

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

Unedited transcript

802nd Meeting
Friday, 3 April 2009, 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 802nd meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

We will continue and conclude our consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space with a view to endorsing the report of the Working Group under this agenda item. And then continue and conclude our consideration of agenda item 11, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, again with a view to endorsing the report of the Working Group under this agenda item. This report has just been adopted at the level of the Working Group's concerned.

We will then continue with the adoption of the Report of the Legal Subcommittee.

Are there any questions on this proposed schedule?

I see none.

Report of the Working Group on Agenda Item 4 on the Status and Application of the Five United Nations Treaties on Outer Space

Distinguished delegates, I would like to give the floor to the Chairman of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, Mr. Vassilios Cassapoglou of

Greece, to present the report of the Working Group to the Subcommittee. Mr. Cassapoglou, you have the floor.

Mr. V. CASSAPOGLOU (Greece): Thank you very much Mr. Chairman, distinguished delegates, dear colleagues. It is my pleasure to inform you that the work of the Working Group on Agenda Item 4, Status and Application of the Five United Nations Treaties on Outer Space, at the current session of the Legal Subcommittee, was very productive. The Working Group held six meetings, during which time it was able to prepare a good foundation for its work next year.

The report of the Working Group which has just been adopted by its members is contained in document A/AC.105/C.2/2009/TRE(LEG?)/L.1, as amended during our discussion.

Thus, Mr. Chairman, it is my pleasure to submit to you, and through you, to the Subcommittee, the report for each endorsement.

And before closing this intervention, with your kind permission, I would like please because this year we had also the tenth anniversary of this Working Group and on this occasion, I would like to read two lines of two important texts I think historical in the evolution of the COPUOS.

The one is from, let us make a kind of suspense. I read the text and then I reveal the author of the text.

I quote: "I now make, Mr. Chairman, a proposal to solve what I consider to be the most

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Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, within one week of the date of publication, to the Chief, Conference Management Service, Room D0771, United Nations Office at Vienna, P.O. Box 500, A-1400, Vienna, Austria. Corrections will be issued in a consolidated corrigendum.



important problem which faces the world today. I propose that we agree that outer space should be used only for peaceful purposes. Both the Soviet Union and the United States are now using outer space for the testing of missiles designed for military purposes. The time to stop is now. “

The author of this valuable and historical text is Dwight David Eisenhower, the then President of the United States to his letter to the Premier of the then Soviet Union, Nikolai Alexandrovich Gagarin(?).

It was dated 12 January 1958, that means some weeks after the launching of the first Sputnik.

And one year later, the Greek delegate, the then Foreign Minister of Greece, _____(?) Evangelis _____(?) addressing the first political Commission during the third United Nations General Assembly, the thirteenth(?), which established, as you know, the Ad Hoc Committee, the father of our Committee, said the following:

“The laymen considering the question of space wondered whether to be hopeful or afraid and that was what prompted the Main Committee to discuss it. There had to be agreement but progress in that field should be utilized for the welfare of mankind and not for its destruction. Outer space, which, in a sense, was the domain of all the people of the world, belonged to no one of them individually. It could not be considered an upward extension of the sovereign of States if only because the Earth’s rotation constantly changed the portion of outer space above any given national territory. What belonged to all mankind could not be used for any but peaceful purposes. That was where the United Nations had a definite role to play. One of its main tasks would be to ensure the peaceful uses of outer space by establishing the strictest control. “

These were two texts that I felt, dear colleagues and Chairman, necessary to remind to the young generation coming here and to see that, I am proud for that, that the first person speaking in the world history for the outer space to be not appropriated but for the users of the prosperity of the mankind was a Greek. And after 10 years, Ambassador Prado of Malta spoke for _____(?) one comment.

And I would like to address, through you, the colleagues here, on a last point and let me express me now in French.

(Continued in French) Mr. Chairman, your mandate expires at the end of this session. Throughout your term of office and also over the years that you

have contributed to the work of this unique, and here I can use that word, unique international forum, we have all been enriched through your wisdom, your tact, your impartiality and your masterful skill.

I believe I am speaking here on behalf of everybody, all colleagues present here and even those who are not present because we, after all, at the end of the week. We have all learned a great deal from your contributions to the deliberations of the Subcommittee.

To convey simply our gratitude, our thanks would be too routine, would be insufficient. It is real appreciation that I am referring to here. And on this occasion, Mr. Chairman, I would like to ask colleagues, through you, to vote for a huge thank you to you for your contribution.

And now speaking for myself personally to express my personal feelings, I am really moved at this time and please accept my very best and cordial wishes for good health so that we might continue seeing you here with us throughout the years to come. Thank you very much Mr. Chairman and, through you, I would like to thank all colleagues for their patience and their indulgence and I expect an approval of my suggestion. Thank you very much.

The CHAIRMAN: Thank you very much distinguished representative of Greece for your, first of all, I should say for about my sincere thanks for your very kind words and I believe that it is not necessary to ask for a vote that it was already expressed by the _____(?) of the delegations.

Then I would like to thank you for your quotations of historical documents of two great Statesmen and it means former President Dwight D. Eisenhower, a great Commander-in-Chief of the Allied Forces during World War II. If you allow me, General Eisenhower, as a General after the end of the World War II in 1945, visited Prague and was accepted with all honours and with the full participation of the population of Prague. And, of course, also of your former Minister, you have read these texts. I think these are indeed memorable texts.

And now I would like to thank you in your own personal capacity here at this session as Chairman of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space. And since you are implementing this charge and fulfilling this difficult task for 10 years, so far as I understand, our thanks should go also to you, yourself, for all your efforts in this position, in this important position and

for all your endeavours during the meetings of the Subcommittee.

And now, and this is probably for me a pleasant duty, do I take that the Subcommittee endorses the report of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space that you have kindly guided and prepared for us?

May I take it that it should be endorsed, adopted, of course, with all the small amendments that are included in this text?

I see no comments and no objections.

It is so decided.

So with that, we have now concluded our consideration of agenda item 4 and, of course, the report of the Working Group will be annexed to the report of the Legal Subcommittee as usual.

