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

Script

847th Meeting
Friday, 23 March 2012, 10.00 a.m.
Vienna

Chairman: Mr. Tare Brisibe (Nigeria)

The meeting was called to order at 10.00 a.m.

The CHAIRMAN Good morning distinguished delegates, I now declare open the 847th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This morning we will continue our consideration of agenda item 4, General Exchange of Views, agenda item 7(a), the Definition and Delimitation of Outer Space, as well as agenda item 7(b), the Character and Utilization of the Geostationary Orbit. We will also consider agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

In order to advance our work, we will also begin our consideration of agenda item 8, Nuclear Power Sources in Outer Space, and agenda item 9, 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.

The Working Group on Matters Relating to the Definition and Delimitation of Outer Space will then hold its third meeting.

I would like to remind delegates that any amendments to the provisional list of participants that was distributed as Conference Room Paper 2 should please be provided to the Secretariat in writing.

General exchange of views (agenda item 4)

Distinguished delegates, we will now continue our consideration of agenda item 4 on the general exchange of views.

The first speaker on my list is the distinguished delegate of Spain. You have the floor.

Mr. S. ANTÓN ZUNZUNEGUI (*Spain interpretation from Spanish*): Thank you

Mr. Chairman. Mr. Chairman, since this is the first time we have taken the floor at this session, let us start by expressing Spain's satisfaction at seeing you, Sir, at the helm of this Subcommittee. We know your knowledge and your experience in the field of space law will ensure that under your expert guidance, this Subcommittee will, in the years to come, produce more spectacular results in regulating space activities.

We also congratulate the outgoing Chairman, Mr. Ahmed Talebzadeh, for the great work he carried out over the years in leading this Subcommittee.

We also congratulate the Secretariat, and specifically Dr. Mazlan Othman, Director of the Office for Outer Space Affairs, for excellent work.

Mr. Chairman, Spain has mostly carried out its space activities through international cooperation. Therefore, we attach great importance to the existing legal framework. Spain, like others, has benefited a lot from its existence. The same reason, we have always supported the work of the Subcommittee, especially this delegation's direct support of the revision of the legal concept of the launching State, approved by the General Assembly in 2004, and our support for the analysis of States practice and the practice of international organizations in the field of registration space objects, approved by the General Assembly in 2007, prove clear evidence of Spain's support of strengthening the legal framework of space activities.

Spain also supports all proposals designed to step up the participation of States and international organizations in the United Nations treaties in regulating outer space activities and in the work of the United Nations Committee on the Peaceful Uses of Outer Space.

In this regard, our country decisively supports the candidature of the Ibero-American Institute of Aeronautic and Space Law as permanently observing COPUOS. It is headquartered in Madrid but is active in

all of Latin America, both Spanish- and Portuguese-speaking.

Mr. Chairman, one of the greatest developments of COPUOS in the past few years has been the initiative regarding the long-term sustainability of outer space activities. Regulating space activities today is a fundamental challenge for the international community if we want to continue using outer space in a safe manner. For that reason, Spain welcomes the fact that the past session of the Scientific and Technical Subcommittee put together four Groups of Experts, created by the Working Group on the Long-Term Sustainability of Outer Space Activities. Of special interest to this Subcommittee is Group D working on regulatory regimes. Spain urges this Group of Experts to take advantage of the current session of this Subcommittee to carry informal meetings. It would be the first step in a process that must lead to a more structured relationship to facilitate synergies between this Subcommittee and the Working Group on the Long-Term Sustainability of Outer Space Activities.

Mr. Chairman, Europe yesterday launched successfully HEV, an automatic transference satellite, proving the success of the most recent developments in our space programmes.

The existence of new actors and new technologies has created new challenges. Therefore, the European Union believes it is necessary to promote a Code of Conduct for Space Activities with the purpose of ensuring safe and peaceful uses of outer space. Spain is totally committed to that project.

