

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

Unedited transcript

751st Meeting

Tuesday, 27 March 2007, 3 p.m.

Vienna

Chairman: Mr. R. González (Chile)

The meeting was called to order at 3.07 p.m.

The CHAIRMAN (*interpretation from Spanish*): Good afternoon distinguished delegates and I call to order the 751st meeting of this Subcommittee. We will continue our consideration of agenda item 3: general exchange of views and, as you know, at 4 p.m., we shall adjourn to continue with the symposium from yesterday. I would like to remind you of the cocktail which is being organized in my honour and I am very touched because it is the first time I have been paid this honour. The first speaker on my list is the distinguished representative of Poland, to whom I give the floor on item 3.

Mr. K. KOCEL (Poland): The Polish delegation is delighted to welcome you again in your present capacity as Chairman of this session. We are confident, that has happened a year ago, your exceptional competencies will allow us to successfully address the tasks confronting our Subcommittee. We also wish to thank the staff of the Vienna office for the excellent organization and substantive preparation of our work.

Poland is honoured to participate in the deliberations of such eminent specialists in the field of space law as are gathered here today. We are also pleased that the memory of Professor Manfred Lachs remains vivid in this community. Though Poland does not launch its own space craft, we have long been involved in the related international research programmes. Interests in space technologies are growing steadily in our country, as the Scientific and Technical Subcommittee found out first-hand during its last session. On that occasion, students of the Warsaw

Technical University made a presentation on a planned scientific experiment concerning the removal of space debris from orbit. The experiment will require the launching into space of a nano-satellite which, naturally, will involve its proper registration. The next few years are expected to bring significant growth of spending on scientific research in Poland. We certainly hope that this will also apply to space research. Polish interest in space activity has been affirmed by the European Cooperating States Agreement, recently negotiated with the European Space Agency. We are counting on significant expansion of the involvement of our specialists in international programmes, organized or coordinated by the Agency. It is for these reasons that development of international space law is the subject of a growing attention in Poland. We realize that the results of COPUOS' work will, most probably, increasingly affect Poland in the near future.

Many other countries are likely to be in the same situation as my country. All of them want to gain the possibility of using outer space in line with their current interest and growing technical potential. For that reason, it is so important for our Subcommittee, to ensure that legal conditions are created for all States to have fair access to the benefits of utilizing outer space. Poland highly values the activity being conducted in this sphere by various major international organizations, including the International Telecommunication Union. The increasing technical accessibility of space, coupled with growing interest on the part of the private sector, makes it necessary for the process to be unrestrained but orderly, so that everyone is able to find his place in it, on condition of respecting international law. That is why Poland is a party to the four basic space law treaties, would like to encourage

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all States, which have not done so yet, to become bound by the treaties.

We think that we should primarily focus on improving the functioning of the provisions contained in existing legal acts. For that reason, Poland grants particular support to the work of the Legal Subcommittee concerning the registration of space objects. At the same time, we should be mindful to ensure that insufficient development of international law does not restrict the use of space today and in the future. Hence, Poland appreciates the need to develop regulations facilitating the commercial use of space, for example, for purposes of space tourism. We also support development of measures for the prevention of space debris.

We are aware of the proposals, also expressed at this forum, to begin work on a comprehensive space law convention. Admittedly, this is an attractive idea, even fascinating to many of us, however, considering COPUOS discussions to date, we are not convinced that all the necessary conditions to move ahead with the implementation of the projects are already there. Obviously, this should not prevent COPUOS and, in particular, the Legal Subcommittee, from engaging in deeper reflection at various forums on the further development of the rules relating to outer space. Poland is ready to discuss new items to be undertaken by the Legal Subcommittee.

Forty years have passed since the adoption of the first space treaty. Many States represented in this room, significantly contributed to its creation. Let this anniversary provide stimulus for our work on the rules of peaceful use of outer space in the interest of the entire international community. Thank you for your attention.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of Poland for his statement. I now give the floor to the distinguished representative of India.

Mr. M. GANDHI (India): At the outset, my delegation would like to join with other delegations in congratulating you on your re-election as the Chairman of the Legal Subcommittee. We are confident that, under your leadership, the Subcommittee will achieve good progress on the matters included on the agenda. I take this opportunity to assure you of the wholehearted cooperation and support of my delegation in achieving progress on many pending issues in the current session. We also thank the Director and his able team in the Office for Outer Space Affairs, for providing a high quality documentation and reports for this meeting.

