of international law applicable to space debris, which is also a very long-standing proposal, I believe that we should keep it here and the reasons for this are that the issue of norms regarding not only the management of space debris but also the generation of space debris, remains a very important issue. And I had spoken in my statement during the session of the Scientific and Technical Subcommittee that one should examine the legal aspects and legal implications of member States to destroy their own satellites, given the very serious dangers this poses. So, of course, I have not discussed this with my colleagues from the Czech delegation but, I, at the very least, believe that we should keep this joint proposal as it stands and in due course we will see if there are any further developments as far as the legal approach to these very serious problems of generation of space debris as opposed to mitigation of space debris is concerned. Thank you Sir.

The CHAIRMAN (*interpretation from French*): Thank you distinguished representative of Greece for your contribution to our discussion. I do not see the representative of the Czech delegation present in the room at this present time but I have been informed that the Czech Republic also wishes to see this topic kept on the list of possible topics for discussion in subsequent sessions.

(Continued in English) Is there any other delegation wishing to speak on this part of the non-paper?

Unless I hear anything about deleting any of these topics, I will take it that these topics should remain on the list of possible items for consideration some time in the future.

Yes? So I believe it is so agreed and we only will delete sub-paragraph (d) of this part of the non-paper, as requested by the distinguished representative of France.

It is so decided.

Ladies and gentlemen, we still have the last part of our non-paper on Page 2 which includes two sub-paragraphs, 1(a), there is a text here already, a provisional text, of course, and 1(b) where no text is included yet. So let us start with (a).

Is there any delegation wishing to speak on this sub-paragraph (a) at this moment at this meeting of the Subcommittee this afternoon? Or would you prefer to develop such a discussion in greater detail tomorrow and to be prepared for it?

So I see no sign of opinions on this particular question and my own humble advice would be perhaps we could leave it still for further informal discussions among the delegations and we will return to it tomorrow morning because we will have time for it. Will you agree with this solution?

Thank you very much.

It is so decided.

And also I would like to suggest and leave it for your further informal consultations and consideration whether we should still add something to this part of the non-paper, it means whether we should also have some other proposals for new agenda items under general exchange of views that were requested or indicated and that might be also included in this non-paper. And then, of course, after the discussion on this last part of the non-paper tomorrow, we will then decide on formalizing this non-paper into an official document and, of course, in the conclusions of our discussion on item 13 of the agenda.

Well, excuse me, distinguished delegates for a certain break and consultations among the members of the bench but I have good news for you. I have two

good news for you so it will certainly excuse us for this interruption of the session or the meeting.

First of all, since we have been so diligent and that we were able to agree on many parts of the non-paper and in this way we prepared our decisions for the most part, for the greater part of our conclusions on agenda item 13, just leaving another part of it for further conclusion, we will be able to start our Reception, or better to say the kind Reception offered by the distinguished delegation of the United States earlier. And in order to give you the opportunity to go straight forward to this Reception and to have a good drink in honour of our distinguished hosts and also in honour of all of us which worked so hard during this afternoon, we were advised by the distinguished delegation of the United States that this Reception will start at 5.00 p.m. instead of 6.00 p.m.

So this is the first good news. The second good news that I would like to make known is this. Today, at 13.16, the Expedition-17 crew was launched into space from Kazakhstan. The crew included the first astronaut from the Republic of Korea, So Yung Yi(?), excuse me for perhaps the wrong pronunciation but I did my best in this respect. And she is accompanied by a Russian cosmonaut, Sergei Rokov(?), and Orok(?) Koronenko(?), is it correct? Yes. They will dock with the International Space Station on 10 April. I think it is a good information, a pleasant information because it is an evident of real international cooperation for the peaceful uses of outer space because these two countries have cooperated in launching the object carrying these cosmonauts from two countries and, moreover, they will dock with the International Space Station that has been constructed and launched in orbit around the Earth by several other nations and, therefore, I have only the duty and pleasure to congratulate the Republic of Korea for the very successful achievement in sending her first woman astronaut to orbit around our Earth and to work in the International Space Station with other crew of the Station.

Thank you for your attention.

Distinguished delegates, I would like now to adjourn this meeting but before doing it, I would like to remind delegates of our schedule of work for tomorrow morning. We will meet promptly at 10.00 a.m. At that time, we will continue our consideration of agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, and agenda item 13, Proposals to the Committee for New Agenda Items, as we have agreed.

Are there any questions or comments on this proposed schedule?

I see none and, therefore, this meeting is adjourned until ... Greece has the floor.

Mr. V. CASSAPOGLOU (Greece): May I ask please a favour for us to put in parentheses to all these (a) to (f) minus (d) for France proposals, to put in parentheses the initial document in which they appear in full first time, just to know for how long we are expecting to discuss these topics. Thank you very much.

The CHAIRMAN: Just a minute, I will only finish this. I have to add the last word. We heard very well what you have requested so the Secretariat will do its best and I only add to the sentence that I had started, this meeting is adjourned, the words until 10.00 a.m. Thank you for your attention and this meeting is indeed definitely adjourned.

The meeting adjourned at 5.00 p.m.