Spain welcomes the meeting at expert level to be held in Vienna that is prior to the fifty-fifth session of COPUOS to exchange information on that project. We believe that this meeting will provide a new impetus for the eventual adoption of the Code of Conduct in the near future.

Mr. Chairman, with regard to the Protocol on Space Assets developed by UNIDROIT, in which the Subcommittee participated actively in recent years, we believe the adoption of that instrument earlier this month, a positive landmark that would promote commercial activities and activities by the private sector in outer space. We commend the UNIDROIT Institute on that success.

We also congratulate the Government of Germany on having organized the Diplomatic Conference to approve what is now known as the

Berlin Protocol on Space Assets. Spain participated actively in that event.

Finally, Mr. Chairman, our delegation fully supported the work of this Subcommittee in the area of the exchange of information regarding national space legislation. This is a decisive year for that work and we believe that the Subcommittee should adopt recommendations which would serve as a guide in the future for States' development in the area of space legislation.

We also believe that in future many new developments will certainly occur in this area and, therefore, this Subcommittee should be informed of the ongoing developments. We think that the Subcommittee should retain the item on the exchange of information on national space legislation as a recurring agenda item. This will provide an opportunity for States to keep updating us on their developments in that regard.

Thank you very much Mr. Chairman.

The CHAIRMAN I thank the distinguished representative of Spain for his statement.

The next speaker on my list is the distinguished representative of South Africa. You have the floor.

Ms. T.D.G. MOLABA (*South Africa*) Thank you Mr. Chair. Mr. Chair, South Africa associates itself with the statement delivered by His Excellency Ambassador Thank you Mr. Chair. Mr. Chair, South Africa associates itself with the statement delivered by His Excellency Ambassador Yatani of Kenya, on behalf of the African Group.

The South African delegation wishes to congratulate you on assuming the role of chairmanship for this session of the Legal Subcommittee.

We also wish to thank the previous Chairman, Mr. Ahmed Talebzadeh, of the Islamic Republic of Iran, for his contributions to the work of this Subcommittee.

We are looking forward to working with you on the deliberations of these matters before us and assure you of our full support.

My delegation also wishes to express its appreciation to the Office for Outer Space Affairs for the preparations and outstanding efforts in facilitating the work of the Legal Subcommittee.

Mr. Chairman, South Africa would like to reaffirm its determination to carry out the peaceful exploration and use of outer space in respect of the international agreements in the widely recognized principles of space law.

Since the last session of this Subcommittee, South Africa has made substantive progress on various activities and programmes which are conducted by various space stakeholders in our country.

We are pleased to report to the Subcommittee that South Africa has ratified the Convention on International Liability for Damage Caused by Space Objects, the Liability Convention, in December 2011.

In January 2012, South Africa also acceded to the Convention on Registration of Objects Launched into Outer Space, the Registration Convention.

Preceding this process, South Africa launched their National Register of Space Objects, which is maintained under the custodianship of the South African Council for Space Affairs. Its digital reports are printed by the Minister of Trade and Industry to oversee regulatory matters connected with space activities.

Mr. Chairman, together with our partner African countries, South Africa is looking forward to the outcome of this Square Kilometre Array, the SKA site bid. The African bid to host the SKA shows the importance of cooperation for collective achievement of developmental goals. We assure you of our commitment to advance the SKA project. We also believe that Africa has much to offer in this regard. Hosting the SKA will add to the already growing inventory of scientific infrastructure in Africa.

We would like to congratulate the Government of Kenya on hosting the Fourth African Leadership Conference, ALC, from 26 to 28 September 2011 with the theme "Developing a Shared Vision for Space in Africa". The main outcome of this Conference was the Mombasa Declaration on Space and Africa's Development which provide the basis for a shared vision for space in Africa and an agenda for the ALC for the coming years. The Mombasa Declaration also served as an input to the deliberations in the Africa Space Day at the International Astronautical Congress in 2011.