We believe that the development of space law is crucial to the orderly and organized exploration of space for peaceful purposes. This very Subcommittee has successfully worked, through consensus, the core treaties on outer space which have been accepted by a large number of States. The role of these treaties and the conduct and expansion of space activities can hardly be over-emphasized. In this context, we believe that, the review of status and application of the five United Nations treaties on outer space becomes an important subject matter. We are confident, that the discussions in the Subcommittee would pave a way in finding means and matters to promote the adherence to these treaties by more number of States.

The rapid development of science and technology since the adoption of the core space treaties, brought to the fore, certain complex issues concerning the definition and delimitation of outer space. Yet, in our view, geo-stationary orbit is an integral part of outer space and thus governed by the outer space treaties. Our continuing debates on this subject, therefore, is important to reach a common understanding.

We would like to reiterate the Indian commitment at this juncture for the use of outer space for peaceful purposes, in the common interest of mankind. We support development and continuous evolution of rule of law for the peaceful use and exploration of outer space, so as to ensure benefits to all countries, in particular, to developing countries.

During the first part of the symposium yesterday, the important role played by national legislation and bilateral and multilateral agreements, in shaping the modern space law, has been highlighted. In this context, we would like to inform the Subcommittee that, recently some of the major agreements have been entered into between the Indian Space Research Organisation and other space and related agencies. To name a few, a memorandum of understanding with NASA of the United States of America, on 9 May 2006, for inclusion of two United States scientific instruments on board India's first mission to the Moon, Chandrayaan-1. An agreement with Russia to cooperate in its Glasnost programme.

A very important segment of India's space-related activity has been the thrust towards international cooperation. The Indian Space Research Organisation takes special interest in providing the expertise and services for helping developing countries in the application of space technology. The Centre for Space Science and Technology Education for the Asia-Pacific region, affiliated to the United Nations and

operating from India, is an initiative in this direction. The Centre has so far carried out 23 post-graduate programmes, with a duration of nine months and three are currently ongoing. In addition, it organized a number of short-term courses and workshops, so far, 655 scholars from 30 countries from the Asia-Pacific region and, 26 scholars from 16 countries outside the region, have benefited from the educational activities of the Centre. During the year 2006, two major workshops were held in India, one was during August in Cochin, a UN/India/USA pilot project, Telemedicine in the Reconstruction of Afghanistan. The other, a UN/NASA workshop on International Heliophysical Year 2007 and Basic Space Sciences in Bangalore during November. India will be hosting this year, the 58th International Astronautical Congress in Hyderabad, during 24-27 September 2007, under the umbrella of the International Astronautical Federation, International Academy of Astronautics and the International Institute of Space Law. Being the fiftieth year of the space age, special events befitting that occasion are also planned in this Congress.

We believe that production of space debris is of utmost importance as it poses a greater threat to all space assets. In this context, addition to further debris are intentionally or accidentally must be totally _____ (*inaudible*). The exploration of space in the future will largely depend on how best the space debris mitigation practices are put to use by various countries in a responsible manner. We welcome, in this context, the recently adopted Space Debris Mitigation Guidelines. In our view, that the principle of common but differential responsibility should be adopted in relation to elimination of space debris. This means that, those countries which are largely responsible for creation of space debris and those who have space capabilities should contribute to the debris mitigation efforts in a significant manner, compared to other countries.

This delegation urges all countries to respect the sovereign right of every country to have access to space and an opportunity to utilize space for developmental programmes. Respect for safety and security of space assets and capabilities of all countries without any denial, or threat of denial, of access to space, is an inevitable necessity for all of us to preserve and prosper together. In this connection, we would like to reiterate that, free availability of high resolution images of sensitive areas in the Internet, is a point of major concern for many member States, due to strategic reasons. Considering this factor, we feel it is important _____ (*inaudible*) appropriate guidelines so that the strategic interests of nations are well protected. My delegation believes that, the Legal Subcommittee

has a significant role to play in addressing this problem. Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of India for his statement. The next speaker on my list is the distinguished representative of Japan, to whom I give the floor.