Report of the Working Group on Agenda Item 11 on General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space

Ladies and gentlemen, I would like to give the floor to the Chairperson of the Working Group on the General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, Ms. Irmgard Marboe of Austria, to present the report of the Working Group to the Subcommittee.

Madam Marboe, you have the floor.

Ms. I. MARBOE (Austria): Thank you very much Mr. Chairman, distinguished delegates. It is my pleasure to inform you that the work of the Working Group on Agenda Item 11, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, at the current session of the Legal Subcommittee, was very productive.

The Working Group held six meetings during which time it was able to prepare a good foundation for its future work. The report of the Working Group, which has just been adopted by its members, is contained in document A/AC.105/C.2/2009/LEG/L.1, as amended.

It is my pleasure to submit the report to the Subcommittee for its endorsement. Thank you Mr. Chairman.

The CHAIRMAN: Thank you very much Ms. Marboe for your presentation of the report and I ask again in a similar way as I did before with regard to the report on the status of space treaties, do I take it that the Subcommittee endorses the report of the Working Group on General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, again, as amended?

I see no comments and no objections.

It is so decided.

With that we have now also concluded our consideration of agenda item 11.

And as I did with regard to the foregoing Working Group, I would like to warmly thank you, Ms. Marboe, for your excellent guidance of this Working Group and for your very productive, I would say, moderation of our contributions, of our comments and for the final addition of your report. And to a great degree you offered an example how the new item that has been discussed here for the first time and further possible new items should be guided. Thank you very much.

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

Distinguished delegates, we will now continue our adoption of the Report of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

We already adopted the first, second and third parts of the draft report, contained in documents L.276 and Addendum.1 and Addendum.2.

This afternoon we will continue our adoption of the fourth part of the report, which is contained in Addendum.3, contained in document A/AC.105/C.2/L.276/Add.3, which you should have before you.

So we shall now proceed again with paragraph-by-paragraph adoption of the final part of the report, as contained in the document that I have just mentioned.

This part contains the section on general exchange of information on national mechanisms

relating to space debris mitigation measures, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space, and proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-ninth session.

Do all the delegations have this final part? Once again, the document is L.276/Add.3.

So we will now start approving this document.

So, first of all, we have Part IX, the title, General Exchange of Information on National Mechanisms Relating to Space Debris Mitigation Measures, and we will start by paragraph 1.

Any comments? I think it is clear.

Adopted.

Paragraph 2. First the chapeau, it is very brief, sub-paragraph (a).

Sub-paragraph (b).

Sub-paragraph (c).

Sub-paragraph (d).

Paragraph 2 as a whole, are there any comments?

No comments or no objections.

Adopted.

Paragraph 3.

No comments or no objections?

Adopted.

Paragraph 4.

Any comments or any objections?

Nothing.

Adopted.

Paragraph 5.

Italy, the distinguished representative of Italy has the floor.

Ms. A. PASTORELLI (Italy): Thank you very much Mr. Chairman. I would kindly like to mention Italy among the countries who presented information under point 10 of the agenda because we participated during the exchange of information. Thank you very much.

The CHAIRMAN: I see that indeed the name of Italy is missing and you are completely right, it should be included.

The distinguished representative of China has the floor.

Mr. Y. XU (China): Thank you Mr. Chairman. Thank you for giving me the floor. Just for the sake of consistency, in this document we normally use the regulatory mechanism but during this morning we had a very in-depth discussion about the regulatory framework. So maybe we can keep it consistent in the annex in the same document so maybe we can change the words “regulatory mechanism” into “regulatory framework”. Thank you Mr. Chairman.

The CHAIRMAN: Yes, thank you very much for your observation distinguished representative of China. However, I would like to draw to your attention that this term is used in the title of this part and so we should perhaps say national, it should be national, yes. Thank you very much indeed.

Our Secretary has just advised me that in this paragraph indeed we could delete the adjective “regulatory” saying only in accordance with the title of this part “on their national mechanisms”. Does it satisfy you? Yes, very good.

Thank you distinguished representative of China for your observation and, as amended, may I take it that paragraph 5 is accepted?

Sorry, I recognize the distinguished representative of Algeria. You have the floor.

Mr. A.-S. KEKJAR (Algeria) (*interpretation from French*): Thank you. On mechanisms in paragraph 2(a), in the French version, it says “le mécanisme”. I think it should be in the plural, “les mécanismes”, and in the Spanish version, it is also to be found in Spanish. So much on mechanisms or whether it be plural or singular.

The CHAIRMAN (*interpretation from French*): Well, if I have correctly understood, it should be in the plural. Precisely, and it is in the singular.

Thank you once again.

(Continued in English) So may I take it that paragraph 5 is now adopted, as amended, and all the other versions would be harmonized with the English text?

Paragraph 6.

I do not know if in paragraph 6 too we should not say that some States had strengthened their national mechanisms.

Paragraph 6, as amended, is it acceptable? It means saying “had strengthened their national mechanisms”, in plural again, in all language versions.

Adopted.

Paragraph 7.

Any objections or comments?

None.

Adopted.

Paragraph 8.

This is just the reflection of the views of one delegation.

Any comments?

No comments.

Adopted.

Paragraph 9.

Again the reflection of the view of one delegation.

Adopted.

Paragraph 10.

The same.

No objections?

Adopted.

Paragraph 11.

A reflection of one view.

Adopted.

The Subcommittee agreed, paragraph 12.

Any objections or comments?

None.

Adopted.

Paragraph 13.

I recognize the distinguished representative of China.

Mr. Y. XU (China): Thank you Mr. Chairman. Very briefly, and the third line we change “regulatory frameworks” into “mechanisms” as you suggest, in the formation paragraph.

The CHAIRMAN: “National mechanisms” instead of “regulatory frameworks”, yes? Yes.

So with this amendment, is it acceptable for the delegations?

It is adopted.

Paragraph 14.

Yes, any comments on it? Any objections?

I see none.

Adopted.

We now have X. General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

Paragraph 15.

