

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

Unedited transcript

715th Meeting

Wednesday, 6 April 2005, 10 a.m.

Vienna

Chairman: Mr. S. Marchisio (Italy)

The meeting was called to order at 10.27 a.m.

The CHAIRMAN: Good morning ladies and gentlemen, distinguished delegates, I now declare open the 715th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This morning, we will continue our consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space, and item 5, Information on the Activities of International Organizations Relating to Space Law.

As it is my intention to close the list of speakers on agenda item 4 at 1.00 p.m., I would urge all delegates still wishing to make statements under this item to inscribe their names on the list by that time.

We will also begin 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.

Status and application of the five United Nations treaties on outer space (agenda item 4)

Distinguished delegates, I would now like to continue consideration of item 4 of our agenda, Status and Application of the Five United Nations Treaties on Outer Space.

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

Mr. F. PELLERIN (France) (*interpretation from French*): Mr. Chairman, at the forty-second session, the Working Group set up by the Subcommittee recommended that the Secretary-General address a letter to the Ministers for Foreign Affairs of States that have not acceded to the United Nations treaties. The aim was to identify countries not parties to the outer space treaties, to encourage them to become parties and, or for those who have signed, to proceed with ratification formalities. That same step was envisaged with intergovernmental organizations. The model letter prepared for this purpose by the Working Group was approved at the forty-third session of the Subcommittee. A new phase was entered into during the course of the first weeks of 2005 with this letter being sent to the relevant addressees. According to the French delegation, this step should allow a better understanding of the treaties and their purpose and it should contribute to encourage countries to ratify them.

The French delegation understands that in order to allow States and relevant intergovernmental organizations to have the necessary time to examine and consider the letters addressed to them, the convening of the Working Group on the implementation of the five United Nations space treaties had to be deferred to this session. According to the French delegation, the aims pursued with the forty-first session, in other words, the examination of the state of progress of the treaties and their implementation as well as any other barriers to universal accession to such instruments, the promotion of space law is a very state for the purposes of our Subcommittee. Indeed, the United Nations treaties are a necessary legal framework for space activity, defining the regime that States and international organizations must observe.

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.



The French delegation supports initiatives taken by the Space Committee, the General Assembly and the United Nations Secretariat to encourage States that have not yet acceded to these instruments to do so. My delegation thus feels that it is advisable to reconvene the Working Group at the forty-fifth session.

Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from French*): I thank the representative of France for that statement on item 4.

Are there any other delegations which wish to take the floor regarding this agenda item?

There seems to be none.

(*Continued in English*): We will, therefore, continue and hopefully conclude our consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space, this afternoon.

Information on the activities of international organizations relating to space law (agenda item 5)

Distinguished delegates, I would now like to continue our consideration of agenda item 5, Information on the Activities of International Organizations Relating to Space Law.

The first speaker on my list is the distinguished representative of Ukraine. Ukraine, you have the floor Madam.

Ms. N. MALYSHEVA (Ukraine) (*interpretation from Russian*): Thank you Mr. Chairman. Mr. Chairman, it has become tradition over the last few years for our delegation to inform the Legal Subcommittee regarding the activities of the International Centre on Space Law, an international regional organization which deals with space law and which operates in Kiev in the Ukraine.

This last year, as in previous ones, the work of the Centre was built on the principle of the diversification of its area of activities, its intent to utilize all instruments for the development, study and application of international and national space law.

Basing ourselves on this, the main focus of the Centre's work is in the following areas: scientific studies and training programmes; to promote the development of national space legislation; scientific

and legal advice and consulting in the field of space law; publishing work; and international cooperation.

The Centre is successfully training practitioners for graduate and post-graduate work. Thanks to the efforts of the Centre, a specialist prepared a course on international and national space law and this has been introduced as a binding or optional course within a number of universities in the Ukraine.

Ukraine is a space power. It implements varied activities on the studying and utilization of outer space and, therefore, the existence of a developed legislative framework in this field is of a special importance. Ukraine has one of the most developed national systems of space law and we are proud of the fact that our Centre fully participated in creating this framework. The ISLC, along with the authority in this area, is carrying out legal work on the creation, development and improvement of national space law, its harmonization with norms of international and European space law. In a period since the last session of the Legal Subcommittee, legislative work was focused around the creation of so-called second-level space norms called "Rules of Space Activity". Basing ourselves on space law, these rules represent a detailed procedure for the implementation of supervisory and regulatory functions, as well as the implementation of various forms of space activities.

