

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

Unedited transcript

657th Meeting

Tuesday, 2 April 2002, 3 p.m.

Vienna

Chairman: Mr. Kopal (Czech Republic)

The meeting was called to order at 3.11 p.m.

The CHAIRMAN: The meeting is called to order.

Distinguished delegates, I will now start again our afternoon meeting and it is the 657th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

General Exchange of Views (Agenda item 3)

We will now continue our consideration of item 3 on our agenda, General Exchange of Views.

The first speaker on my list, and we have some speakers for this afternoon, is the distinguished representative of China, to whom I give the floor.

Mr. J. GUAN (China) (*interpretation from Chinese*): First of all, the Chinese delegation would like to congratulate you for once again presiding over the Legal Subcommittee session. We are convinced that under your able guidance and through the joint efforts of all delegations present, we will successfully complete the tasks of the current session. The Chinese delegation would assure you of its cooperation in facilitating discussions on various agenda items.

At the same time, the Chinese delegation would like to thank the Director for OOSA, Dr. Mazlan Othman, for her detailed report this morning.

Mr. Chairman, this is the first year in which COPUOS finds itself with an enlarged membership of 65 countries. This delegation would like to extend its sincere welcome and warm congratulations to the six

new members. The Chinese delegation has always supported and promoted the effort to expand COPUOS membership, for it is a sign of ever-increasing interest and importance attached by various countries to outer space affairs and their greater involvement. This enlargement has broadened the representation in COPUOS, which, we believe, will let COPUOS and the Legal Subcommittee play a greater role with assistance from all countries.

Mr. Chairman, the final objective of exploring and utilizing outer space is to create a better living and developing space for humanity. Space activities carried out by all countries should contribute to the friendly cooperation among all peoples and social progress. They should be conducive to human security and existence and development. However, a certain country is doing just the opposite. It intensifies research and development of space weapons, which will inevitably cause militarization of outer space and lead to an arms race in outer space, posing grave threat to world peace and security of mankind. The prevention of outer space militarization has become a realistic and urgent issue confronting the international community. The conclusion of a treaty to prevent such militarization as a way of addressing the inadequacies of the existing outer space legal instruments is an arduous task before us. The Legal Subcommittee can play an important part in this regard.

Mr. Chairman, this year marks the thirtieth anniversary of the conclusion of the Convention on International Liability for Damage Caused by Space Objects. This Convention contains provisions on principles, rules and procedures for the compensation of damages caused by space objects and establishes the liability regime on the basis of the 1967 Space Treaty.

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

The Convention enables victims of such damages to be promptly, adequately and fairly compensated and serves as an important guarantee for strengthening international cooperation in the exploration and peaceful uses of outer space. With the rapid advancement of space science and technology, new legal issues are coming up all the time and the Legal Subcommittee has a greater role to play in enhancing the order of the international space law. We are in favour of addressing new items for consideration by the Legal Subcommittee, so as to reinforce the function and dynamism of the Legal Subcommittee in formulating outer space rules.

Mr. Chairman, during the forty-third session of COPUOS in June 2000, a working document was jointly submitted by Bulgaria, Colombia, China, Greece, Iran, Russia and others on studying the desirability of preparing a universal comprehensive convention on international space law. My delegation is of the view that, in order to adapt to the vigorous development and needs of space technology, to promote the codification and the gradual development of space law and to build up a more stable and sound legal framework, the conclusion of a comprehensive convention is a worthy attempt. We propose that discussion on this working document continue at this session. Thank you Mr. Chairman.

The CHAIRMAN: Thank you very much distinguished representative of China for your statement on the general exchange of views. I also would like to thank you for the kind words that you addressed to the Chair and particular to the Director of the United Nations Office for Outer Space Affairs.

I now give the floor to the distinguished representative of Japan. Japan has the floor.

Mr. M. KAMOHARA (Japan): Thank you Mr. Chairman. First of all, Mr. Chairman, my delegation is very glad to see you in the Chair again this year and we are fully confident that this Committee will achieve notable results under your leadership, guidance and experience. We assure you that the Japanese delegation will spare no effort to assist you in accomplishing your very important task.

We would also like to extend our appreciation and respect to Dr. Othman, the Director of the United Nations Office for Outer Space Affairs and her staff for all their efforts to prepare for this session.

Mr. Chairman, recently the scope of space activities in the world is widening, as seen in the developments space-related scientific technologies and

the increase of the activities in the private sector and we welcome this trend. The role of the COPUOS Legal Subcommittee is becoming more important than ever.

The United Nations space treaties, which form the legal framework in the present outer space, are quite important in the sense that they give due order for the expanding space activities. It should be raised in today's session, but Japan believes that it is important to promote the ratification of these treaties to solidify the order in space. In this respect, Japan expresses its support for the initiatives of COPUOS.