South Africa hosted the Twenty-Second International Astronautical Congress, the first such Congress to be held on the African continent. The Congress was attended by 2968 participants from

75 countries. Of particular interest was the participation of three African countries, namely South Africa, Nigeria and Kenya, in the introductory round of the Manfred Lachs Space Moot Court Competition. Furthermore, a new round of the Moot Court Competition has been endorsed by the Institute for International Space Law to take place in May this year.

Mr. Chair, we would like to announce that from 6 to 17 February 2012, South Africa successfully hosted a Seminar on Air Space and Telecommunications Law which was open to all African countries.

In conclusion, Mr. Chair, South Africa attaches great importance to the issue of long-term sustainability of outer space and takes note of the progress made in February 2012 during the Scientific and Technical Subcommittee. My delegation looks forward to the report and recommended guidelines which will enhance the long-term sustainability of outer space activities for the benefit of all nations.

I thank you Mr. Chair.

The CHAIRMAN I thank you Madam, distinguished representative of South Africa for your statement.

The next speaker on my list is the distinguished representative of Algeria.

Ms. T. FEROUKHI (*Algeria interpretation from French*) Thank you Chairman. The Algerian delegation would like to congratulate you upon your election to the Chair of the Legal Subcommittee and would like to assure you of our cooperation and would like to also thank the outgoing Chairman for the work done. As well, I convey our thanks to Ms. Mazlan Othman, the Director of the Office for Outer Space Affairs and her team.

Our delegation endorses the Declaration of the African Group and would like to refer to the following.

As indicated in the answers to the questionnaire of the Office for Outer Space Affairs, I would like to once again refer to the importance of the definition and delimitation of outer space, given its very close correlation with the national air space, prevention and the management of possible conflicts arising with regard to space activities. In this regard, Algeria is ready to contribute to the efforts of the Legal Subcommittee to play a leading role in this field in order to reach consensus.

As for the use of satellite geostationary orbits, it is important for measures to be envisaged to guarantee equitable access to orbital positions based on principles of peaceful use and of non-appropriation of outer space, the objective being to make up for the unfairness of a locked-in first come, first served approach.

And furthermore, the development of fledgling capabilities in the outer space field should not be impeded by space debris, the proliferation of which may well endanger all space activities. So our delegation would like to speak in favour of a voluntary implementation of the guidelines of the Space Debris Mitigation Committee.

At the national level, the implementation of the National Space Programme has developed over the year 2011 under the aegis of the Algerian Space Agency and here we would especially like to refer to the implementation of the activities of the Satellite Development Centre which is focusing on the operations and the integration of future systems and outer space sub-systems and is to be a pole of excellence in the outer space field.

The operations of this Centre involves the development of a legal framework which is properly adapted and this is being done and ensured in partnership with Algerian universities. This also calls upon the contribution of regional and international partners, especially the Office for Outer Space Affairs.

I would like to say, indeed, that we certainly appreciate the support of the Office for Outer Space Affairs.

Thank you.

The CHAIRMAN I thank the distinguished representative of Algeria for her statement.

Are there any delegations that would like to take the floor on this item at this time?

I see the distinguished representative of Brazil. You have the floor.

Mr. J. M. FILHO (Brazil) (*interpretation from Spanish*): Thank you Mr. Chairman. I just wanted to take this opportunity and react to the statement made by the distinguished delegate of South Africa.

We would like to inform the delegates that we have very active cooperation with South Africa, between Brazil and South Africa, in the area of space

activities, particularly with regard to the IBAS(?) that is designed to create information links between Brazil and South Africa. This is a satellite being designed and manufactured jointly and in May we plan to embark on joint work on the specific construction of the satellite.

The meeting recently held in Cape Town under the leadership of the South African Space Agency was, in our view, very successful. The leaders of the Brazilian Space Agency attended and took an active part and we had an opportunity to jointly develop plans for future cooperation between Brazil and South Africa for the years to come, involving also India.

Thank you very much.

The CHAIRMAN I thank the distinguished delegate of Brazil for sharing this information with the Subcommittee.