A statement of fact.

Adopted.

Paragraph 16.

Any objections?

I see none.

Adopted.

Paragraph 17.

I have to apologize to the delegations that in the text of this paragraph only the chapeau and subparagraph (a) is in English and in all other language versions and then in other language versions, the document, the papers that are included here are quoted in English. It was not possible to ensure the translation in all other language versions but, of course, in the final text of the report, it will be in the proper languages.

So thank you for your understanding and are there any comments on this paragraph which just enumerates the document that was at our disposal during our consideration?

I see none.

Adopted.

Paragraph 18.

Again the enumeration of the presentations made during this Subcommittee session. Are all the presentations listed here?

None of them are missing. In that case, may we consider paragraph 18 as approved?

Yes.

It is so decided.

Paragraph 19.

No comments? No objections?

Adopted.

Paragraph 20.

Any comments or objections?

I see none.

Adopted.

Paragraph 21.

Any comments?

Adopted.

Paragraph 22.

Any objections or any comments?

None.

Adopted.

Paragraph 23.

Any comments or any objections?

None.

Adopted.

Paragraph 24.

With regard to paragraph 23, I would like still to give the possibility to speak to our distinguished Secretary. He will read an additional text that was requested by some delegations this morning during the morning discussions. Please you have the microphone.

Mr. N. HEDMAN (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. Yes indeed, delegations will recall that we had a discussion on the database maintained by the Office for Outer Space Affairs during the Working Group on the Status of the Treaties this morning. I then told delegations that we would come back to this in this section and now we are there.

With paragraph 23, we have reflected the database and the Secretariat would like to read out a proposed text that could be inserted as paragraph 23 *bis*, a new paragraph. I will read it out slowly.

“The view was expressed that member States should be encouraged to make available non-official English and/or French translations of their national laws.”

I will read it once again, the text for a paragraph 23 *bis*.

“The view was expressed that member States should be encouraged to make available non-official English and/or French translations of their national laws.”

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Mr. Secretary for your text that you have just presented to delegations for approval. I believe that it would help very much the Secretariat to ensure the reflection, the publication of this text and, therefore, I believe that we should.

Yes, the distinguished representative of Colombia.

Mr. J. H. OJEDA BUENO (Colombia): Thank you Mr. Chairman, good afternoon. Does it mean that we replace the paragraph as it is, 23, by that one?

The CHAIRMAN: No, it would be a new paragraph after paragraph 23. Now, it will be paragraph 23 *bis*, later on it will be, of course, the following paragraph.

Mr. J. H. OJEDA BUENO (Colombia): Thank you Mr. Chairman. As it is in Spanish, “la Comision(?) _____(Spanish) (?) took note, yes, in English, of the database. We think to “take note” is quite soft. We would propose something instead of “taking note” like “the Subcommission encouraged the utilization of the database” or “the Subcommittee”, sorry, it is Subcomision(?) in Spanish.

The CHAIRMAN: It relates to paragraph 23, yes? The beginning of paragraph 23? Yes.

Mr. J. H. OJEDA BUENO (Colombia): ... adhere to the proposal of”, yes, “the Subcommittee encouraged the utilization of the database”. I am translating in my head, sorry for that, it does not match with it, “as maintained by the Office, the OOSA”, well now my English is probably too poor for this, “by feeding, by receiving contributions from member States”. What we would like to express is the interactive character of the database, it should be also fed(?) regularly.

The CHAIRMAN: Thank you distinguished representative of Colombia. Did you understand everything? Have you noted.

The distinguished representative of Germany has the floor.

Mr. B. SCHMIDT-TEDD (Germany): Thank you Mr. Chairman. We had the impression that perhaps it was a proposal to give number 23 a bit more positive approach so we could also add “with satisfaction” after “took note” or “with appreciation” if this was the intention. If your proposal to amend the sentence is sufficient, then it is OK from our side.

The CHAIRMAN: Yes, you know “the Subcommittee took note” it is simply the consulting of the existence of such a database. Your language would be a little stronger, a kind of appeal so for me though it

is possible but the delegations should express their views.

Mr. J. H. OJEDA BUENO (Colombia): Yes, Mr. Chairman, thank you very much. ... *no microphone* ... just “taking note” or the proposal is “encouraged”, yes, the Subcommittee encouraged the utilization of the database” so it is not just “taking note” that making it effectively useful.

The CHAIRMAN: Yes, but distinguished representative of Colombia, the Director of the Office has just brought to my attention that this word “encouraged” is used in the second sentence of paragraph 23. First, there is the statement on the existence of such a database and then you have the “Subcommittee encouraged States to continue to submit to the Office for inclusion in the database the texts of laws and regulations as well as of policy and other legal documents related to space activities”. So that I believe that your kind request has been covered by the second sentence of the same paragraph.

Mr. J. H. OJEDA BUENO (Colombia): Yes indeed Mr. Chairman.

The CHAIRMAN: Yes, so that it might accommodate you.

And now I would like to return to the observation of the delegation of Germany saying in the first line “the Subcommittee took note with satisfaction of the database”.

So with this small amendment, may I take it that it is acceptable for the delegations?

Yes, it is so adopted.

Adopted.

Now as to paragraph 23 *bis* that has been read by our Secretary, could you repeat it once again Mr. Secretary?

Mr. N. HEDMAN (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman, yes. A new paragraph 23 *bis*.

“The view was expressed that member States should be encouraged to make available non-official English and/or French translations of their national laws.”

Thank you Mr. Chairman.

The CHAIRMAN: Yes, thank you very much. This is again the reflection of one view, of the view of one delegation.

So if it is the reflection of one delegation then we should keep it or adopt it?

Any objections?

I see none.

Adopted.

Paragraph 24.

Any comments or objections?

I see none.

Adopted.

Paragraph 25.

Yes, any comments or any objections? It is, of course, the reflection of the view of one delegation.

So it is adopted.

Adopted.

Paragraph 26.

Any comments or objections?

None.

Adopted.

Paragraph 27.

Again a reflection of the view of one delegation.

Adopted.