Mr. S. SUMI (Japan): Mr. Chairman, distinguished delegates, on behalf of the Japanese delegation I am honoured to address the forty-sixth session of the Legal Subcommittee of COPUOS. I would also like to express our sincere gratitude and respect for the efforts of Mr. Raimundo González-Aninat, the Chairman of the Subcommittee and Mr. Sergio Camacho-Lara, Director of the Office for Outer Space Affairs and his excellent staff for their preparation work.

Let me begin by mentioning some of the noteworthy events that have occurred in Japan since the last session of the Subcommittee and that we are looking forward to this year. Japan has contributed towards the construction of a system which applied satellite data to disaster management applications, as one of its primary objectives, in many ways, including hosting the United Nations World Conference on Disaster Reduction and participating in the Asia-Pacific Regional Space Agency Forum and the International Charter on Space and Major Disasters. In cooperation with other countries, Japan initiated a disaster management supporting project called, Sentinel Asia, a first step towards constructing a disaster management support system in the Asia-Pacific region. Sentinel Asia is operated with the cooperation of 44 national organizations from 19 countries and 8 international organizations.

We would like to report on the launching of the Japanese satellites and launch vehicles. To begin, 2006 proved a remarkable year for Japan, having successfully launched six H2-A and M5 rockets. Among these launches, we are particularly proud of the success we achieved in launching four H2-A launches, reinforcing our progress in space technology. Japan will continue to strive for the successive launches and improve the reliability of a national launch vehicle technology. In terms of space science, the X-ray astronomy satellite, Suzaku, the infrared astronomy satellite, Akari, and the solar observation satellite, Hinode, have received great recognition from around the world for the results they have achieved. We expect the data obtained by these satellites to be a great asset in developing the field of astronomy in the twenty-first century. At the end of last year, Japan excelled in

launching the engineering test satellite, ETS-8, also known as, Kiku 8, and successfully deployed two large antenna. The technology of ETS-8 enables mobile satellite communication using hand-held terminals. This kind of satellite, which has a capability for prompt information delivery, can potentially provide us with a reliable high data rate communication service, not only in cases of a disaster, but also for areas where switching centres cannot be built, such as in mountains or oceans. These results reflect our achievements in various fields of space activities.

This year, Japan is planning to launch two satellites. Since 2007 was defined as a starting year for lunar exploration, this summer Japan will launch the lunar orbiting satellite, SELENE, one of the largest lunar exploration missions since the Apollo programme. With the SELENE mission, Japan expects to gather valuable data to understand the origin and history of the Moon. We would like to further share this knowledge with the academic community. Another development we are working on, is the launching of the Wideband InterNetworking Engineering Test and demonstration satellite, WINDS, at the beginning of 2008. The satellite will especially benefit Internet users in the Asia-Oceania region with its high speed communications capability. In addition to these satellites, this year is the biggest event with the focus around the Japanese Experiment Module, Kibo, to be launched by the United States Space Shuttle and dock on the ISS. We expect Kibo to be widely used by the international community and enjoy the world's great scientific asset.

Let me now turn to some of the topics we will discuss during this session. Japan is a party to four space treaties, the Outer Space Treaty, the Rescue and Return Agreement, the Liability Convention and the Registration Convention. Japan consistently undertakes its space activities in compliance with these treaties. These treaties, which form the legal framework for our current space activities are important, in the sense that, they provide a basis for the expanding scope of worldwide space activities. This year, we are commemorating the fortieth anniversary of the Outer Space Treaty, keeping this in mind, I would like to briefly state here that we consider it highly desirable that all countries commit to these treaties, first and foremost, in order to strengthen the legal framework for global space activities. From this viewpoint, State parties which ratified the United Nations treaties are expected to practice in accordance with the spirit of the peaceful uses of outer space. I would like to stress that all parties should continue to honour the peaceful uses of outer space and actions threatening this spirit should be avoided.

We continue to make significant contributions with regard to the working group, entitled, Recommendation on Practice of States and International Organizations in Registering Space Objects, which has been in discussions for the past four years. Japan will continue making an effort aimed at drawing the best conclusions.

I would like to express my deepest respect for the United Nations Space Debris Mitigation Guidelines, which have been adopted in the last session of the Scientific and Technical Subcommittee in February. The Guidelines will serve as measures aimed at improving the space environment, which has been deteriorating due to space debris. Japan will continue contributing to the activities to mitigate space debris.