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

Mr. P. BITTNER (*Austria*) Thank you Mr. Chairman. At the end of the week, I would just like to raise briefly two points.

The first point relates to the Moon Treaty. I think it is already known that Austria supports a productive discussion on the Moon Treaty in order to explore ways to increase the number of States Parties, and throughout the week, we have seen some positive signs in the direction of a substantial discussion on that.

First, I would like to come back to the German statement on Monday and we appreciate very much that there is a positive attitude towards the Moon Agreement.

I would also like to highlight the Turkish accession to the Moon Treaty which is very encouraging, as well as the responses to the set of questions provided by the Chair of the Working Group on Agenda Item 5. Here we have also a good contribution to the discussion and, in that sense, we are looking forward to the discussion in the Working Group next week on the agenda item 5 which also deals with the Moon Treaty. So we hope to have a productive discussion there.

The second point I would briefly like to address is the Symposium and the interesting discussion we had there on registration and transfer of space objects. I think this is a very pertinent issue and I think it is also appropriate to address and discuss this

extensively under agenda item 5 in the Working Group of Mr. Mayence next week. So we are looking forward to a discussion next week.

Thank you Mr. Chairman.

The CHAIRMAN I thank the distinguished representative of Austria for his statement.

Are there any other speakers on this agenda item at this time?

We will, therefore, as I see none, continue our consideration of this item later this afternoon.

The definition and delimitation of outer space (agenda item 7(a)) and the character and utilization of the geostationary orbit (agenda item 7(b))

Distinguished delegates, I will now continue our consideration of agenda item 7(a), the Definition and Delimitation of Outer Space, as well agenda item 7(b), the Character and Utilization of the Geostationary Orbit.

In this respect, the first speaker on my list is the distinguished delegate of Libya.

Mr. F. A. BEN ASHOUR (*Libya interpretation from Arabic*) Thank you very much Chairman. My delegation is most satisfied to see the efforts made by the Working Group on the Definition and Delimitation of Outer Space and we all hope, indeed, that the Working Group in question will be able to reach consensus on this.

At the same time, I would also like to say that I fully endorse the statement made by the African Group which has expressed the concerns of the African Group in this regard.

The Libyan delegation would like to join the member States of this Committee which believe that it is important to agree on a consensus of definition of outer space as well as air space and this at international level in order to follow the very rapid development of outer space technology as well as of air navigation.

It is extremely important indeed to be able to properly delimit outer space and air space within COPUOS. We consider that the delimitation of outer space and air space will allow for proper allocation of national obligations on the part of those States of which have increasing responsibilities because States have sovereignty over their national air spaces and this

is why it is important to reserve space which is more propitious to space activities in the future.

In conclusion, the Libyan delegation considers that coming to agreement on common definitions and common consensual terminology amongst the member States is something which will be conducive to allaying the misconceptions and misinterpretations which may arise in the use of present treaties.

Thank you.

The CHAIRMAN Thank you distinguished representative of Libya for your statement.

The next speaker on my list is the distinguished representative of Venezuela.

Mr. M. CASTILLO (*Bolivarian Republic of Venezuela interpretation from Spanish*) Thank you Mr. Chairman. With regard to agenda item 7(a), matters pertaining to the definition and delimitation of outer space, the delegation of the Bolivarian Republic of Venezuela believes that, even though up until the present there has been no legal controversy among States with regard to the delimitation of outer space, we must take into account the fact that the accelerating technological progress, the growing activities in outer space by States, the commercialization of outer space, the increasing participation of the private sector in these activities, makes it necessary to foresee in a clearer and more decisive way rules that would establish delimitation between air space and outer space and, specifically, establish a legal regime applicable to the one and the other.

We are aware that the diversity of positions of various member States on this issue makes it difficult to reach a definition that would be completely satisfactory to all. Therefore, this delegation believes it is necessary to retain this item to continue analyzing it within this Subcommittee with the view to reaching consensus so that in the future we might have real legal instruments that would provide certainty to States with regard to this sovereignty in air space while guaranteeing the freedom of access to outer space based on these principles.

