

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

*Unedited transcript*

743<sup>rd</sup> Meeting

Tuesday, 11 April 2006, 10 a.m.

Vienna

*Chairman:* Mr. R. González (Chile)

*The meeting was called to order at 10.09 a.m.*

**The CHAIRMAN** (*interpretation from Spanish*): The 743<sup>rd</sup> session is now open. This morning we will continue our consideration of agenda item 11, Practice of States and International Organizations in Registering Space Objects, and agenda item 12 on new items.

I would like to invite delegations wishing to make statements under these agenda items to inscribe their names with the Secretariat as soon as possible.

The Working Group on Agenda Item 11 will hold its second meeting.

**Practice of States and international organizations in registering space objects (agenda item 11)**

Distinguished delegates, I would now like to continue with our consideration of item 11, Registry of Space Objects and practices of States and International Organizations, with regard to this.

I would also like to remind delegates that this agenda item is also being discussed in Working Group 11.

The first speaker on my list is the distinguished delegate of the Russian Federation to whom I now give the floor.

**Mr. P. G. DZUBENKO** (Russian Federation) (*interpretation from Russian*): Thank you very much Mr. Chairman. We, along with those who took the floor yesterday, would also like to familiarize you with

our practice when it comes to registration of space objects being launched into space by the Russian Federation and we would like to mention a number of problems which we encounter in doing so.

In this connection, the Russian Federation carries out registration, in keeping with the requirements of the law and within the norms and standards of international law. Naturally, this includes the 1975 Convention on the Registration of Objects Launched into Outer Space, the functions of the registering of space objects carried out by the Federal Space Agency in the Russian Federation. And the registration is determined by provisions adopted by the Government with regards to the registration of space objects launched by the Russian Federation into outer space. And information is provided to the United Nations with regards to space objects registered on the Russian Federation's Register, in keeping with the provisions adopted by our Government. The Register includes the following registration data: the name of the launching State, the denomination or designator of the space object, the date on which it is launched, the territory and location of launch and basic orbital parameters and the general function of the space object. And when a launch has taken place, registration is sent as soon as feasible to the appropriate bodies.

In keeping with practice, the Russian Federation does not register non-functioning objects launched into outer space such, for instance, as the generators and the upper stages of launch vehicles. Having said that, we would like to recall for your benefit that the non-registration of such non-functioning objects, non-functioning postly(?), but

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following launch, was acknowledged as being legal and this is something that is enshrined in the United Nations Secretary-General's Report of 1987 on the application of the 1975 Convention.

Given the continuing commercialization of space activities, we have unfortunately had to note that, in keeping with our data in the last few years, the practice of non-registration with the United Nations of space objects has become common place, space objects being launched into outer space, on the part of a large number of States which are providing services by way of launching space objects on behalf of other States.

With regards payload, which belongs to foreign owners, if such a payload is launched from Russian territory or using Russian launching means, my country maintains the practice by which the registration of the objects in the National Registry is carried out by this State which owns the payloads in question. In our view, this is practice which is entirely justified insofar as the fact that in such instances, the launching State cannot, for purely technical reasons, the launching State cannot ensure the improvisation(?) of its jurisdiction and control over foreign space objects. And the Russian Federation, the number of applicants is growing from other countries, in whose interests launches are carried out by Russian launching means, Russian launchers, launch vehicles, that is, and here the applicants or those placing the orders, in keeping with whatever contract or agreement, the applicant or the customer refuses registration of the object being launched, with reference to the fact that said country, said procuring country, is not Party to the Registration Convention.

In such cases, the Russian Federation being the country carrying out the launch provides the United Nations with information on the launch and the designation of the space object, the owner or operator of which, for whatever reasons of their own, does not wish to register the object being launched.

We consider that in registering their space objects, States acknowledge their responsibility for their national activities in space. And we consider that the activity of our Committee is extremely useful in, and in particular the Legal Subcommittee, our activity is particularly useful by way of promoting and encouraging new States to become Party to the United Nations Convention on the Principles of Space Activities and to the other space documents in force and in particular the Convention on the Registration of Objects Launched into Outer Space dated 1975.