Over the past year, the Centre was involved in the development of rules and issues concerning the use of space objects, the utilization of space technology on mitigating man-made contamination of near-Earth space, supervision of the safety and security of space launches and the utilization of space technology. They were also investigating space-based incidents, and the protection of intellectual property.

The near-future plans of the Centre include the development of rules for the registration of space objects. In this respect, the discussions of relevant State practices, which is in the framework of the Legal Subcommittee, is for us of a special importance. There is increasing interest by space practitioners for the scientific and legal studies carried out by the Centre. In the past, such studies were ordered primarily by authorities responsible for this sector. Today, however, an increasing number of commercial enterprises turn to the Centre for assistance in resolving collisions and complex situations in the process of implementing international and national space projects and programmes. In this past year alone, the Centre carried out 12 such studies.

One of the areas of work of the Centre lies in publishing and raising awareness regarding space law. Over this past year, active work continued on a

publication on space laws in different countries, this in Russian and English. In addition to this, we prepared article-by-article commentary on Ukraine's space law, a fifth edition on space law in Ukraine and a set of scientific publications. International cooperation remains one of the priorities of the Centre's work. Continuous and fruitful dialogue and exchange of information is undertaken with the IISL, the ECSL, a set of major scientific organizations in Russia, China, Brazil, France, Germany and a number of other countries.

For the first time over this past year, two representatives of the Centre took part in the work of the European Summer School on Space Law, organized by the EISL. In addition, the participants in this School were given a lecture on the activities of our Centre.

The Centre also prepared and carried out the selection of a student team to participate in the Space Law Competition which was held this week in Guildford in Great Britain and only an unfortunate problem with the visas of two members of team prevented us from taking part in this prestigious competition.

Mr. Chairman, information on the activities of international organizations in the field of space law is a recurring agenda item of our Legal Subcommittee. We believe that the inclusion of this issue is not a mere formality. Hearing the reports of all these organizations is not the main task of our Subcommittee. No. The main thing here is to promote the creation of new international organizations in the field of space law. And through the exchange of information, improve the activities of existing structures. Here, the six-year-old experience of the International Centre on Space Law in Kiev also provides the opportunity for combining activities and efforts which are especially important as, over the whole period of existence, the Centre did not receive a single penny of planned financing and yet, despite this, it has developed successfully.

In this respect, I would like to share a number of considerations of a general nature with you. The success of the activities of such structures, in our view, could be ensured by combining a number of conditions. First and foremost, there is a need for social orders from those interested regarding the creation of any structures. In our case, two space agencies, that of the Russian Federation and Ukraine, were essential here. Secondly, such interest should be stable in nature and have long-term objectives. Thirdly, the activities of relevant institutions should be

based on the concept of diversification of sources of financing. And finally, Sir, there are especially important requirements here for the participants in our work. The selection of practitioners should be based on deep knowledge and ability to utilize this knowledge in practical situations. This should be based not only on training work but also on the utilization of norms of space law.

It is by combining all these conditions that we will ensure the success of our Centre.

I thank you Sir.

The CHAIRMAN: I thank the distinguished representative of Ukraine for her statement and for the information regarding the activities carried out by the Ukrainian Centre for Space Law.

The next speaker on my list is the distinguished observer of Intersputnik. You have the floor Sir.

Mr. A. S. VYSHLOV (Intersputnik): Thank you Mr. Chairman, distinguished members of the Committee, ladies and gentlemen. I would like to make some presentation about the tele-medicine project of Intersputnik and first a few words about Intersputnik.

Intersputnik is an intergovernmental international organization of space communications. It was established in 1971 and now there are 25 member countries. Intersputnik provides direct access to the global and regional satellite communications systems. It offers integrated telecom and broadcasting solutions within the framework of the alliances with major suppliers of ground equipment and designers of telecom technologies.