Regarding the definition of the term "launching States", a three-year working group has considered this issue from various points of view and, during this session, the draft conclusions of the working group will be submitted. Japan would like to express respect to the efforts made by parties concerned as well as the expectation that these efforts will lead to the promotion of ratification of the United Nations space treaties by States which have not joined the United Nations space legal framework.

Mr. Chairman, the recent progress of commercial space activities, for example, shows us that the environment surrounding the space activities in the world is changing day by day. It is the Legal Subcommittee and the Member States' duty to look into these changes and consider the legal system for space activities from different viewpoints.

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

Mr. Chairman, the Legal Subcommittee of COPUOS has an important role to further develop the legal framework for space in order to ensure free and fair space activities. We will make every effort to assist the Subcommittee's efficient and productive discussions in order to further carry out the role based on appropriate principles and procedures. Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of Japan for your statement on the general exchange of views and I now give the floor to the distinguished representative of Ukraine.

Mr. O. BIYEGLYI (Ukraine) (*interpretation from Russian*): Thank you Mr. Chairman. I would like, on behalf of the Ukrainian delegation, to express my conviction that this session of the Subcommittee

will, no doubt, be a success and we will make every possible effort to ensure that success.

Mr. Chairman, ladies and gentlemen, in resolution 52/122, the General Assembly adopted the Declaration on International Cooperation on the Peaceful Use of Outer Space and the exploration of it, in the interest and good of all countries, particularly taking into account the needs of developing countries. The adoption of said Declaration proves, once again, to be a success of the United Nations in improving the legal regime which regulates space activity. It further confirms the desire of Member States to speed up cooperation in this area, in the interest of all countries, while taking into account, again, the interest of developing nations. And given the activities and new technical issues which have arisen and the legal issues, particularly with regard to space technology transfer, space congestion with debris, the use of nuclear power sources in space, the protection of intellectual property rights, amongst other issues.

In recent years, the world has seen a rapid increase in commercialization and privatization of space activities. As a result, the number of non-governmental objects have increased, all involved in the exploration and use of outer space. And thus, activities have increased in these areas as well. This includes navigation by satellite, location by satellite, launching, remote sensing. All of these are activities which have become part of the private sector's activities which are developing fully and these raise legal issues once again. They require an innovative, cooperative approach internationally. In this way, international space law can closely follow the rapid development of space technology. The United Nations Organization has always attached great importance at improving international space cooperation.

Special importance was mentioned in this regard at the Third United Nations Conference on Space and the results have made it possible to improve cooperation in different areas of space, science and technology and the applications thereof, particularly in the area of sustainable development. The final documents of the Conference, once again, underscore the importance of broadening the scope of international applications. This in turn should enable us to progressively develop international space law and furthermore create the necessary legal framework for such cooperation.

I would also like to mention the emphasis placed on this in the Conference, particularly with regard to international challenges and problems that we see at the beginning of this twenty-first century. Space

technology and techniques can play a very important role in solving these problems. For instance, intensifying the increasing destructive nature of natural disasters can be mitigated, the biospheres, the vulnerability, the issue of raw materials, the emergence of single space training approaches. All of these are issues which require innovative approaches in the legal area and thus it is important to revisit space law.

The Committee on the Peaceful Uses of Outer Space and the Legal Subcommittee thus should immediately begin to study the need for developing new legal instruments and documents in the various areas where space technology is used and special attention should be paid to the area of commercial applications of some of these technologies, Ladies and gentlemen.

Important activities in the area of space means that it is not enough to attempt to solve some of aeronautics current problems. We must have political determination in order to broaden the political support and international support in this area. This is particularly true with regard to reaching political consensus on the objectives of this activity, more particularly the objectives mentioned in resolution 52/122 in this area of the General Assembly. And this is further important to strengthen efforts in order to include space activities in the agenda in other meetings and in other United Nations conferences. A similar approach can be used in order to increase international cooperation and political support amongst legislators. Indeed, we could include the possibilities of convening legislators conferences in order to look at the area of aeronautics and in order to examine the various objectives and purposes of space activity. To this end, it is possible to have the example of the Ukrainian Space Agency and the Russian Space Agency, the Academy of Sciences of Ukraine and Russia and the International Centre for Space Law. All of these have planned to organize international conferences on a regular basis on this matter.

In order to fully benefit from the advantages of space technologies, developing countries need to develop their own technologies, they need their own experts in this area. Henceforth, it is important to improve training of executives and upper management in this area in the context of multilateral and bilateral agreements which are also aimed at improving training at a regional level. These centres have been created with the support of the United Nations and it is further appropriate to support the creation of space research centres. For instance, a new regional centre was created to train staff who work in these areas of space activities.