I should now like to focus on the question of the transfer of ownership of space objects in orbit.

The Convention adopted in 1971, the Liability Convention, connects issues of responsibility for damage caused by an aerospace object. It connects it with the launching State and consequently this concept is directly connected with matters of the registration of said space object. In recent times, a situation has arisen in which a space object in orbit can be transferred on the basis of an international treaty or some other kind of basis or contract or what have you can be transferred to another State or to another legal entity of another State. We mean here a legal entity registered in the other State. And here registration of the space object and the launching State do not change. And the question arises as to which of the two States bears liability under the 1971 Liability Convention. If you follow the letter of the Convention, then in whatever case, it is the launching State that bears liability and I think the definition of launching State is something that I do not need to recall for the benefit of those here, those organizing the launch that I mean and from whose territory the space object is launched.

Unfortunately, I have to note that this is not a very logical situation and it is enshrined in our Russian law now which was drafted and fully in compliance with international legal commitments entered into by the Russian Federation. On the one hand, the Russian law entitled "Space Activities" means that the ownership of a space object can be transferred to another State on the basis of the relevant international agreement. On the other hand, the controlling jurisdiction over the space object must remain with the Russian Federation, with my country that is, in the case where the space object is registered on the Russian Registry and, therefore, the Russian Federation is, by definition, the launching State or one of the launching States.

In this way, in our view, the conclusion can be drawn to the effect that the existing Conventions on Registration and on Liability do not fully reflect the needs and the real situation of the ongoing commercialization as a whole and the development of the activities of States in terms of using space for research.

And one is in a position to note that in international law, or it at least is the opinion of this delegation, there are lacunae. Now these lacunae, or gaps, are being filled by national legislation as things stand. And here I would like to underscore the fact that national legislation in such cases is, of course, a good thing because it provides a general acceptable

framework or general accepted practice in this area. But in our view, what would be much more acceptable, what would constitute much more acceptable practice, is the adoption of universally recognized norms in this regard at the international level.

And the last point that I would like to mention is the following.

In the Russian Federation, a new draft Federal Law has been drafted entitled “State Registration of Rights and Dealings With Space Objects or Rights and Transactions on Space Objects” and the aim of this Bill is to streamline the processes of the management of property rights, or ownership rights, over space objects and transactions with space objects. Following the adoption of this new Law, a single State Register will be set up in the Russian Federation on the ownership rights of space objects and transactions with space objects. We consider that this national practice which exists not only in the Russian Federation and which attempts, or is attempting, to keep up with the objective developments of space activities, that this should be generalized or consolidated by a specially set up organization such as our United Nations Committee on the Peaceful Uses of Outer Space.

Thank you very much.

**The CHAIRMAN** (*interpretation from Spanish*): I would like to thank the distinguished representative of the Russian Federation for his statement.

I am wondering if any other delegation would like to take the floor on this item.

Alright then. This afternoon, we will continue and probably suspend our consideration of agenda item 11, Practice of States and International Organizations in Registering Space Objects. This afternoon we will probably suspend it, pending discussions in the Working Group on Item 11.

I just want to remind you that the first, or say that the first Working Group on this item which met yesterday was extremely productive and I would like to congratulate my friend, Herr Schrogl, for his very efficient conducting of this meeting.

**Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-sixth session (agenda item 12)**

We will now move on then to item 12, New Items to be Considered by the Legal Subcommittee at its Forty-Sixth Session.

The first speaker on my list is the distinguished representative of Brazil to whom I now give the floor.

**Mr. C. E. DA CUNHA OLIVEIRA** (Brazil) (*interpretation from Spanish*): Thank you Mr. Chairman. Mr. Chairman, yesterday my delegation took the floor to report that we were thinking about bringing to the Subcommittee’s consideration a proposal for a new item to be included on the agenda of the forty-sixth session of the Subcommittee. We anticipate that this proposal will continue to be object of informal consultations with other delegations. Indeed, as since the very beginning of these consultations, we have received quite constructive reactions from various delegations and we would like to take this opportunity then to express to those delegations our most sincere gratitude.