With regard to item 7(b), the character and utilization of the geostationary orbit ensuring the equitable and fair use of that resource, without prejudice to the regime established by the International Telecommunication Union, the delegation of the Bolivarian Republic of Venezuela reiterates its attachment to the principle of free access to outer space for all States without any discrimination on the basis of

complete equality. We favour the equitable and rational use of various orbital positions that serve artificial satellites.

Special attention should be given to the equitable access of all States to the orbital spectrum resource in the geostationary orbit, widely recognized for its potential in terms of assisting social programmes that benefit the most under-served communities and make educational and medical projects possible where they were not before, to guarantee access to its technologies of information and communication, making it possible to improve links to the necessary sources of information to strengthen social organization as well as circulate exchange and promote knowledge without the intermediary of commercial interests.

Furthermore, this delegation is of the opinion that the various orbital positions involved are a limited natural resource and it is essential to ensure equitable and rational use of this resource. And of great importance here is the method used in assigning frequencies which must guarantee, through international instruments, that none of these methods favours technological powers that have been occupying space in the geostationary orbit, leaving almost no positions for developing countries which, at the moment, do not have the economic or technological capability to launch satellites in this orbit.

In this regard, with a view to ensuring the peaceful and sustainable use of the geostationary orbit, we believe it is necessary that the review of this item continue on a permanent basis within COPUOS and it should be retained on the agendas of the two Subcommittees so that it is discussed in a fully inter-State context through the creation of taskforces, working groups or intergovernmental panels as necessary.

Thank you very much Mr. Chairman.

The CHAIRMAN I thank the distinguished delegate of Venezuela for his statement.

I do not have any speakers or delegations inscribed on my list.

I recognize the distinguished delegate of the Russian Federation.

Mr. D. GONCHAR (*Russian Federation interpretation from Russian*) Thank you very much Chairman. Chairman, the position of the Russian delegation on the issue of the agenda entitled "Matters

Relating to the Definition and Delimitation of Outer Space" is known to all perfectly well, it has been expressed ever so many times here in the Legal Subcommittee. We have repeatedly suggested that this matter be resolved along with ever so many other still pending issues in outer space law by working on one single document, a comprehensive convention on outer space law.

Of course, we do recognize, as per the discussion involving both here in the Committee as well as its previous sessions that at present evidently consensus cannot be achieved on this issue. At the same time, we consider that this issue should be retained permanently on the agenda of our Subcommittee so that on this matter constructive discussions can be held and then, at a given time, eventually a consensus decision and agreement can be taken in this regard.

Thank you very much for your attention.

The CHAIRMAN I thank the distinguished representative of Russia for his statement.

Are there any other delegates or speakers that would like to take the floor on these agenda items 7(a) and 7(b) at this time?

I see none.

Thus, we will continue and suspend our consideration of agenda item 7(a), the Definition and Delimitation of Outer Space, this afternoon, pending the discussions in the Working Group on this item. We will continue and conclude our consideration of item 7(b), the Character and Utilization of the Geostationary Orbit, this afternoon.

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

Distinguished delegates, I would now 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 speakers inscribed on my list.

I recognize the distinguished representative of Austria.

Mr. P. BITTNER (*Austria*) Thank you Mr. Chairman. Just a brief remark. We have seen throughout the last years that the work has proven very useful under this agenda item. However, a collection of national space laws will also be necessary and useful in the future so we would like to propose to have agenda item 12 as a regular item on our agenda of the Legal Subcommittee.

Thank you.

The CHAIRMAN Thank you distinguished representative of Austria for your statement.

Are there any other speakers or delegates that would wish to make a statement under this agenda item at this time?

I see none.

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, this afternoon.

Nuclear power sources in outer space (agenda item 8)

Distinguished delegates, I would now like to begin our consideration of agenda item 8, Nuclear Power Sources in Outer Space.

The first speaker on my list is the distinguished delegate of the United States.