Ladies and gentlemen, I would like to assure you of Ukraine's determination to pursue international cooperation in space and our deep-seated desire to improve the legal basis for this cooperation for mankind's good as a whole.

The CHAIRMAN (*interpretation from Russian*): Thank you very much for your presentation on item 3, general debate. Thank you. I would also like to thank you for the kind words with regard to the chairmanship of this session.

(*Continued in English*) I would now like to give the floor to the distinguished representative of the Republic of Korea.

Mr. C. HAE-MOON (Republic of Korea): Thank you Mr. Chairman. My delegation is very pleased to see you again presiding over the forty-first session of this important Subcommittee. I am sure that under your dedicated and able leadership this session will produce constructive and successful results. To this end, Mr. Chairman, I would like to assure you of my delegation's full support and cooperation.

I would also like to express my appreciation to the staff of the Office for Outer Space Affairs for their efforts in preparing this session.

My delegation would also like to take this opportunity to express our sincere gratitude to all members of COPUOS for supporting the Republic of Korea's becoming a full member of COPUOS.

Mr. Chairman, the Republic of Korea deeply appreciates the achievements this Subcommittee has made in creating and maintaining the current legal regime for activities in outer space. There is no doubt that the lively discussions in this Subcommittee have made remarkable contributions to the development of space law and subsequently to the adoption of five United Nations treaties.

As the Republic of Korea intends to launch small-sized satellites via self-developed launch vehicles by the year 2005, my Government is now in the process of enacting a national space law that is consistent with the five United Nations treaties.

Mr. Chairman, I now would like to touch briefly upon several agenda items.

First, as for agenda item 6, I believe it is necessary for all Member States to reach an agreement on an established definition and delimitation of outer

space so that the legal regime on outer space may become more stable. We understand that the delimitation of outer space has been considered as being approximately 100-120 kilometres above sea level. However, there should be further discussions to reflect the current and future progress of science and technology.

In addition, I believe we, all the member countries, agree that the GSO is a limited natural resource. As a result, there is a need for special consideration for those latecomer countries that are yet to sufficiently secure GSO.

As for agenda item 7, the use of nuclear power sources in space objects, I would like to draw your attention to the possible dangers posed by nuclear power sources. It is not just a possibility but a reality that the collision between space debris and space objects with nuclear power sources might cause serious damage to people and the environment. Accordingly, the use of nuclear power sources needs to be allowed only in cases of exploring deep space under proper safety controls.

In addition to this, every effort should be made to detect space debris which exists in the GSO and to de-orbit satellites which have outlived their usefulness. From the design and development stage, we need to introduce new technologies to reduce space debris and to protect new spacecraft from existing space debris.

Concerning agenda item 8, the preliminary draft protocol on matters specific to space property to the draft UNIDROIT convention on international interests in mobile equipment, the bottom line is that the protocol should be structure in a way that balances the conflicting interests of creditors and debtors. By doing so, we can ensure broad participation from as many countries as possible. It is also important for the protocol to be in harmony with the existing body of space law by taking into account the potential problems which have already been identified.

Regarding agenda item 9, the concept of launching States, my delegation would like to note that, with the increasing trend of commercialization, privatization and multinational operation of space activities, the concept of launching States needs further elaboration. We have discussed this issue from the thirty-ninth session of the Legal Subcommittee in 2000 under the three-year Work Plan and identified possible legal problems arising thereof. However, more efforts should be made to solve all these legal problems. In this regard, it is necessary to shape a proper

international space law for commercial and private activities as well as to enact a national space law which is consistent with international space law.

Mr. Chairman, I would like to conclude by reiterating my Government's full commitment to the collective efforts of the international community to achieve a legal regime on outer space that benefits all mankind. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of the Republic of Korea for your statement. I thank you very much for your kind words addressed to the Chair and also for the appreciation addressed to the staff of the Office for Outer Space Affairs and may I also add that I welcome the Republic of Korea as a permanent member without rotation of the Committee on the Peaceful Uses of Outer Space and of its Legal Subcommittee. Thank you.

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

Ms. M. E. GONÇALVES (Portugal): Thank you Mr. Chairman. Portugal has ratified, for the moment, two only of the five international space conventions but following our participation in the COPUOS meetings of last year, both the delegation of Portugal to COPUOS and the Portuguese Mission to the United Nations in Vienna had suggested to the Portuguese Government that steps be taken with a view to the ratification of the Liability and Registration Conventions. The formal process is underway through the appropriate official channels and, in fact, it is recognized that ratification of these Conventions by our country has, indeed, been rendered an imperative following the accession of Portugal to the European Space Agency and the growing involvement of Portuguese research and development institutions as well as enterprises in space activities.

