

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

Unedited transcript

640th Meeting

Monday, 2 April 2001, 3 p.m.

Vienna

Chairman: Mr. Kopal (Czech Republic)

The meeting was called to order at 3.15 p.m.

The CHAIRMAN: Distinguished delegates, I declare open the 640th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space

General Exchange of Views

On the item of general exchange of views, agenda item 3, we will continue our consideration of this item which is on our agenda, general exchange of views.

The first, and so far the only speakers on my list is the distinguished delegate of Japan to whom I give the floor.

Mr. N. KAMOHARA (Japan): Thank you Mr. Chairman. First of all, I would like to join my previous speakers congratulating you for your re-election to the Chair of the Legal Subcommittee. Mr. Chairman, we are fully confident that this Committee will achieve notable results under your leadership, guidance and wealth of experience. We would like to assure you that the Japanese delegation will spare no efforts to assist you in accomplishing your very important task.

We would also like to convey our esteem for Dr. Othman, the Director of the United Nations Office for Outer Space Affairs and her staff for all their efforts in the preparation of the Committee.

Mr. Chairman, recently the de-orbit of the Russian Space Station Mir was carried out successfully. However, we need to recognize that this

may not always be the case when satellites are planned to de-orbit to a safe region. If control fails and a fragment falls to a densely populated region, it may cause severe damage. Although such possibilities are small today, the danger will increase in the future, considering that more space activities will take place, more satellites are likely to be brought down to the Earth's atmosphere and the possibility of fragments reaching the Earth will be higher since satellites are increasing in size.

Although the Liability Convention successfully provides a regime on the rights and responsibilities of States if damage occurs from a satellite fall which means that it aims for relief after the occurrence of such damage, we believe that efforts to prevent damage arising from satellite falls is also important. For example, when the re-entry of a satellite may cause impact on the surface of the Earth, the State that attempts to re-enter a satellite should provide as much information as possible to the concerned States prior to re-entry.

If a scheduled re-entry is made known at an early stage, the States which anticipate the descent near their territories will be able to take precautionary measures. Also, even if the possibility of damage is very small, people will feel anxious if information regarding when and where the satellite is going to come down is not sufficient. To relieve the public's anxieties, we believe that a system should be considered for the notification of accurate and timely information by those States that bring down their satellites.

Mr. Chairman, the recent progress of commercial space activities, for example, shows us that

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the environment surrounding the space activities is changing day by day. It is the Legal Subcommittee and the Member States' duty to look into these changes and consider the legal system for space activities from different viewpoints. In the recent discussions of the Legal Subcommittee, numerous proposals for new agenda items and ways of proceeding with the discussions to reform the Subcommittee were made and fruitful discussions are being held among the Member States. We will spare no efforts to assist the Subcommittee's efficient and productive discussions, considering the increasing significance of international legal order for diversifying space activities.

However, we believe that it is important to keep in our minds that the objective of the COPUOS Legal Subcommittee is not to regulate space activities but to assure free and fair space activities.

We sincerely hope that the Legal Subcommittee will achieve its original objective in accordance with appropriate principles and procedures. Thank you very much Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of Japan for your statement on the point of our agenda, general exchange of views.

Ladies and gentlemen, I do not have so far any other speaker on this particular point on my list of speakers. Is there any other delegation wishing to speak today on this point, on this item? I see none.

Ladies and gentlemen, I would like to draw your attention that for the item, general exchange of views, we have reserved only one more meeting, it is tomorrow morning. So please those delegations wishing to intervene on this item should be here tomorrow morning and to make their presentations, though we remain flexible in arranging all our agenda. I would welcome if this item could be finished tomorrow at noon. It means at the end of the morning session. So I would like to encourage the delegations who really want to speak under the item of general exchange of views to inscribe their name on the list of speakers for tomorrow morning as soon as possible.

Thank you very much for this discussion on the item "general exchange of views".

Status and Application of the Five United Nations Treaties on Outer Space

Distinguished delegates, because we have still some time that would permit us to proceed further in our discussions, I would now like to open agenda item

4, "status and application of the five United Nations treaties on outer space". Does any delegation wish to speak on this particular item?

