

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

*Unedited transcript*

719<sup>th</sup> Meeting

Friday, 8 April 2005, 10 a.m.

Vienna

*Chairman:* Mr. S. Marchisio (Italy)

*The meeting was called to order at 10.17 a.m.*

**The CHAIRMAN:** Good morning distinguished delegates, I now declare open the 719<sup>th</sup> 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 6, Matters Relating to (a) the Definition and Delimitation of Outer Space and (b) the Character and Utilization of the Geostationary Orbit, and item 7, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

It is my intention to close the list of speakers on agenda item 7 at 1.00 p.m. I would, therefore, urge any delegations still wishing to make a statement on this item to inscribe their names with the Secretariat by that time.

I then intend to adjourn this meeting of the Subcommittee so that the Working Group on the Definition and Delimitation of Outer Space can hold its fourth meeting and so that the preliminary exchange of views on the report of the Open-Ended Ad Hoc Working Group on the Preliminary Draft Protocol on Matters Specific to Space Assets can continue.

If there is still time remaining, I would propose that we continue our informal discussions on new agenda items for the forty-fifth session of the Subcommittee in 2006.

**Matters relating to (a) the definition and delimitation of outer space and (b) the character**

**and utilization of the geostationary orbit (agenda item 6)**

Distinguished delegates, I would now like to continue our consideration of agenda item 6, Matters Relating to (a) the Definition and Delimitation of Outer Space and (b) the Character and Utilization of the Geostationary Orbit, Including Consideration of Ways and Means to Ensure the Rational and Equitable Use of the Geostationary Orbit, Without Prejudice to the Role of the International Telecommunication Union.

I have a speaker on my list and this is the representative of the United States of America. You have the floor Sir.

**Mr. K. HODGKINS** (United States of America): Thank you Mr. Chairman. Thank you for affording me this chance to present the United States views on matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.

I would like to begin by commenting on the first part of this agenda item concerning matters relating to the definition and delimitation of outer space. As we have stated on previous occasions, the United States is firmly of the view that there is no need to seek a legal definition or delimitation for outer space. The current framework has presented no practical difficulties and, indeed, activities in outer space are flourishing. Given this situation, an attempt

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In its resolution 50/27 of 6 December 1995, the General Assembly endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that, beginning with its thirty-ninth session, the Committee would be provided with unedited transcripts in lieu of verbatim records. This record contains the texts of speeches delivered in English and interpretations of speeches delivered in the other languages as transcribed from taped recordings. The transcripts have not been edited or revised.

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 D0708, United Nations Office at Vienna, P.O. Box 500, A-1400, Vienna, Austria. Corrections will be issued in a consolidated corrigendum.



to define or delimit outer space would be an unnecessary theoretical exercise that could potentially complicate existing activities and that might not be able to anticipate continuing technological developments. The current framework has served us well and we should continue to operate under this framework until there is a demonstrated need and a practical basis for developing a definition or delimitation.

With respect to the geostationary orbit, I would like to state my Government's continuing commitment to equitable access to the GSO by all States, including satisfaction of the requirements of developing countries for GSO use and satellite telecommunications generally. I wish to recall once again this Subcommittee's Report on the GSO, adopted in April 2000. The April 2000 Report, agreed at this Subcommittee's thirty-ninth session, addressed the principles of equitable access and the rational, efficient and economic use of the GSO in a constructive manner that remains the appropriate way forward on this issue. From the legal point of view, it is clear that the GSO is part of outer space and its use is governed by the 1967 Outer Space Treaty, as well as the International Telecommunication Union's treaties. As set forth in Article I of the Outer Space Treaty, "Outer space ... shall be free for exploration and use by all States without discrimination of any kind, on a basis of equality and in accordance with international law ...". Article II of this Treaty further states that outer space is not subject to national appropriation by claim of sovereignty, by means of use or occupation or by any other means. These articles make clear that a party to the Outer Space Treaty cannot appropriate a position in outer space, such as an orbital location in the GSO, either by claim of sovereignty or by means of use, or even repeated use, of such an orbital position.

The United States takes numerous actions to further the use of the GSO in other uniquely situated orbits. The United States makes its Global Positioning Satellite System Signals freely available worldwide. The United States provides, free of charge, a variety of weather and warning data from its meteorological satellites. Information from the NOAA polar orbiting meteorological satellite is available globally, while data from the Geostationary Operational Environmental Satellites, known as GOES, are available within those satellites' footprints. These transmissions include information about hurricanes, volcanic eruptions, flooding, droughts and other related environmental matters.

Finally, the United States, in cooperation with Russia, France and Canada, operate the international

satellite-aided search and rescue programme known as COSPAS-SARSAT, to provide means for ships, aircraft and others in distress to signal their need for help. The United States, specifically NOAA's National Weather Service, in coordination with the United States Federal Aviation Administration, also provides data to the global aviation community to promote safety of flight, pursuant to arrangements developed under the auspices of the ICAO.

Also highly relevant to this agenda item are the International Telecommunication Union Constitution, Convention and Radio Regulations, as well as the current procedures under those authorities for international cooperation among countries and groups of countries. We believe that at present they fully take into account the interests of States in the use of the geostationary orbit and related radio frequencies. The Legal Subcommittee continues, of course, to have a legitimate interest in this issue and it is fitting that the issue remain on our agenda should further issues arise that are appropriate for resolution in the Subcommittee.