Paragraph 28.

Perhaps we should add after the words “the principles” in the third line of this paragraph “and provisions” because some treaties are called principles and really include only principles while some other space treaties, for example, the Liability Convention includes not only principles but also detailed provisions. So it might be said that “the implementation of the principles and provisions

enshrined in the United Nations treaties on outer space”.

Any objections against this small amendment?

I see none.

Adopted.

Paragraph 29.

Any observations on this language? Any objections?

I see none.

Adopted.

Paragraph 30.

I recognize the distinguished representative of the United States.

Mr. K. HODGKINS (United States of America): Thank you Mr. Chairman. Mr. Chairman, my delegation would like to make one slight change to this paragraph so that it reflects, so it is in keeping with the structure that we typically use for our reports. I would delete the phrase “the Subcommittee noted that a number of States had” and replace it with “some delegations”. So it would read “some delegations expressed concern about ...” and then it reads the same. Thank you.

The CHAIRMAN: Yes, I believe that an appropriate amendment to the text and, therefore, would you concur with this proposal?

Yes, I see you agree and it is so adopted.

Adopted.

Paragraph 31.

My own question is whether we should say that, in the second sentence of this draft paragraph, “in accordance with the multi-year work plan, the Working Group would examine” because we already examined responses, at least at this session. We will continue at the next session, of course. Simply saying “examined responses”.

In the fourth line, we would simply say “the Working Group examined its responses received from member States”. Yes?

So with this amendment in the fourth line saying “multi-year work plan, the Working Group examined responses received from member States in order to develop ...” and so on and so on. Thank you.

So with this amendment, is it adopted?

Thank you.

Adopted.

Paragraph 32.

The United States of America has the floor.

Mr. K. HODGKINS (United States of America): Thank you Mr. Chairman. If I am not mistaken, did we adopt the report in the 802nd session, that is this afternoon, as opposed to the 801st? And did we have seven instead of six meetings of the meeting group?

The CHAIRMAN: That will be checked by our Secretariat. Thank you distinguished representative of the United States. Not only the number of the meetings but also Annex II because maybe it will be Annex III. All that will be checked by the Secretariat so thank you for this observation and it will be implemented.

Paragraph 32.

Austria has the floor.

Ms. I. MARBOE (Austria): Just one clarification because I think it was six meetings because what we did on the afternoon was just reconvene the sixth meeting, it was not the seventh meeting.

The CHAIRMAN: Yes, because you started immediately the meeting of the Working Group. I did not open the 802nd meeting of the Subcommittee but it is up to the Secretariat to decide.

Is it acceptable now with this subject, to this condition that it would be checked by the Secretariat?

Adopted.

Paragraph 33.

Again to be completed by the Secretariat.

Is it acceptable? Yes. It is. Thank you very much.

Adopted.

Ladies and gentlemen, we now will start with the last part of our draft report, it is XI. Proposals to the Committee on the Peaceful Uses of Outer Space for New Items to be Considered by the Legal Subcommittee at its Forty-Ninth Session.

Paragraph 34.

Yes, again a statement of fact.

Adopted.

Paragraph 35.

No objections?

Adopted.

Paragraph 36.

No objections?

Adopted.

Paragraph 37.

First the chapeau, of course, and then we have the full text of our expected agenda for the next session of the Legal Subcommittee.

So first the regular items, 1, 2, 3, 4, 5 and 6.

Any objections?

I see none.

Adopted.

Single issues/items for discussions, items 7, 8, 9 and 10.

Any comments or objections?

None.

Adopted.

Items considered under work plans, 11.

Any objections or comments?

None.

Adopted.

And new items, it means point 12, Proposals to the Committee on the Peaceful Uses of Outer Space for New Items to be Considered by the Legal Subcommittee at its Fiftieth Session.

Any comments or objections?

None.

Adopted.

Paragraph 38.

Any comments or objections?

None.

Adopted.

Paragraph 39.

No comments?

Yes, the distinguished representative of Colombia.

Mr. J. H. OJEDA BUENO (Colombia): Thank you Mr. Chairman. I would like to come back to the text of paragraph 37, 6(b). And it was a discussion that we had yesterday about how to link more the work of COPUOS with the ITU. I think I explained the thinking behind it in and it said the _____(?) task by Ban Ki-moon from former Secretary-General Kofi Annan, in order to deliver as one. So I do not know if I might suggest a little change in the 6(b) of that paragraph 37. It is a text that we have been working on with the Secretariat but I think that we could simplify it by just changing “without prejudice” or something “of the role” by adding “in tight (entire?) cooperation” or something like that, “entire(?) cooperation with”.

The CHAIRMAN: ... *no microphone* ... in the fourth line of 6(b), “equitable use of the geostationary orbit” and now you said what, once again.

Mr. J. H. OJEDA BUENO (Colombia): Instead of “without prejudice of the role”.

The CHAIRMAN: “Without prejudice to the role”, yes.

Mr. J. H. OJEDA BUENO (Colombia): Yes, “to the role”. So I would suggest to insert “in cooperation with the ITU” or “inter-agency cooperation”, if you prefer, because that is the idea behind it actually.

The CHAIRMAN: Yes, what would be the advice of other delegations, if there are any?

As to me, it seems, first of all, it should take into consideration whether we should really change this because this is the traditional name for point 6 for many years. If there are really impending reasons for changing it because this text was a result of long, long discussions and it was adopted as a compromise text. And in case that the other delegations agree with this change with this amendment, I, myself, would prefer the first of your two different versions that you suggested, it means “in cooperation with”. But it is up to the delegations to decide or to express their attitude to this suggestion.

I recognize the distinguished representative of China.

Mr. Y. XU (China): Thank you Mr. Chairman. Although China is quite flexible and open with regard to the proposal made by the distinguished delegate of Colombia, I am wondering whether with the new adding, those items should all be categorized(?) in the regular items because I am not sure whether it is a regular item should be what is decided in the first time and will be followed through the meeting. If you change the meaning of the item whether it will still be a regular item under this paragraph. So it seems to me that it is a new proposal, a new item, whether it will fit in the regular items and you said that item has been a long history on the agenda. If you change those items into a new dimension, it should think about whether it fits in the regular items which stand for a long time.