First of all, I would like to inform you because we still have some time for this afternoon's session, that, as I already mentioned at its thirty-ninth session in 2000, the Subcommittee agreed that discussion under this item would include the status of the treaties, review of their implementation and obstacles to their universal acceptance.

I would like to begin our consideration of item 4 this afternoon by drawing the attention of delegates to the updated table produced by the Secretariat as an insert to the *United Nations Treaties and Principles on Outer Space* booklet. This table reflects the current status of signatures and ratifications to international treaties governing the uses of outer space, in accordance with information provided to the Secretariat by the depositories of those treaties as of 1 January 2001. So this the most recent information that is available.

Concerning the status of the five United Nations treaties governing outer space, I have been provided with the following information.

The "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies", 1967, has now 96 States Parties and has been signed by 27 other States.

The "Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space", 1968, has 87 States Parties and has been signed by 26 other States. In addition, one international intergovernmental organization has declared its acceptance of the rights and obligations provided for in this Agreement.

The "Convention on International Liability for Damage Caused by Space Objects", 1972, has 81 States Parties and has been signed by 26 other States. In addition, two international intergovernmental organizations have declared its acceptance of the rights and obligations provided for in this Convention.

With the accession of the United Arab Emirates on 7 November 2000, the "Convention on Registration of Objects Launched into Outer Space", 1976, now has 43 States Parties and has been signed by four other States. In addition, two international intergovernmental organizations have declared its

acceptance of the rights and obligations provided for in this Convention.

And the "Agreement Governing the Activities of States on the Moon and Other Celestial Bodies", 1979, has nine States Parties and has been signed by five other States.

Distinguished delegates, after this information, I will now open the floor to those delegations wishing to make a statement on this item at this afternoon's meeting. Unfortunately, I do not see any names of delegation.

I now recognize the distinguished representative of Brazil to whom I give the floor.

Mr. S. DA SILVA (Brazil): Thank you Mr. Chairman. The Brazilian delegation would like to inform the Legal Subcommittee that the Brazilian Government has concluded all the internal consultations necessary for the ratification to the Registration Convention of 1976 and that the text of the aforementioned Convention will be examined, will be brought to their provision of the Brazilian Congress and the Brazilian Government considers that the Registration Convention will facilitate the identification of the launching State with a view to its necessary responsabilization(?) in the case of an accident.

We consider otherwise also that the Registration Convention contributes for the _____ (*not clear*) of the cosmic space as an environment for peace and cooperation and that it forward to all interested States open and free access to the database where there are registered the general characteristics of the objects launched into outer space. Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of Brazil for your statement and a good example of the understanding of your Government for the widening of the number of States Parties to the United Nations space treaties, particularly to the Registration Convention.

Is any other delegation wishing to speak now? The distinguished representative of the Russian Federation has the floor.

Mr. Y. KOLOSOV (Russian Federation) (*interpretation from Russian*): Thank you very much Mr. Chairman. Since our delegation is speaking for the very first time, here we would like to start off by expressing our satisfaction with the fact that you are in

the Chair for the next term of office and we would like to assure you that we will be cooperating with you in ensuring the resolution of all items of the agenda.

In asking ourselves what is standing in the way to the accession of more States to the five main treaties, we feel that one of the reasons, possibly not the primordial one, the main one, but one of them is certainly the fact that at present there is a possibility of some changes undergoing or some interpretation certainly that might be amended of the definition of a launching State. We believe that those States which are on the fence, as it were, on the point of acceding to the States, are demonstrating a special caution on this because of the ambiguity of the definition because nobody wants to buy a pig in a poke and if you do not see what you are buying, you are very cautious about shelling out new money so I think this is certainly one of the main obstacles to the road to the accession. Thank you very much.

The CHAIRMAN: Thank you very much for your kind words in the address of the Chairman. I now recognize the distinguished representative of Egypt.