Brazil attaches great importance to those comments and reactions and thus we are even more convinced of the need to persevere with these consultations. They have been extremely helpful in terms of defining the context or the most appropriate context for future discussion of the Brazilian proposal.

My delegation will, therefore, not present its proposal in this session. We will continue holding informal consultations with a view to possibly presenting the item to the Committee on the Peaceful Uses of Outer Space in its forty-ninth session next June.

However, despite the fact that Brazil does not intend to present its proposal, it believes that it is appropriate at this time to share with other delegations, some of the reasons informing our decision.

Initially, I would like to recall, quite simply, that Brazil’s proposal was about international cooperation for the creation, at a national level, of the infrastructure required to use geospatial data. The purpose of this proposal is recognition of the vital nature of having the appropriate infrastructure to use these data. It is a vital tool for the promotion of development.

Capacity-building at the national level for the use of geospatial data has become a *sine quon(?) nom(?)* condition, in order to make rational and consistent decisions in this regard, both in the public

and private arenas and this is necessary for the promotion of development.

My delegation believes it is obvious that international cooperation would assume a key role in promoting such capacity. Brazil's experience, as the second country in the world to have a station set up for receiving LANDSAT satellite data in 1972, is a clear indication of the value of international cooperation as an instrument for the development of national infrastructures for the use of geospatial data.

Brazil understands that as it was able to benefit from cooperation in order to build capacity, the international capacity should consider comprehensive means of broadening such capacity-building, increasing the number of countries with, with a view to true universalization of the benefits of these data.

My delegation is of the view that broadening the number of countries with capacity in this area would have a positive impact on both the international market for geospatial data and increase the demand for these services.

My delegation is convinced that there is a significant market for geospatial data in developing nations. This market, however, at this time, is repressed by the lack of national capacity to make use of these data. Thus, we must, moreover, consider the fact that an increase in demand for geospatial data might, in the medium term, be reflected in an increase in activity of the industries themselves, that develop and run space operations such as these.

Above and beyond the growth of demand for geospatial data, my delegation believes that promoting national capacity in this area might also have a positive impact on the creation of what I would call a "culture" of data use.

If I may, Mr. Chairman, I would like to make a somewhat personal comment to illustrate what I mean by culture. A little more than 10 years ago, I started to use the Internet as a tool at work. When I take into account the sheer number of factors and the amount of information that I am obliged to manage at this time, I wonder how it was possible to work before without the use of this resource, the Internet. And the same can occur with geospatial information. A government body or a private entity might well carry out its activity without access to the application of geospatial data. But once they have begun to apply these data, no doubt they will begin to wonder how they were able to live without them before. And this is what I mean by a culture of the use of geospatial data

or turn towards the use of geospatial data. And this is the culture that we need to develop.

Now, as if these arguments did not suffice in and of themselves, I also would like to call your attention to one last issue. I think we are all convinced in this room that the challenges to the well-being and development of each nation is something which is of increasing global nature. And we are further convinced that space technology has a key role to play in meeting these challenges and thus creating national infrastructure for the use of geospatial data has implications that go well beyond the national borders of a given country. Epidemics, environmental problems, natural disasters are things which do not respect national borders and thus perhaps the best guarantee of being able to meet these challenges at a world level is the creation of national capacity.

Mr. Chairman, these are the elements behind the issue which Brazil will continue to consult on informally with a view to bringing it to the forty-ninth session of the Committee next June. Brazil would welcome any comments and suggestions that other delegations might wish to bring us on this issue. My delegation attaches great importance to this topic and will continue to grapple with it in a flexible and constructive manner.

Thank you Sir.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you to the distinguished delegate of Brazil.

If I may, I would like to make two comments.

First, I would like to congratulate him on his excellent use of Spanish, from a sister nation in Latin America, he is speaking one of the other languages, but also I would like to congratulate him on the contents of his statement.