And we would also like to draw attention to the paragraph 43. It is dealing with Colombia’s proposal. I am not sure whether we can deal with that and that paragraph or as a new proposal. Thank you Mr. Chairman.

The CHAIRMAN: Thank you very much distinguished representative of China for your observation. That seems to me to be very important. But before suggesting the outcome of this discussion, I would like to give the floor to the distinguished representative of France.

Mr. A. KERREST (France) (*interpretation from French*): Thank you Mr. Chairman. If I understood correctly what was pointed out here, then the French delegation shares the view of the Chinese delegation. We do not think regular items should be changed. These are items that have been on the agenda forever and will be there forever. They should be changed. If we were to try and suggest a new agenda item, that would be possible, but for regular items, I do not think we should change the terminology. This language was defined based on consensus and it is there forever. It is important to keep it that way. Thank you.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative of France. Thank you for your opinion.

(*Continued in English*) Distinguished delegates, I would once again repeat what I said before and what was also endorsed by the distinguished representative of China that this point of the agenda, this item, was the result, the formulation of this item was the result of a really long, long discussion and one of the results was a balance between (a) and (b) because (b) was formulated upon the request of some countries, particularly the Latin American countries, and (a) was again included on the request of other delegations. So, first of all, this is one balance that was made. And the second, again this formulation, without prejudice to the role of the International Telecommunication Union, was the outcome of a long discussion about how to include the role of the International Telecommunication Union because there were delegations which insisted very much on this role of the ITU, other delegations opposed it, or not opposed it but would prefer to seek again the balance between the need for the discussion on it and at the same time, mentioning the role of the International Telecommunication Union. So in the light of this historical, I would say experience, I would kindly advise you not to touch this text and to leave it.

And it also seemed to me that the argument raised by the distinguished representative of China and supported by the distinguished representative of France, it means that it should be in harmony with the title "regular items". Regular means it is always like this at the sessions of the Subcommittee that we should indeed honour the present text of point 6.

Yes, you have the floor.

Mr. J. H. OJEDA BUENO (Colombia): Thank you very much to my distinguished colleague from China and the distinguished Professor from

France for your contribution in reaching the thinking behind it in by no ways, by no manner is the intention of the Colombian delegation to change the items, the regular items that are to be handled in the following sessions. But probably the intention behind it was to change the way these regular items are handled. So if the distinguished colleagues from other delegations think that it would be appropriate to include it in another item, a new item, we would be happy with that. I hope that the distinguished colleagues understand. The meaning of our proposal is to make it more, how to say, cooperative, the work that is to be done by the different United Nations agencies to make it to deliver as one, as they say in New York, and to link forces, make synergies between the bodies that are treating the same subjects. That is actually the thinking behind it. It is not by no ways, by no manner to interfere with the work of one or the other agency. But, on the contrary, it is to reinforce the competences and to put them together to achieve some synergies. So that is the thinking behind it. Thank you very much.

The CHAIRMAN: Thank you very much distinguished representative of Colombia. Perhaps I should once again recall that under draft paragraph 43, the opinion and suggestion of Colombia is reflected and perhaps we could return to it when dealing with paragraph 43 once again and leave the text of paragraph 37, 6(b), as it stands.

Mr. J. H. OJEDA BUENO (Colombia): Yes, Mr. Chairman, it is acceptable like that. Thank you very much.

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

Sorry, the United States has the floor.

Mr. K. HODGKINS (United States of America): Thank you Mr. Chairman. Mr. Chairman, my delegation is quite sympathetic to the views expressed by our distinguished colleague from Colombia but the fact remains that we can adjust this agenda item any way we want but that is not going to make the ITU any more or less willing to come to our meetings. I mean that is the problem. So we could have something in here congratulating the ITU for what a great job they have done and inviting them repeatedly to come to our meetings but they will not. So my point is that we can be in violent agreement among ourselves as to what the ITU should do but we have absolutely no effect whatsoever on what they do and vice versa, they have no effect whatsoever on what we do. So I am not sure we are going to solve or we are going to be able to meet some of the desires that

some have expressed about getting the ITU more involved in our work by changing the agenda item.

Now the other point here is that this wording normally reflects the views of the member States but I am fairly certain the ITU was also part of these discussions and this is what they believed would protect their equities and protect the equities of COPUOS because what we do are two different things. So I just want members to bear that in mind because I do not want us to mislead ourselves in thinking that we are going to be able to attract greater participation by the ITU simply by changing the title of the agenda item. Thank you.

The CHAIRMAN: Thank you distinguished representative of the United States. Indeed, you are right saying that the ITU participated in the discussions on the name of this item and it was agreed upon in cooperation with the representative of the International Telecommunication Union.

And as to the second point you raised here, I would only like to say that the Subcommittee and through the Office, repeatedly invited the ITU to renew their participation in the sessions of the Legal Subcommittee and as it was before quite regular and as this participation was indeed very useful. But unfortunately, it is not in our powers to convince the ITU but perhaps we might indeed informally kindly ask the Secretariat to do again its best to bring the observer for the International Telecommunication Union back to our sessions.

So under this addition ... The distinguished representative of Colombia.

Mr. J. H. OJEDA BUENO (Colombia): Thank you Mr. Chairman and thank you very much to my distinguished colleague from the United States for the observations made, the remarks. It illustrates me a little bit more about the common(?) situations in the United Nations system. I was quite surprised when I saw the website of the ITU yesterday and you find the speech of the Secretary-General Dr. Touré on it stating that they want to cope(?) with climate change. So I was asking myself what do they have to do with climate change. Like, are they doing the job there, the guys at the Kyoto Protocol are not doing their right job or in Nairobi are doing whatever. So and I asked myself, do they have something to do with each other? And I think that they do otherwise Dr. Touré would not be worried about climate change. He says that telecommunication activities contribute like for two and a half per cent of world emissions causing climate change. Do they have to do something together? Or

are they doing something together? If the tradition was not to do anything together, should they do more together? I think that is the question that we have to ask ourselves. And as representatives of the countries, do we follow that thinking of delivering as one? As member States should we demand from the United Nations agencies to deliver as one or should we leave them to their own will and discretion. There is actually know what everybody has to do but how they have to do it and how to work with other United Nations agencies. And the statements here this afternoon show that there is a commitment by States to see ITU, that we are missing them and we would like to have them back or even closely working with us. That is why the proposal of the Colombian delegation wants to call them back, maybe not only the ITU but many other agencies have to deal, maybe Civil Aviation, the Office of the United Nations and any others that have to deal with these space items, space stories.