Customers: telecommunication administrations, public and private broadcasters, telecom operators, Internet Service Providers and corporate users all over the world.

On this slide you can see the countries which are members of Intersputnik. Only nine members were in 1971 and now 25. Azerbaijan became a member last year.

Within the framework of alliances and under distribution agreements with major satellite operators, Intersputnik provides direct access to the following global and regional satellite communications systems.

INTERSPUTNIK LMI-1 satellite. LMI-1 belongs to a joint stock company Lockheed Martin

Intersputnik. This joint stock company was established 1997 for the cooperation and communication area.

Also we use EUTELSAT satellites, EXPRESS series Russian Satellite Communications Company, YAMAL, Joint Stock Gazcom, Russia, and EUROPE*STAR.

Intersputnik has several slots on the geostationary orbit.

Intersputnik provides a wide range of high-quality C-Band and Ku-Band long-term and short-term services to telecom operators, broadcasters, Internet Service Providers and other business and government users in the coverage regions: business services, public voice and data services, broadcasting services and direct-to-home services.

Intersputnik is prepared to develop additional, customized applications and to assist its users in the deployment of new communication services combining domestic and regional presence with global reach.

Here you can see the Intersputnik services architecture.

Now, about the tele-medicine projects.

Tele-medicine is a complex of measures allowing everybody independently of his territorial and social position to get distantly high professional medical consultation and diagnostic help from the best specialists.

That is why tele-medicine is very important for Russia. Development of tele-medicine technologies and services in Russia is supported at a federal level, including within the framework of the Federal Programme "Electronic Russia" and at a level of subjects of the Russian Federation.

Tele-medicine has become a part of the new economy. Tele-medicine is based on IT. The main good in tele-medicine is high-quality knowledge. Tele-medicine is an element of source to globalizations. Tele-medicine opens new directions and possibilities in the reforming health care. For example, in Russia, the estimated requirement in medical consultation is 7 to 12 billion per year. Of course, only 10 per cent from this area, from this figure, are real consultations. The average price of a patient delivery to the specialist medical centre for consultation is 500 up to 2,000 Euros. Annual expenditures for society might be reduced more than 10 times.

Russia makes a substantial achievement in developing medical methodologies and working out technological developments. The achievements are acknowledged by the international community including the World Health Organization, the International Telecommunications Union.

The Russian priority ranks very high among the governments of different African and Asian countries who keep on inviting Russian specialists and companies to develop and implement tele-medicine projects.

This achievement has become the basis for many projects, including tele-medicine projects to fight tuberculosis, AIDS and malaria tailored for Kenya and Ethiopia. The projects were designed by Russian specialists from the public company Vitamet, the company group Tana, Russian medical research institutes and Moscow Medical Academy SCAESNet.

Russian President Putin delivered a speech at the G8 Summit held in Evian in which he proposed to use tele-medicine technology to fight the three diseases in the least developed countries. This initiative was welcomed by the G8 and in addition included a medical action plan aimed at developing countries.

The SCAESNet, Satellite Communication Anti-Epidemic Screening Network Project, is one of the examples of this sort of development. The SCAESNet Project was developed by Russian Joint Stock Company Vitamet and Tana Group in cooperation with the Russian Space Communication Corporation, with participation of Russian enterprises and science institutes. The object of the SCAESNet Project is to considerably increase efficiency in the fight against AIDS, tuberculosis, malaria and other diseases.

A proposed project based on tele-medicine technologies and satellite communication is designated to accomplish a medical care breakthrough in the country and allows to reveal diseased persons at earlier stages of the diseases when the diseases are not so contagious and their treatment is more effective and cheaper.

SCAESNet includes a Mobile Tele-Medicine Unit, MTU, and stationary Tele-Medicine Centre. The Mobile Tele-Medicine Unit is the basic element of multi-level tele-medicine systems to fight with diseases. The MTU is equipped for mass screening of large population groups and providing of primary medical care out of medical hospitals with the help of tele-medicine support and under control of the national medicine centres.

MTU is expected to take long autonomous raids and is supplied with a stock of drinking water, fuel, consumable medical stuff, medicine and reagents.

Here you can see a real photo of Units and equipment which are installed in this Unit.