Mr. B. ISRAEL (*United States of America*) Mr. Chairman, this agenda item is a welcome opportunity to share my delegation's views regarding the Legal Subcommittee's consideration of the Principles Relevant to the Use of Nuclear Power Sources in Space.

We would like to again commend the Scientific and Technical Subcommittee for its work on this topic and its success in developing, along with the IAEA, a Safety Framework for the Use of Nuclear Power Sources in Outer Space. The achievement of the international consensus on a technically-based framework for space nuclear power source applications represents a significant step forward in ensuring their safe use.

We note that the Scientific and Technical Subcommittee at its forty-seventh session in February 2010 approved a new five-year Work Plan for its Working Group on the Use of Nuclear Power Sources

in Outer Space. The Work Plan focuses on the exchange of information, on national implementation of the recently approved Safety Framework in the identification of potential challenges to implementation that might be subject of future work in the Scientific and Technical Subcommittee.

This year, the Scientific and Technical Subcommittee Working Group on the Use of Nuclear Power Sources in Outer Space continued a series of workshops at which member States and intergovernmental organizations were invited to make presentations regarding their experiences, plans and progress to date on implementing the Framework.

The United States was pleased to make two presentations at the Workshop this year, one detailing the United States preparedness and response activities for space exploration missions involving nuclear power sources, and one on the United States' approach to nuclear launch accident mitigation. We believe these presentations and the Workshop in general were most helpful in demonstrating how important aspects of the Safety Framework can be implemented.

Thank you for your consideration of the United States views on this agenda item.

The CHAIRMAN I thank the distinguished representative of the United States for his statement.

I do not have any delegations or speakers inscribed on my list.

Are there any other delegations wishing to make a statement under this agenda item at this time?

I see none.

We will continue our consideration of agenda item 8, Nuclear Power Sources in Outer Space, this afternoon.

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 (agenda item 9)

Distinguished delegates, I would now like to begin our consideration of agenda item 9, 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.

The first speaker on my list is the distinguished delegate of Germany.

Mr. R. LASSIG (*Germany*) Thank you Mr. Chairman. Mr. Chairman, distinguished delegates, for many years the Legal Subcommittee has been following the development of this new legal instrument of financing of space assets. The initiative derives from UNISPACE III discussions about the involvement of private and semi-public entities in the space sector. The establishment of a legal framework for new space applications and market developments has always been a top agenda item for Germany so that it is formulated in the current German space strategy.

For many years, the Legal Subcommittee has been following the development of UNIDROIT's new legal instrument for the financing of space assets. On 9 March this year, following a two-week Diplomatic Conference, hosted by the Foreign Office in Berlin, a major step was taken on the development of commercial space law, the adoption and opening to signature of the Protocol on International Interests in Mobile Equipment on Matters Specific to Space Assets, in short the Berlin Space Protocol.

In this context, please allow me to present my thanks to the distinguished representative of UNIDROIT for his comprehensive and excellent statement the other day.

The Berlin Protocol extends the benefits of the highly successful Cape Town regime by facilitating the financing of high-value mobile assets to space assets, be it satellites or in future space vehicles. Most significantly, the Berlin Protocol is the first space law treaty to be adopted in over three decades and the first international private law agreement in the field of commercial space fare.

Germany would like to propose to include this agenda item on next year's agenda of the Legal Subcommittee so that UNIDROIT is able to report on the implementation of the Protocol.

Thank you very much.

The CHAIRMAN I thank the distinguished representative of Germany for his statement.

The next speaker on my list is the distinguished representative of the United States.

Mr. B. ISRAEL (*United States of America*) Thank you Mr. Chairman. As the distinguished delegate from Germany just noted, the UNIDROIT

Diplomatic Conference concluded the Berlin Protocol to the Cape Town Convention on Space Assets Finance on 9 March 2012. An assessment of the final provisions were followed and we and other States who participated in the Diplomatic Conference, as well as other member States of the United Nations Committee on the Peaceful Uses of Outer Space, can determine for themselves whether the Protocol has potential to add the financing opportunities for the future of commercial developments in the space sector.