In this light, we consider the introduction as a regular item for a few years of the status and application of international treaties on space law is a very positive initiative. Within this item, we think that it would be appropriate, among other issues, to consider how States Parties are fulfilling their international responsibilities, as well as exercising their rights under the international space conventions.

Consideration should also be given, we think, to the sets of principles adopted by the General Assembly, namely on remote sensing, satellite broadcasting, international cooperation, and use of nuclear energy sources. Though formally not

compulsory, these principles are also part of international law and should not be undermined in our view.

We would also like to stress the importance we pay to some extent in this connection, to an analysis by an expert group to be formed under our Legal Subcommittee, of the relevant aspects of the UNESCO COMEST report on the Ethics of Outer Space, which was circulated among us last year. The introduction, in an explicit manner, in our work, of the consideration of the ethics of outer space could represent, in our view, an important contribution to our reflects, both in the perspective of an improvement of the way in which States implement international space law and carry out their space activities, for example, its implications for society at large, and for the environment, and also a contribution to the further development of space law.

With respect to the item on definition and delimitation of outer space, we would like to thank the Office for Outer Space Affairs for having prepared document AC.105/769. This document indeed contributes to clarify the issues that remain controversial and the scenarios for a possible future consensus on this matter. A divide indeed remains, and in fact for a very long time now, between those that favour and those that deny the need for such definition and delimitation. The concentration of our work, in recent years, on the replies to the questionnaire on aerospace objects raises the question, which for us is not, in fact, very clear, whether there is a will to pursue with the definition of a specific regime for aerospace objects. Such a regime may be useful and it may indeed be a way out of the present difficulties involving boundary definition. As it comes out from the document prepared by the Secretariat, positions do not seem to be ripe for the bridging of differences to be achieved in the short run, we guess, on this matter.

This will be all for now. Thank you very much.

The CHAIRMAN: Thank you distinguished representative of Portugal for your statement on the agenda item, General Exchange of Views.

Ladies and gentlemen, this morning I advised you that we might adjourn at 3.50 p.m. so that we still have some time remaining this afternoon and, therefore, I would suggest that we begin our consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space, unless, of course, there are still some other delegation that would might wish to speak on the general

exchange of views. I see the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece): Thank you Mr. Chairman. Mr. Chairman, I would like because we have some time at our disposal to ask for some more details about the United Nations workshops on space law as mentioned by Ms. Othman this morning concerning the activity of the Office. It is very important to know some more details because I may say that not all delegations were aware about this very important event so I think it is appropriately the moment to have this specific information from Professor Othman please.

In the middle of page 3 of your statement. Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Greece. This question, as already indicated to us, addressed through me to you. Dr. Othman, you have the floor.

Ms. M. OTHMAN (Director, Office for Outer Space Affairs): Thank you Mr. Chairman. Thank you for that question. We will answer it. I believe we are supposed to be having the workshop already, the Colloquium this afternoon. We will answer this tomorrow morning, Mr. Chairman. Thank you.

The CHAIRMAN: Any other speaker on the general exchange of views? Any questions or additional statements? I see none. We will continue, of course, the general exchange of views tomorrow.

Status and Application of the Five United Nations Treaties on Outer Space (Agenda Item 4)

And now we can still start the discussion on agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space. As I mentioned in my statement this morning, at its fortieth session in 2001, the Subcommittee agreed that a working group on this item would be established for a period of three years, starting with the current session and that its terms of reference would include the status of the treaties, review of their implementation and obstacles to their universal acceptance, as well as promotion of space law, especially through the United Nations Programme on Space Applications. As I also mentioned earlier, I would expect that the working group on this item might be able to commence its works from tomorrow.

However, I will now open the floor to those delegations wishing to make a statement on this item in the Subcommittee's plenary at this afternoon's meeting.

Is there any delegation wishing to do so? It means to speak here in the plenary on agenda item 4 this afternoon.

I see none. We will continue our consideration, or practically open our consideration on item 4, Status and Application of the Five United Nations Treaties on Outer Space, tomorrow morning.

Distinguished delegates, I will now adjourn this meeting of the Subcommittee to allow for the commencement of the IISL/ECSL symposium on Prospects for Space Traffic Management*. This symposium is scheduled to begin in a few minutes. It means at 4.00 p.m. Before doing so, however, I would like to inform delegates of our schedule of work for tomorrow morning.

Tomorrow morning, we shall resume with agenda item 3, General Exchange of Views, and agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space. Time permitting, and dependent upon the identification of an appropriate Chairperson, the working group on item 4 might also convene its first meeting.

Are there any questions or comments on this proposed schedule?

I see none. So this meeting is adjourned and I hope to see as many as possible or all of you here in the same room for the symposium that should start at 4.00 p.m. Thank you very much.

The meeting closed at 3.44 p.m.