Stationary tele-medicine centre configuration shows here. It has all equipment for consultations and performing laboratory research.

This shows the picture which indicates that it is real systems and real consultations halls.

SCAESNet supporting in emergency. This system is ready to work anywhere it is needed. All units are equipped with a transportable tele-medicine terminal provided with the wireless communications to the Centre. You can see that the Russian aeroplane Illusion-72 can take several tele-medicine Units.

These Units can be delivered by any transport to regional medical centres and regions of disasters. Mobile control centre units can be delivered to the nearest regional centre providing emergency help; provide first line support to medical staff and on-line information of affected status.

You can see the different Units for tele-medicine.

You can see that the technical problems were solved now. Intersputnik as an international organization has decided to bring additional ideas in these problems. We have the Satellite-1 which has very interesting beams. These beams almost cover the East hemisphere of the Earth. So we offer to design and to install tele-medicine systems based on the space systems. You can see from this slide that each station could be installed in a developing country and in the famous medical centre. We can install real international systems.

Primarily, we named this project as Cosmospolis because maybe in future any person in any country will have medical care which gives him medical aid from space.

This system has to have four levels: local level, regional level, national level, international level.

Local level. Stationary and mobile tele-medicine laboratories/units, equipped with low radiation digital X-ray equipment for lung investigation and other digital diagnostic equipment, tele-medicine systems and satellite communication stations, as well

as life-support and autonomic power supply systems; Revealing persons with tuberculosis, malaria, AIDS and other infectious diseases; transmitting the corresponding medical data to national or regional level; and directing patients to regional hospitals in case of need.

Regional level. Hospitals located in regional centres equipped with tele-medicine consultation offices, medical care of residential population based on the tele-medicine data and under control of the national hospitals.

National level. National hospitals equipped with tele-medicine consultation offices, support for Local Tele-Medicine Units, consultation service in complicated cases and overall medical care.

International level. Specialized foreign medical centres, for example in Russia, Germany, China, Japan, in many countries, consultation service in extremely complex cases and medical staff training.

Of course this project has many advantages: establishment of the global system; availability of high-quality medical services anywhere, in any country; all people have access to the best clinics in the world; provision of the unified medical support standard; establishment of the unified data bank of international medical monitoring; the availability of regular training and retraining of medical staff; substantial cost reduction for the services because many countries will be involved in this process; consolidation of financial and technical means of countries and funds; and the possibility of uniting regional systems; increased system stability in case of emergencies and calamities.

And now why speak about this here to you, on this Space Subcommittee. As you see we have a high-level of technical details in all elements of the global tele-medicine network of both medical equipment and telecom support.

But this global system has many legal problems. Indeed, most of those in any country concerning medical services does not include tele-medicine services. Another side, many countries do not have laws in the telecommunication area, for example, laws in digital signature. I have tried to name some of these problems but maybe there are more. And, of course, these problems are for a situation when the doctor in one country and the patient in another country.

Licences of medical entities to operate in the global networks in any country; consultant's liability for his conclusions; doctor's liability for correct usage of recommendations during tele-medicine consultations; authenticity of discussed medical documents,

authorization of such materials; tele-medicine consultation must be documented and put into archives later – how and where; authentication of consultants and their signature; providing copyright and rights of property for materials and equipment used in the process of consultation; confidentiality of tele-consultation and protection of patients' personal data; voluntary informed consent of patients or their relatives to perform tele-consultations; and tele-medicine services to be included in the medical services list of insurance companies or state insurance.

So we would like to take your attention and to know your opinion. Maybe your Subcommittee would discuss this problem at the next meeting and decide to prepare international recommendations for the national laws for tele-medicine based on space technology. National laws cannot be a limitation in so an important area and also I think that some private tele-medicine network will be. So new laws will give the green light for new technology but also to protect patients.

Thank you for your attention.

The CHAIRMAN: I thank the distinguished observer from Intersputnik for his presentation.

I have no more speakers on my list.

I see the distinguished Chairman of the COPUOS, the representative of Nigeria. You have the floor.

Mr. A. A. ABIODUN (Nigeria): Thank you very much Mr. Chairman. I just want to address myself to the agenda item number 5, that is the activities of international organizations and their space law.