However, we do note the following caution. The United States has a clear policy supporting the development of economic and commercial use of outer space. Although we recognize the original interest in bringing to the space finance sector the benefits created by the prior Protocol to the Cape Town Convention for Commercial Air Space, the United States Government remains concerned that important participants within the space commerce sector, including the diverse membership of the Satellite Industry Association, view the approach taken in the Protocol as not achieving such benefits. At the Conference, the United States delegation was of the view that this necessitated further study and elaboration of the economic effects of the Protocol. Although a Protocol of this nature has been successful for aircraft, if it has not gained sufficient support within industry circles, it is unlikely to achieve success for space assets.

A second phase can now begin that could further address this issue. A Preparatory Commission of States participating in the Berlin Conference could examine the issue involved in establishing a new International Finance Registry and explore the appointment of a Supervisory Authority over the Registry.

Although the ITU remains a potential choice, if its Council decides to accept that role from the ITU, other options may be explored as well.

We would like to again draw attention to one issue, the relationship of the Protocol and the rights and obligations of States under the legal regime applicable to outer space.

As we and other members of this Committee have stated before, the Space Assets Protocol is not intended to and by its terms does not affect the rights and obligations of States Parties to the outer space treaty system under those treaties or rights and obligations of member States of the International Telecommunication Union.

Indeed, this Subcommittee has reviewed this matter and concluded that there was no conflict between the draft Protocol and the outer space treaty system.

Our delegation opposed this principle be explicit in the text of any Space Assets Protocol that UNIDROIT's draft Protocol is intended to address only the distinct issue of private transactional law related to financing for commercial space activities and such provision has been adopted. No State objection to that proposal.

In addition, the pre-eminent role of the Outer Space Treaty in ITU instruments is now recognized in the preamble of the Protocol.

Thank you Mr. Chairman.

The CHAIRMAN I thank the distinguished delegate of the United States for his statement.

Are there any other delegations wishing to make a statement under this agenda item at this time?

I see none.

I recognize the distinguished representative of the Czech Republic.

Mr. V. KOPAL (*Czech Republic*) Thank you very much Mr. Chairman. Mr. Chairman, my delegation had already the opportunity to make a short contribution on this item immediately after the presentation of the report of Mr. Martin Stanford, Deputy Secretary-General of UNIDROIT. Martin Stanford has been attending the sessions of our Subcommittee quite regularly and he always was bringing very thoughtful and well-prepared contributions on the development of the Space Protocol and other matters related to this important topic. I am very sorry that I must say an information about the state of health of Martin Stanford because he suffered here shortly after his presentation an accident and is now hospitalized here in a Viennese hospital. Perhaps the delegations might wish to agree that we should send him our warm greetings wishing him well and hoping that he would recover pretty soon because his input in our discussions has been really very good and has been excellent.

I use this opportunity, with your permission, of course, to also to express our deep regrets on the passing away of two outstanding space lawyers, namely Professor Karl Crystal of the United States, who recently died at the age of 98 and probably most

of us know his also very voluminous, I would say, work on outer space matters, outer space law, including BIC Monograph on Modern Law of Outer Space, some years ago.

And quite recently, another outstanding space lawyer and colleague, and I may say a close friend of mine, Professor Duagal(?) of Hungary also passed away and Professor Duagal(?) was also an author of many papers on space law including a monograph that was published first in Hungarian and later on also in English and, therefore, his work has been known.

So this is what I wanted to say and thank you for your permission, Mr. Chairman, that I could do it. Thank you so much.

The CHAIRMAN I thank the distinguished representative of the Czech Republic for bringing these details to the attention of the Subcommittee. With respect to Mr. Martin Stanford, whom I also know in a personal capacity, I can only on behalf of the Subcommittee, commiserate with him and his family for this very unfortunate incident and that accord.