Generally speaking, everyone has made incredibly good contributions but this is one about developing nations and about how to use space applications, the development of a new culture oriented towards the use of geospatial data. It is interesting that we are overwhelmed by information and there is too much information in the world and it exceeds our capacity to truly benefit from the data. Based on the socio-economic development of a country, this is actually vital and you really hit the nail on the head with this issue in your statement. And I personally, and not as the Chairman of the Subcommittee, but I personally would like to thank you for your

contribution and no doubt it will be warmly welcomed and you will also get very good input from other delegations.

I would now like to give the floor to the representative of the Czech Republic.

**Mr. V. KOPAL** (Czech Republic): Thank you Mr. Chairman. Mr. Chairman, as in the past, also today my delegation has listened very carefully to the statement of the distinguished representative of Brazil. We appreciate that Brazil takes always new initiatives and tries to convince us that this initiative should be very seriously taken into consideration and we will certainly do it as soon as we know something more precise about this initiative.

I understood that the delegation of Brazil intended to submit it to the main Committee this June so that it is still in the state of development now. Nonetheless, I would very much appreciate it if the distinguished representative of Brazil could at least provisionally make known what is the present title of this item for purposes of our further work. This is one question.

And my second question is this. The distinguished representative of Brazil used several times in his statement the term “geospatial” data. This sounds something new to me. Perhaps it is because the translation is not exactly what was spelt out in Spanish. Could he define a little bit more in detail what this particular point which seems to me essential for the content of the item, what it really means.

Thank you very much.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you. Before giving the floor to the distinguished delegate of Brazil, I would just like to say something.

As usual, Professor Kopal is making a very constructive comment here. He has raised two very good questions. I would just like to clarify then in the Spanish text they use the same term “geospatial data” and it might be a new term for many delegations and that is why I would like to echo the questions put forth by the distinguished delegate of the Czech Republic, Professor Kopal. Basically they concern the title, the actual title of the item to be proposed, or rather the basic concept in the title. And secondly, if the distinguished delegate could explain what “geospatial data” are.

I give the floor to the distinguished representative of Brazil.

**Mr. C. E. DA CUNHA OLIVEIRA** (Brazil) (*interpretation from Spanish*): Thank you Mr. Chairman. To start, I just would like to say briefly for the benefit of delegations what we understand by geospatial data. We view geospatial data or define it data with regard to the Earth, about phenomena which occur on Earth that are produced, information about these events which come from vehicles in space.

Regarding the title of the proposal, I might anticipate delegations, the title might be “International Cooperation With a View to Developing National Infrastructure for the Use of Geospatial Data”.

Surely this proposal might undergo some changes after we get input and feedback from other delegations but that is the provisional title, that is the topic, the basic concept which we hope to convey.

Thank you.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you to the distinguished representative of Brazil.

I am wondering if Professor Kopal feels satisfied with the explanation. Was it sufficient to meet his concerns?

I thank the distinguished delegate of Brazil.

Apparently we agree the title conceptionally reflects the proposal but in the context of further conversations which might take place between now and when it is suggested to the Committee, it might undergo some changes. But the heart of the matter is reflected in the title, and in my judgement, and here I fully agree with Professor Kopal, it is a very constructive proposal.

So once again thank you for your presentation.

I would like to know if any other delegations would like to take the floor on this very stimulating item of the agenda.

When the topics are interesting, reactions are not by omission but by commission.

We are in the presence of an almost morbid or funeral silence here and yet we should be celebrating. We are creating new standards. I must say that after

this meeting, I am going to have to step down because I do not seem to manage to stimulate the group.

We will now move on.

This afternoon we will continue with our consideration of item 12 of the agenda. I hope that we will have something a little bit more substantial. We have not had much discussion on this so far.

We will now adjourn the session so that the Working Group on Item 11 can hold its second session.

Before doing so, I would like to inform delegates of our work programme for the afternoon.

We will meet at 3.00 p.m. and we will continue with our consideration of item 11, Practice of States and International Organizations in Registering Space Objects, pending the Working Group's discussions this morning.

And then we will continue on with item 12 on new items.

And then in the afternoon, the Working Group on Item 11 will continue with its third session.

This session is now adjourned.

*The meeting adjourned at 10.46 a.m.*