I think we have already listened to the representative of UNESCO here on the report he gave concerning the Symposium on Legal and Ethical Considerations for Astronauts on Space missions that was held in Paris last October. I was honoured by an invitation from UNESCO to participate in this particular Symposium.

As we all know, for a number of years now, UNESCO started these efforts on the ethics of science and technology and in the very recent past, this has moved into the space arena and one of such efforts, of course, was the organization of their Symposium last October. In addition to that particular symposium, UNESCO itself has solicited and continues to solicit global views on the ethics of outer space. I am aware of the fact that many distinguished individuals within

this body, as well as within COPUOS and the Scientific and Technical Subcommittee, received invitations from UNESCO to contribute to their effort in this area. At the Symposium, in particular, we were privileged to be educated by two astronauts who relived their own experience and actions while on space missions and how some of these actions touched on ethical principles. The Symposium itself recognizes the activities of COPUOS on this issue and UNESCO reiterated its determination to continue working with COPUOS and others involved on this subject and they would like to further improve the global understanding and importance of this particular subject.

Mr. Chairman and distinguished delegates, one particular issue that came out of the Symposium for me was the fact that it brought to the surface the responsibilities of member States, particularly on the compliance of member States to the existing legal instruments and the Symposium was of the opinion that such compliance would benefit from the design and enactment of space laws, particularly at the national level. It was in this connection that the Symposium concluded that such a step would naturally lead to an informed global debate on the ethics of outer space if such actions are taken at the national level.

In conclusion, Mr. Chairman, I believe that this session of the Legal Subcommittee should congratulate UNESCO on these efforts and to continue to encourage UNESCO to continue to work in this area in order to improve global understanding of the need for ethics and ethical principles in space operations.

Thank you.

The CHAIRMAN: Thank you very much distinguished representative of Nigeria for your statement concerning the UNESCO activities on ethics in outer space.

Are there any other delegations wishing to take the floor on agenda item 5?

I see none.

We will, therefore, continue our consideration of agenda item 5, Information on the Activities of International Organizations Relating to Space Law, this afternoon.

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 begin consideration of the next agenda item, 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 would like to remind delegates that item 6(a) will also be considered by the Working Group re-established under this item at this session.

Concerning the chairmanship of this Working Group, I have been informed that informal consultations have taken place among delegations on this matter and that Mr. José Monserrat Filho of Brazil could Chair the Working Group at the current session of the Subcommittee.

May I take it, distinguished delegates, that the Subcommittee approves the chairmanship of Mr. Monserrat Filho for the Working Group on agenda item 6(a)?

I see no objections.

It is so decided.

I extend to Monserrat Filho my congratulations and my warmest and best wishes for a successful series of meetings over the next few days. Thank you for your availability.

I would also like to inform delegates that the Subcommittee has before it addendum 11 and addendum 12 to document A/AC.105/635, "Questionnaire on Possible Legal Issues With Regard to Aerospace Objects: Replies from member States", containing six additional replies received by the Secretariat after 21 January 2004.

Distinguished delegates, there are no speakers on my list on this agenda item. May I ask if there are any delegations wishing to take the floor on this agenda item at this stage?

I see none.

We will, therefore, 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, this afternoon.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee. 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 conclude our consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space, and continue agenda item 5, Information on the Activities of International Organizations Relating to Space Law, and item 6, Matters Relating to (a) the Definition and Delimitation of Outer Space and (b) the Character and Utilization of the Geostationary Orbit. Time permitting, the Working Group on agenda item 6(a) will hold its first meeting.

Are there any questions or comments on this proposed schedule?

I see none.

Do you want to add something?

Before adjourning the meeting, of course, I will ask delegations to use the time that we do not use for our formal meeting for informal consultations on different items that are covered by our agenda and in order to allow the discussion within the Working Groups that, starting from this afternoon, will begin to meet.

I remind you also that yesterday we decided to have, starting tomorrow, a set of informal exchange of views, chaired by the Coordinator of the open-ended ad hoc Working Group on the UNIDROIT Space Assets Protocol. I will inform you about this schedule of work this afternoon.

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

The meeting adjourned at 11.13 a.m.