So that was the thinking and I think that the remarks made by the distinguished delegates just confirmed that there is a commitment to see them, otherwise, as you pointed out, Mr. Chairman, that paragraph (b) would never have been drafted before about the role of the ITU. Thank you very much.

The CHAIRMAN: Thank you very much distinguished representative of Colombia for your statement on this problem and I can advise him, as a matter of fact, it is better to say that the Director of the Office has just advised me and I can transfer it to your attention that COPUOS has this point as an agenda item on the inter-agency cooperation so this question should be certainly discussed at this level.

And as to the paragraph 37, so may I take it that the discussion on this point 6(b) is now exhausted?

Mr. J. H. OJEDA BUENO (Colombia): Yes, we keep it as it has been.

The CHAIRMAN: Thank you very much for your kind cooperation distinguished representative of Colombia and I also thank to the distinguished representative of China and of France that helped us to reach a positive solution of this particular issue.

Now paragraph 39.

I think I already requested your concurrence with this paragraph so are there any objections against it? No.

It is so adopted.

Paragraph 40.

No objections?

Adopted.

Paragraph 41.

The distinguished representative of Iran has the floor.

Mr. N. SHIRAZI (Islamic Republic of Iran): Thank you Mr. Chairman. I am sorry to take the floor at this stage but I think this paragraph is in need of a substantive correction especially in the fourth sentence that is referred to the second part of the paragraph that refers that “those delegations were of the view that the dissemination of space-based images ...”, I would like to draw your kind attention that my delegation was of the view that abuse and irresponsible dissemination of space-based images is harmful and seriously undermines the privacy of citizens and national security. So our concern exclusively is related to the abuse and irresponsible use, not the ordinary and regular users of space-based information and space-based images that needless to say that is a various essential element of our daily life and development. So having said that, I would like to propose that this sentence would be corrected and, as I read, that “abuse of space-based images and irresponsible dissemination of such images through the World Wide Web, in particular seriously undermine the privacy of citizens” and the remaining part of the paragraph. I thank you.

The CHAIRMAN: Thank you very much for your suggested amendment of the second sentence of this particular paragraph. Could the Secretariat read again this text, as proposed by the distinguished representative of Iran?

Yes, I recognize the distinguished representative of Saudi Arabia.

Mr. M. A. TARABZOUNI (Saudi Arabia): Thank you Mr. Chairman. I think, first of all, it is not just only Saudi Arabia and Iran which has just proposed this. There are some other delegations. They expressed their views like this so that it is not just only us, there are others. And I do not agree of the meaning of the abuse because actually we mean the data is not being disseminated without abuse because we know that it is going to be used and abused. And the other thing is if you want to get the data, you get the data from other ways.

The CHAIRMAN: Thank you distinguished representative of Saudi Arabia.

The distinguished representative of Colombia.

Mr. J. H. OJEDA BUENO (Colombia): Thank you Mr. Chairman. We understand the concerns of the Saudi Arabian delegation. We think that the fundamental rights of privacy and intimate space and intimate rights of the persons should not be abused that way even by using or defusing, you do not even have to abuse. Even using those images is an abuse already. So I think that the original wording by not using or not defusing is the appropriate one.

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

I have just been advised by the Secretary of the Subcommittee and in cooperation with the Under-Secretary of the Subcommittee that, first of all, the first sentence could remain as it is, of paragraph 41, the first sentence. Then the second sentence might be amended by saying “those delegations were of the view that irresponsible dissemination of space-based images in particular through the World Wide Web seriously undermine the privacy of citizens worldwide as well as the sovereignty and national security of States”. Perhaps my small question is should we note say “would seriously undermine”? Or should we state simply that it was done? Keep it?

So, once again, “those delegations were of the view that irresponsible dissemination of space-based images, in particular through the World Wide Web, seriously undermined the privacy of citizens worldwide, as well as the sovereignty and national security of States.”

Colombia has the floor.

Mr. J. H. OJEDA BUENO (Colombia): Thank you Mr. Chairman. I am sorry to take the floor again. I think that after “irresponsible” we should add “unconsented” since the consent is a matter of will. Who is supposed to judge if it is responsible or not but a consented diffusion of images is indeed irresponsible because it does not come with the will of the affected person or institution. So if the distinguished delegation of Saudi Arabia agrees with that wording “unconsented”, we would go for it. Thank you.

The CHAIRMAN: “Unconsented”?

The distinguished representative of the Islamic Republic of Iran.

Mr. N. SHIRAZI (Islamic Republic of Iran): Thank you Mr. Chairman. Briefly, the amendment proposed by the Secretariat is acceptable to my delegation.

The CHAIRMAN: Thank you distinguished representative of Iran.

The distinguished representative of China has the floor.

Mr. Y. XU (China): Thank you Mr. Chairman. Briefly, China is opposed(?) (*not clear*) to the proposal made by the Secretariat to add “irresponsible” before the dissemination. Thank you.

The CHAIRMAN: Thank you.

The distinguished representative of Saudi Arabia.

Mr. M. A. TARABZOUNI (Saudi Arabia): Yes, I agree with the change by the Chair but anyhow I think the first sentence should be changed. It is actually not just Saudi Arabia. Because this is as it being discussed in item 12 and it has been agreed by everybody so that means it is not just only two countries, it is only in making then quote unquote(?). Thank you.