COPUOS Legal Subcommittee is charged with the important role of considering space law in order to ensure that all humankind can reap the benefits of space activities, conducted in a free and fair manner. Japan intends to help the Legal Subcommittee achieve its distinguished goals by contributing with efficient and productive discussions. Thank you Mr. Chairman and distinguished delegates for your kind attention.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of Japan for his statement. I would now like to give the floor to the distinguished representative of Viet Nam.

Mr. D. CHUNG (Viet Nam): Thank you Mr. Chairman. Distinguished participants, it is my great pleasure to see you again as the Chairman of this Subcommittee. Our Vietnamese delegation wishes you and all participants very pleasant and effective working days throughout the meeting.

Space technology is becoming closer to us, even to children, by its proven application. Our country has just overcome one year of typhoons that killed _____ (*inaudible*) chiefly fishermen and destroyed villages in the coastal zone. The consequence would have been bigger if we did not receive early warning notice from other countries' space agencies, like America, Japan, Philippines, _____ (*inaudible*). For that, we informed the fishing boats to avoid the typhoon earlier. We would like to thank the cooperation and support from COPUOS member countries.

Viet Nam is a developing country with a low level of space technology in the world and in the Asia region. _____ (*inaudible*) recently our Government has increased its _____ (*inaudible*) to the space technology development and application for the effective

cooperation to many country members of COPUOS, especially to Japanese JAXA, Asian and Asia-Pacific countries, European countries _____ (*inaudible*) through that, we have received the significant support.

I would like to take this opportunity to inform you of some recent activities of our country, Viet Nam, of the development of space technology, in which the space law plays an important role. First, at the end of 2006, our Prime Minister has approved the strategy for space development and application until 2020, according to which, we have established a new National Space Technology Institute and Viet Nam Space Technology Committee to manage _____ (*inaudible*).

For the implementation of strategy until 2008, we will finish the Vinasat project for development and launching the first communication satellite for application and telecommunication, mobile telemedicine, remote education, etc. This project is the cooperative technology transfer _____ (*inaudible*), this project _____ (*inaudible*) correctly, the international space law. Through this project we appreciate the space law and find its realistic importance.

We have been realizing a project to beam satellite image ground receiving station _____ (*inaudible*) and environmental research. This receiving station will be put into operation at the end of this year, 2007.

As for our strategy until 2010, we will try to develop and launch one micro-satellite for remote sensing earth observation. We will also design and develop one ground control and receiving station _____ (*inaudible*). In order to accomplish these projects we _____ (*inaudible*) the space law correctly. We also hope the Subcommittee to take the opportunity for our taking part in its capacity building programme, not only for the space technology but also the space law, since it is very important for strategy for space technology development and application. In cooperation with COPUOS, we would like to ask you to send some specialist lecturers to go to Viet Nam for space law lessons. It would be highly appreciated by our Government.

The Vietnamese Government highly appreciates and promotes the international cooperation in the world of space technology and space law, especially effective cooperation with COPUOS member countries. We are looking forward to your continuous cooperation and support.

Finally, it is my pleasure to inform you, the workshop, namely, Use of Space Technology for Forest Management and Environmental Protection, co-organized by ESA/COPUOS and Viet Nam, to be held in November this year in Hanoi, Viet Nam. We are looking to seeing other workshops. Thank you for your attention.

The CHAIRMAN (*interpretation from Spanish*): I would like to thank the distinguished representative of Viet Nam and give the floor to the distinguished representative of Canada.

Mr. B. LEGENDRE (Canada): Thank you Mr. Chairman. The Canadian delegation would like to associate its voice to the chorus of praise and express its satisfaction at seeing you presiding again over the proceedings of our Subcommittee. The Canadian delegation looks forward to continuing to work under your able chairmanship, for a successful forty-sixth session of the Legal Subcommittee. The Canadian delegation would also like to express its gratitude for the continued excellent work of the Secretariat, not only of Dr. Camacho-Lara of course, but also of his staff, some of whom, I cannot help but notice one sat among us as fellow delegate of the respective countries.

The increasing commercialization of space activity poses unique interpretation and implementation challenges to the international legal framework governing such activities. Canada strongly supports the United Nations conventions on outer space and welcomes initiatives aimed at strengthening them. Discussions in the working group on registration practices of State and international organizations are particularly relevant in this respect. Canada trusts that they will culminate in a set of best practices that will ensure the full and effective implementation of the Registration Convention and will ultimately contribute to building a more secure and accessible space environment.