Thank you Mr. Chairman.

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

And I now give the floor to the distinguished representative of Brazil. Brazil, you have the floor.

**Mr. J. MONSERRAT FILHO** (Brazil) (*interpretation from Spanish*): Thank you very much Mr. Chairman. Mr. Chairman, I have asked for the floor for the following reason. I wish to convey some information to the members of the Subcommittee. My aim is to facilitate the work of the Group dealing with the definition and delimitation of outer space. What we are currently doing is gathering together all documents with regards to the analytical summary of the answers to the questionnaire to the answers that is to the questions that have been provided by member States. We are talking about the following documents, A/AC.105/L.249 and ... and a compilation of all the answers sent in so far is available therein and this will help the Working Group with its work and we particularly thank the Working Team or Task Force, the aim of which is to clarify the questions in the questionnaire.

Mr. Chairman, those are the observations I wanted to make. Thank you.

**The CHAIRMAN:** Thank you distinguished representative of Brazil. I have been informed that there were some errors in the translation so I now give

the floor to the Secretariat for some precisions. You have the floor.

**Ms. N. RODRIGUES** (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. It is just to clarify the document numbers once again for you. The document that will be available to the delegations on the back of the table, just to facilitate the discussions in the Working Group, will be Analytical Summary of the Replies Received to the Questionnaire on Aerospace Objects. The reference number for that document is A/AC.105/C.2/L.249, a document that was available to you last year already and Add.1, the addendum which is the update that you received this year.

Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you very much. Are there any other delegations wishing to speak on this agenda item at this morning's session, agenda item 6, delimitation/definition of outer space and geostationary orbit?

I see none.

We will, therefore, continue and hopefully suspend our consideration of agenda item 6, Matters Relating to (a) the Definition and Delimitation of Outer Space and (b) the Character and Utilization of the Geostationary Orbit, this afternoon, pending discussions in the Working Group on Agenda Item 6(a).

**Review and possible revision of the Principles Relevant to the use of Nuclear Power Sources in Outer Space (agenda item 7)**

Distinguished delegates, I would now like to continue our consideration of agenda item 7, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

The first speaker on my list is the distinguished representative of the United States. You have the floor Sir.

**Mr. K. HODGKINS** (United States of America): Thank you. Mr. Chairman, this standing 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 Outer Space.

First, I would like to commend the Scientific and Technical Subcommittee for its continued work on this topic. As you are aware, the Subcommittee successfully completed a four-year work plan on the use of nuclear power sources in outer space in 2003. At its most recent session, the Subcommittee continued work on its current multi-year work plan to "establish the objectives, scope and attributes of an international technically-based framework of goals and recommendations for the safety of planned and currently foreseeable space nuclear power source applications".

The United States was pleased with the progress made by the Scientific and Technical Subcommittee on this topic at its last meeting. The focus on further technical work is essential. We believe that this continued work by the Scientific and Technical Subcommittee is important to developing an international consensus on a framework for space nuclear power source applications.

We do not object to keeping a reference to this agenda item on next year's Legal Subcommittee agenda so as we can track the work of the Scientific and Technical Subcommittee.

Thank you Mr. Chairman.

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

I ask if there are any other delegations wishing to take the floor on this agenda item?

I see none.

We will, therefore, continue and hopefully conclude our consideration of agenda item 7, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Source in Outer Space, this afternoon.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee so that the Working Group on the Definition and Delimitation of Outer Space can hold its fourth meeting, and so that the preliminary exchange of views on the report of the open-ended ad hoc Working Group on the Preliminary Draft Protocol on Matters Specific to Space Assets can continue.

Time permitting, we will continue our informal discussions on new agenda items for the forty-fifth session of the Subcommittee in 2006.

Before doing so, however, I would like to inform delegates of our schedule of work for this afternoon. We will reconvene here at 3.00 p.m. At that time, we will continue and hopefully suspend our consideration of agenda item 6, Matters Relating to (a) the Definition and Delimitation of Outer Space and (b) the Character and Utilization of the Geostationary Orbit, pending discussions in the Working Group on Agenda Item 6(a). We will also continue and hopefully conclude our consideration of agenda item 7, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

I then intend to adjourn the plenary meeting so that the Working Group on Agenda Item 6(a) can hold its fifth meeting and so that the preliminary exchange of views on the report of the open-ended ad hoc Working Group can continue.

If there is still time remaining, I would propose that we continue our informal discussions on new agenda items for the forty-fifth session of the Subcommittee in 2006.

Are there any questions or comments on this proposed schedule?

I see none.

I now invite Mr. José Monserrat Filho to chair the fourth meeting of the Working Group on the Definition and Delimitation of Outer Space. This will be followed by the preliminary exchange of views on the report of the open-ended ad hoc Working Group, coordinated by Mr. René Lefebvre.

If there is time remaining, we will then continue with our consideration of new agenda items.

This meeting is now adjourned until 3.00 p.m. this afternoon.

*The meeting adjourned at 10.34 a.m.*