The CHAIRMAN: Yes, there has been such a consideration by the Secretariat whether we, and my question, whether we could replace now the beginning “the Subcommittee noted a proposal by Saudi Arabia, supported by the Islamic Republic of Iran” because there have been also other delegations that supported it and instead of it, we could say “some delegations proposed a new agenda item on regulation of the dissemination of Earth observation satellite images through the World Wide Web”.

I recognize the distinguished representative of India.

Mr. V. GOPALKRISHNAN (India): Thank you Mr. Chairman. This is what I thought I want to say so I agree with you.

The CHAIRMAN: May I suppose that the distinguished representatives of Saudi Arabia and the Islamic Republic of Iran also agree with this language? Yes.

So that we will now have the text as follows: “Some delegations proposed a new agenda item on

regulation of the dissemination of Earth observation satellite images through the World Wide Web. Those delegations were of the view that irresponsible dissemination of space-based images, in particular through the World Wide Web, seriously undermined the privacy of citizens worldwide, as well as the sovereignty and national security of States.”

Is this text acceptable for all delegations?

I see no objections?

It is so decided.

Paragraph 42.

Again the view of some delegations so that it was expressed.

No objections?

Adopted.

Paragraph 43.

The distinguished representative of Japan has the floor.

Mr. K. NARISAWA (Japan): Thank you Mr. Chairman. Just a minor comment. I think (b) the study to be carried out by Working Group 4(a) ... and not Working Group but Working Party 4(a). Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Japan for his bringing us for our consideration the exact title of what is written here, Working Group 4(a) of the ITU. And the Secretariat promised that they would check the official language of the ITU and will then adjust this sentence accordingly.

Does it satisfy the distinguished delegation of Japan? Yes. Thank you very much for your cooperation.

Now paragraph 43. Is it now acceptable for the delegations? Yes, it looks like that.

It is adopted.

Paragraph 44.

I do not know which delegation proposed this language but it is the view of one delegation so we have to honour it.

Any other comments?

No comments.

Adopted.

Paragraph 45.

Now, the chapeaus is clear.

Sub-paragraph (a), this is the proposal by Greece.

I do not see the representative of Greece but so far as I was advised by him, he wanted to keep it.

Sub-paragraph (b), it is a joint proposal by the Czech Republic or better to say it was originally the proposal of the Czech Republic to which Greece adhered and co-sponsored it and again the delegate of Greece advised me that they would like to keep this proposal.

So, again, as it is.

Sub-paragraph (c), this was proposed by Chile. Do we have the representative of Chile? Yes, we have. And Colombia. So these two delegations should declare whether they would like to keep it or not.

Paragraph 45, sub-paragraph (c).

Is there any information about the present position of the two delegations to this draft agenda item?

Mr. J. H. OJEDA BUENO (Colombia): It is a proposal as it is unless some other distinguished colleague would like to enrich the thinking. It is about the same, in the same sense of the proposal by Greece and the Czech Republic. No, in the former one, examined, they say examined, so if you wish to change it, we can put "examined the principles or review". For us as it is, it is OK. We leave it open.

The CHAIRMAN: The item under (b), this is the item that has been sponsored by the Czech Republic and Greece and they wish to keep this item on the list of possible items for future sessions so that there is no discussion, there should not be any discussion on it. But we have here (c), matters relating to the principles relating to remote sensing of the Earth from outer space and it has been proposed by Chile and Colombia and I would like to hear from you, from the

Chile delegation and from the Colombian delegation whether you would like to keep it as one of the possible items for future sessions of the Subcommittee.

Mr. J. H. OJEDA BUENO (Colombia): Yes, Mr. Chairman, thank you very much. If these two countries proposed it, it is because it is a legitimate possible point to be discussed, as well as any other one.

The CHAIRMAN: Yes, do you share this opinion?

Mr. J. A. IGLESIAS MORI (Chile): Yes, Mr. Chairman, thank you. Yes, that is the idea and we will keep that.

The CHAIRMAN: Thank you very much. You will keep that.

Sub-paragraph (d). This is again a proposal by Greece but I did not speak with him before his departure but it is my expectation that if he really were here so he would probably insist on keeping this item on the list of possible items for the agenda of the Subcommittee so we will keep it.

Any other view on this?

None.

Sub-paragraph (e). It was proposed by China, Greece, the Russian Federation and Ukraine and I think some other delegations also supported it. But these States have been co-sponsors of this draft agenda item.

Can I hear from the representatives of China, Greece, the Russian Federation and Ukraine? What is there present opinion about it? Should we retain it on the list of possible items?

Mr. Y. XU (China): Thank you Mr. Chairman. As far as China is concerned, we hope to keep this item for possible discussion in the future. Thank you Mr. Chairman.

The CHAIRMAN: ... but the Russian Federation, is here? Yes.

Ms. O. V. MOZOLINA (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. We also believe that this issue must remain on the horizon. It continues to be topical. We hope that in future consensus emerges as to including it in the actual agenda. Thank you.

The CHAIRMAN (*interpretation from Russian*): Thank you distinguished representative of Russian Federation.

(*Continued in English*) And Ukraine? Is Ukraine present? No. The delegation of Ukraine is absent but I suppose that the position of that delegation would be similar to those of China and the Russian Federation. So we will keep it.

Sub-paragraph (f), proposed by Chile. This was the proposal made by Ambassador González repeatedly but he is now absent but perhaps you know his views and you could tell us.

Mr. J. A. IGLESIAS MORI (Chile): Thank you Mr. Chairman. Yes, the delegation of Chile would like to keep that and Ambassador González made quite the point on it, I think.

The CHAIRMAN: Thank you very much. Again it will be on our list of possible items.

And finally, (g), the final sub-paragraph, regulation of the dissemination of Earth observation satellite images through the World Wide Web, proposed by Saudi Arabia.

Does the distinguished delegation of Saudi Arabia insist on the inclusion of this topic in the list of possible items for future sessions? Yes? Very good.

Thank you very much for your answer to my question and so that we could approve the whole paragraph 45 now.

Are there any further comments or any objections against it as it was included in the text of this particular paragraph?