And certainly, I speak on behalf of the Subcommittee and in my own personal capacity, having met both Professor Crystal and Professor Duagal(?) at respective conferences of the International Astronautical Federation and recognize the very important work and contributions that they made to this field of international space law.

I recognize the distinguished delegate of the Netherlands.

Mr. R. LEFEBER (*Netherlands*) Thank you Mr. Chairman and good morning colleagues. We congratulate the participants in the Diplomatic Conference that adopted the Space Assets Protocol to the Cape Town Convention with their achievement. The adoption of the Protocol was the combination of many years of work and Mr. Stanford's relentless efforts in particular, and he is to be commended for his perseverance and we are very sorry to hear about the accident he suffered and we wish him a speedy recovery because I did enjoy working with him in the Subcommittee when we were still considering the United Nations to become the Supervisory Authority and the Netherlands coordinated an intersessional contact group on that and I had the pleasure of working with Mr. Stanford and that was also very pleasant and he was also very good at his work and he is really the man behind this Protocol.

However, at the same time, the adoption of the Protocol is a reason to re-assess the retention of the agenda item on the agenda of the Subcommittee. This agenda item was included to address two issues in particular, namely the relationship with the United Nations treaties on outer space and the designation of the Supervisory Authority.

Mr. Chairman, the first issue has been satisfactorily addressed in Article 35 of the Protocol and second in a resolution of the Diplomatic Conference. Therefore, the time has come to remove this agenda item from the agenda of this Subcommittee. Information on the implementation of the Protocol can be provided by UNIDROIT under one of the existing agenda items, namely information on the activities of intergovernmental and non-governmental organizations relating to space law.

Thank you.

The CHAIRMAN I thank the distinguished representative of the Netherlands for his statement.

Are there any other delegations wishing to make a statement under this agenda item at this time?

I see the distinguished representative of Brazil.

Mr. J. M. FILHO (*Brazil interpretation from Spanish*) Thank you very much Mr. Chairman. My delegation would like to inform those present that we attended the Berlin Conference on the UNIDROIT Protocol and followed with great interest the evolution of that issue and the creation of that document. It seems important to us to maintain it as a subject, as an item on the agenda of this Subcommittee, as was proposed by Germany.

Thank you very much.

The CHAIRMAN I thank the distinguished delegate of Brazil for his statement and I am certain with respect to the intervention and statement which was made by the preceding speaker from the Netherlands, we will be returning to this issue in the context of the organizational work of the Subcommittee next week.

Yes, the distinguished representative of the Czech Republic.

Mr. V. KOPAL (*Czech Republic*) Thank you very much Mr. Chairman. I apologize that I am taking the floor once again but I only wanted to support the

suggestion made by the distinguished representative of Germany and supported by Brazil.

Thank you very much.

The CHAIRMAN I thank the distinguished representative of the Czech Republic.

Are there any other delegations wishing to make a statement under this agenda item at this time?

I see none.

We will, therefore, continue our consideration of agenda item 9, 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, this afternoon.

Distinguished delegates, I will shortly adjourn this meeting so that the Working Group on Matters Relating to the Definition and Delimitation of Outer Space can hold its third meeting.

Before doing so, I would like to remind delegates of our schedule of work for this afternoon.

We will meet promptly at 3.00 p.m. At that time we will continue our consideration of agenda item 4, General Exchange of Views. We will continue and suspend our consideration of agenda item 7(a), the Definition and Delimitation of Outer Space, pending the discussions in the Working Group on this item. We will continue and conclude our consideration of agenda item 7(b), the Character and Utilization of the Geostationary Orbit. 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, agenda item 8, Nuclear Power Sources in Outer Space, and agenda item 9, 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.

The Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space will then hold its fourth meeting.

Are there any questions or comments on this proposed schedule?

I see none.

I now invite Mr. José Monserrat Filho to chair the third meeting of the Working Group on Matters Relating to the Definition and Delimitation of Outer Space.

The meeting is adjourned until 3.00 p.m. this afternoon.

The meeting adjourned at ?????