Mr. EL-HUSSAINY (Egypt): Thank you Mr. Chairman and good afternoon, ladies and gentlemen. Taking the floor for the first time, Mr. Chairman, this afternoon, I would like to congratulate you for your re-election as the Chairman of this esteemed Legal Subcommittee. In fact, Mr. Chairman, when you reviewed the State Parties to the five outer space treaties, I recognized that, in the numbers you gave, all of them are less than 100. Comparing that with the aviation field, to which I belong, most of the aviation conventions exceed 100 States Parties. For example, the Chicago(?) Convention itself, which is the main constitution of international aviation, the number of States Parties to the Chicago Convention of International Aviation of 1944, announce now to 186, for example.

All the conventions and protocols of the _____ system dealing with the ability of airlines in case of accidents, all of them exceeded 100. Also the aviation security conventions, the Parties of such conventions exceeded 100.

I think the main difficulty concerning the limited number of States which adhere to the Outer Space Convention is the very advanced technology and very costly technology in the field of outer space. I think in order to solve this problem, we should disseminate this type of technology to cover many other States. I think this is the main problem here. That is why we see the reluctance of many States

which belong normally to the Third World to become part of such conventions. I think, to our understanding, this is the main reason. So to solve this problem we should try our best, in fact, to disseminate the knowledge in the field of outer space technology to Third World nations and I think at a certain time, this technology should pass to the Third World because they are understood now to use the satellite technology in the field of air navigation. So at a certain stage, I think this technology in the field of outer space will be passed to the Third World nations in order to serve this purpose. Thank you.

The CHAIRMAN: Thank you distinguished representative of Egypt. I am grateful to you for your bringing to our attention this particular aspect. I agree personally with you that the unequal position of States with regard to space science and space technology is one of the causes why the number of ratifications of the United Nations space treaties, particular of some of them, has been still below the 100 limit that you set as an example from the field of aviation. However, I would like to add that, for example, as far as the first three treaties are concerned, the Outer Space Treaty, the Rescue Agreement and the Liability Convention, have now a number of ratifications that is near this limit of 100 nations and they still have some reserve in those nations which have only signed these instruments. Perhaps the States that have done so, it means they have only signed this Agreement and are still considering their ratifications, could somehow consider the possibility of acceleration of the ratification process and perhaps then we could also reach or cross the magical number of 100 nations. Thank you very much and I also thank you for your kind words addressed to the Chair.

Is any other delegation wishing to speak this afternoon on agenda item 4? I see none for the time being. Under these conditions, I would like now to say that we will continue our consideration of this item, "status and application of the five United Nations treaties on outer space", tomorrow morning.

Distinguished delegates, I will now adjourn this meeting of the Subcommittee to allow for the commencement of the IISL/ECSL symposium on "Methods of Peaceful Settlement of Space Law Disputes", scheduled to begin in this Conference Room at 4.00 p.m. Before doing so, I would like to inform delegates of our schedule of work for tomorrow morning.

We shall resume with agenda item 3, "General Exchange of Views", and, as I have already told you, I intend to end this consideration by the end of the

morning session tomorrow. Of course, it is necessary and if you insist, I will be rather flexible in admitting such statements later but my intention is to do it as early as possible.

Then we will proceed with item 4, "Status and Application of the Five United Nations Treaties on Outer Space", but, time permitting, we could also begin our consideration of agenda item 5, "Information on the Activities of International Organizations Relating to Space Law". We have here a number of representatives of different international organizations and we expect from them contributions for our discussion or our deliberations.

Are there any questions or comments on this proposed schedule for tomorrow?

I have a request from the Secretary to our Subcommittee for making some announcements.

Mr. P. LÁLA (Secretary): Thank you Mr. Chairman. I have a short announcement that tomorrow morning, a meeting for ESA Member States and cooperating States will take place tomorrow morning at 9.00 a.m. at Room C0713. Thank you very much. Thank you Mr. Chairman.

The CHAIRMAN: Thank you Mr. Secretary. If there are no other questions or contributions to our deliberations, I think we will adjourn this meeting and we will start the IISL/ECSL symposium by 4.00 p.m. but please come as early as possible because we would like to start at 4.00 p.m. sharp.

The meeting is adjourned.

The meeting closed at 3.40 p.m.