No, I see none.

It is adopted.

And finally we have paragraph 46 saying that the full texts of the statements made during the discussion under item 12 is contained in annotated verbatim transcripts. And again we would ask the Secretariat to complete this text by exact figures.

Ladies and gentlemen, are there any other comments or suggestions relating to any part of this document L.276/Add.3?

I see none so may I take it that the whole document of L.276/Add.3 has been approved by all delegations, that we reached a consensus on it?

Adopted.

Thank you very much for your cooperation so that now the full text of the Addendum.3 is now adopted.

Distinguished delegates, we have now adopted the final part of the report and with that we have now adopted all parts of the report of the Legal Subcommittee to the Committee on the Peaceful Uses of Outer Space.

Can I take it that the Subcommittee adopts the entire report, as amended?

I see no objections.

Therefore, I can state that the report of the forty-eighth session of the Legal Subcommittee, as amended, is adopted.

It is so decided.

Distinguished delegates, I now declare closed the 802nd meeting and the forty-eighth session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

Before I give the floor to the distinguished representative of Austria who applied as the first delegation to say something, I have to express my regrets that there is nothing about our next meeting tomorrow. Are you satisfied with this outcome? Thank you very much.

The distinguished representative of Austria has the floor.

Mr. T. LOIDL (Austria): Thank you very much Mr. Chairman and it will not be on the report we have just adopted.

Mr. Chairman, at the beginning of the forty-eighth session, Austria expressed its satisfaction to have you chairing this session of the Legal Subcommittee. As this session is now coming to an end, unfortunately also your chairmanship is coming to an end. We, and my delegation, Professor Kopal, would like to thank you very much for the skilful way in which you conducted this meeting and also previous meetings and guided us during two weeks to a very productive and very successful outcome as we think.

We all profited immensely from your skills as Chairman and your profound experience in space law and I should also mention your profound experience in the law of the sea, very much a legal feat closely related to space law.

We wish you all the best, Professor Kopal, and hope for many more thoughtful interventions of yours at the Main Committee and at the Legal Subcommittee's to come. Thank you very much Professor Kopal.

The CHAIRMAN: Thank you very much distinguished representative of Austria for your kind and heartfelt words that you addressed to me. But I should say that I believe that these kind words should be addressed to the whole Chair, it means all people present here and behind us because this was indeed an effective help that I enjoyed in my guiding the discussions of the Legal Subcommittee so I am very happy that I can also thank my good friends and colleagues sitting here behind the Chair.

I now give the floor to the distinguished representative of Iran.

Mr. N. SHIRAZI (Islamic Republic of Iran): Thank you Mr. Chairman. Since the Islamic Republic of Iran is due to assume the chairmanship of the Legal Subcommittee from its next meeting for the period of 2010-2011, I feel obliged to take this opportunity to extend my delegation's profound gratitude and appreciation to you, Professor Kopal, for your able guidance which we experienced during this meeting and our previous sessions. Clearly, it was a great pleasure for my delegation to attend the meetings under your wise and knowledgeable chairmanship and we wish you all the best, Professor Kopal, looking forward from your constructive contribution and valuable cooperation over the next meetings of COPUOS. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of the Islamic Republic of Iran for your very kind words. And since my successor in this position will be the representative of your country, of the Islamic Republic of Iran so I hope I will have still the opportunity to introduce him in the beginning of the next Subcommittee for his guiding of the forthcoming session of the Legal Subcommittee. Thank you very much.

Yes, I recognize the distinguished representative of China.

Mr. Y. XU (China) (*interpretation from Chinese*): Thank you Mr. Chairman. The Chinese delegation congratulates the successful conclusion of the forty-eighth session of the Legal Subcommittee of COPUOS under your able guidance.

The Chinese delegation highly appreciates Mr. Chairman's professionalism, dedication and your hardworking attitude. Your exceptional work is a proof to the delegates that you are still young and you are full of vigour.

The Chinese delegation would like to take this opportunity to express our congratulations to the Chairs of the three Working Groups, Professor Cassapoglou, Professor Filho and Professor Marboe. We would like to congratulate them on their productive work.

The Chinese delegation would also like to express appreciation to the Director of the Office for Outer Space Affairs, Madam Othman, and the colleagues of the Office for Outer Space Affairs for their hard work to make this meeting happen.

Mr. Chairman, this is my first time to attend the meeting of COPUOS. I am deeply impressed by the harmonious and cordial atmosphere of the COPUOS sessions. I feel that we are just like a big family but sometimes I feel the atmosphere is a little bit pedantic.

This is a very good cooperative atmosphere and made it possible for us to deliver in our work.

And also it reflects from another(?) dimension, a concept, a philosophy of building a harmonious outer space, as always advocated by China.

The Chinese delegation hopes that the cooperative spirit of agree to disagree on the seeking and how developments will be carried on and will be scaled up and we look forward to continue to working with all of you in the near future. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of China. I appreciate very much your words that you addressed to the Chair, it means to the Director of the Office, to the Secretary, Under-Secretary and other staff members and also to myself. And I have been very much pleased by hearing your contributions because you, yourself, said that you were for the first time at this session, indeed, but your participation has been indeed visible.

And ladies and gentlemen, I would also like to thank, to express my heartfelt thanks to all Chairpersons of the Working Groups. They are now absent but I did so already before they were leaving, it means the distinguished representative of Greece, Vassilios Cassapoglou, the distinguished representative of Brazil, Professor José Monserrat Filho, and the distinguished representative of Austria, Professor Irmgard Marboe. Yes, without their assistance and it would be hardly possible to fulfil what was expected from the Chair.

And I would also like to thank all delegations for their indeed exceptional cooperation during the whole session of the Subcommittee that helped indeed very effectively to come to positive outcomes that are reflected in our report.

And last but not least, I would like to thank all interpreters and engineers in the booths because without their assistance, we would hardly be able to reach such positive conclusions. Thank you once again very much on behalf of all members of the Legal Subcommittee and the Secretariat.

Thank you and goodbye.

The meeting closed at 5.13 p.m.