Canada notes with approval the activities which have taken place in the Scientific and Technical Subcommittee of COPUOS, notably, the passage of the draft Space Debris Mitigation Guidelines. Canada strongly recommends, that the COPUOS plenary refer these guidelines to the General Assembly of the United Nations, as a standalone resolution to highlight their importance to the space community, as opposed to being incorporated into the annual COPUOS resolution in this Fall's session of the General Assembly.

Canada wishes to congratulate those States involved in the creation of these guidelines. With the

completion of the Space Debris Mitigation Guidelines, Canada looks forward to seeing COPUOS address the important challenge of developing space traffic management guidelines.

Space debris has become an increasing preoccupation recently and a number of countries have already expressed their concern, that the large increase in debris could render the space environment unusable. Canada, like other nations, uses space for communications, research, remote sensing and other peaceful purposes. Anything that threatens these uses should be avoided. With the adoption of the Space Debris Mitigation Guidelines, Canada is confident that an important step will be achieved in ensuring continued and unhindered access to end use of outer space.

Canada believes that COPUOS and its subcommittees have a central role to play in responding to the challenges and opportunities posed by the international communities' increased reliance on outer space. The work of COPUOS could be optimized by establishing links between the various United Nations bodies with an interest in outer space, including the International Telecommunication Union, the Conference on Disarmament and the United Nations General Assembly, particularly its First and Fourth Committees. The United Nations Interagency Meeting on Outer Space Activities is a useful coordination forum and consideration should be given to its expansion. COPUOS will also benefit from a review of its modes of functioning in order to identify ways in which it and its subcommittees can respond in an effective and proactive manner to the evolving needs of the international community in outer space. Canada looks forward to discussing this issue with COPUOS delegations at the June 2007 plenary session of the Committee. Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of Canada, who was the last speaker on my list. In order to give the largest amount of time possible to the symposium, we shall not, on this occasion, pursue the procedure we have adopted up until now, that is, one of stimulating a debate on the views which have been expressed. However, I would like to refer to two points.

The first is, to bid the warmest welcome to a friend of this Committee, a person who has shown great talent and acumen in promoting the achievements of this Committee and that is the representative of Colombia, who has done so much and is still doing so much for this Committee, and also the representative of

the Czech Republic, Professor Kopal, who has an announcement to make with respect to the informal consultations which we had agreed he would head on another issue. Professor Kopal.

Mr. V. KOPAL (Czech Republic): Thank you very much Mr. Chairman. Upon your initiative, I approached the Director of the Outer Space Office and requested him to make reservations for an appropriate room and also for an appropriate time. In specific terms, I asked him, if possible, to offer us the room 713 for Thursday, noon, starting from 2 p.m. until 3 p.m. I suppose that this room will be available and therefore, I would like to make an appeal to all delegations that want to participate in this quite informal consultation, in which we would like to exchange our views and try to reach a certain rapprochement in our views, for the new points that should be included in the agenda of the Legal Subcommittee for its next session in 2008. This will be the topic of these consultations, I emphasize once again, very informal consultations and if there is indeed some hope that we might reach agreement, so we would continue this consultations during the first days of next week. I will announce then, when second consultation should be held. Thank you very much, Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): Thank you Professor Kopal. I can tell you as of now that the room has already been assigned, C0713, and as Professor Kopal said, the meeting will be on Thursday between 2 and 3 p.m. and I am sure, thanks to your skill, talent and acumen, will make substantial progress towards achieving and securing what we are seeking to achieve. I hope you got what I meant, perhaps I did not put this in the best of Spanish, I am sure the Ambassador for Colombia will correct me. With this, we have come to the end of item 3, the general exchange of views. I would now like to adjourn the meeting, so that we can move back into the symposium. We shall resume at 10 a.m. sharp, tomorrow, in order to conclude our consideration of agenda item 3 and to continue agenda item 4 and, if time permits, we will move on to agenda item 5: information on the activities of international governmental and non-governmental organizations relating to space law. The Working Group on agenda item 4, will hold its second meeting under the chairmanship of Mr. Vassilios Cassapoglou of Greece and I hope, that on that occasion, the Working Group meeting will not just be one person speaking but will have much more participation because it is a very important issue. The meeting is adjourned.

The meeting closed at 3.46 p.m.