

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

*Unedited transcript*

733<sup>rd</sup> Meeting

Tuesday, 4 April 2006, 10 a.m.

Vienna

*Chairman:* Mr. R. González (Chile)

*The meeting was called to order at 10.05 a.m.*

**The CHAIRMAN** (*interpretation from Spanish*): Good morning distinguished delegates, I would like to greet my friend, the Ambassador of Ecuador, who is in the room. We have done some things in common.

I would like to declare open the 733<sup>rd</sup> meeting, we are certainly forging ahead, of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

Today we will have a general exchange of views and then we will embark on the consideration of item 6, Status and Application of the Five United Nations Treaties on Outer Space.

The Working Group on Item 6 will have its first session. It will be presided over by my distinguished friend, the representative of Greece, Mr. Vassilios Cassapoglou.

**General exchange of views (agenda item 5)**

Distinguished representatives, I would now like us to turn to agenda item 5. The first speaker on my list is the distinguished Ambassador of France. Unfortunately, I was not able to welcome him in the room but I call on him.

**Mr. F.-X. DENIAU** (France) (*interpretation from French*): Thank you Mr. Chairman. On behalf of the French delegation, I would like to congratulate you on your election to preside over this Subcommittee and

I wish you every success in your task during the duration of your term in office.

I would likewise take this occasion to thank Professor Marchisio. He most aptly discharged his duties during the past two years.

A number of items being considered by this Subcommittee are of particularly relevance in the view of the French delegation.

First, I would refer to the practice of States and international organizations concerning registration of space objects.

Since the onset of deliberations, the French delegation has been supporting the views and worked on in the Working Group on the Practices of States in terms of Registration. Such work should contribute to ensure implementation of the international text that would be more uniform and, therefore, a more effective implementation of space law.

As the French delegation has already had occasion to mention, we would like to recall that the Registration Convention of 1975 cannot be called into question. Therefore, our work will be intended to improve implementation for States applying this instrument and to encourage its ratification on the part of States that had not taken that formal step.

Among the four topics identified by the Working Group, i.e. harmonization of practices, administrative in nature, non-registration of space objects, practice with regard to transfer of ownership of space objects in orbit, and finally, practices with regard

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to registration/non-registration of "foreign space objects". Out of these four topics, in other terms, some would be the subject of rapid harmonization in the Legal Subcommittee.

There are others, however, where approaches are conveyed by some countries indicate different methods would require more in-depth discussion, in our opinion, this more particularly is.

On orbit transfer of ownership of space objects, or else practices having to do with the registration, i.e. non-registration of so-called foreign space objects.

France, Mr. Chairman, will have every chance in the course of this session to explain its views in issues having to do with harmonization of practices in the area of registration and will give its fully support to the Working Group, the purpose of which would be to have the group forge ahead significantly in terms of difficult subjects as well, in view of preparing recommendations that should be adopted next year.

Let me now take the subject of nuclear power sources in outer space.

In the course of its fortieth session, the Scientific and Technical Subcommittee adopted a new work schedule for 2003-2006 in order to define a new framework for recommendations and technical approaches to nuclear power sources in outer space and their use.

The French delegation welcomes progress achieved on the occasion of the forty-third session of the Scientific and Technical Subcommittee and particularly the conclusions of the joint meeting bringing together the IAEA and the Space Committee on the overall aims and goals, the scope and the general features of a potential framework of technical safety relating to nuclear sources in space but also in the context of the Working Group on preparing possible options to establish an international framework of objectives and technical recommendations to ensure safety of applications linked to nuclear sources in outer space.

Close coordination between the two institutions will, in our view, make it possible to prepare such an international framework in a more effective manner.

The French delegation would like to recall the significance it attaches to the close ties between the

Space Committee and the IAEA to prepare that international set of objectives.

Because of work underway on technical issues, the French delegation believes that it is not well taken at this point in time to have a discussion in the Legal Subcommittee on the possible revision of the content of United Nations Principles relating to the use of nuclear sources but would, nevertheless, like this item to be retained on the agenda.

Mr. Chairman, on the subject of space debris, my delegation welcomes progress achieved in the Scientific and Technical Subcommittee in the course of the forty-third session, the significance particularly of the recommendations of the IADC. COPUOS is, indeed, the best forum to promote their application on an international level.

The new work schedule taking us to 2007 will make it possible to draft a document on reduction of space debris, technically making reference to the recommendations of that technical body.

In view of the continuation of work in the Scientific and Technical Subcommittee, my delegation is willing to accept the referral to the next session of the opening of our discussions on the item of space debris in the Legal Subcommittee but we, nevertheless, feel that there should be close coordination with the various delegations present in the Legal Subcommittee in view of the significance of this item.

Finally, I would like to say a few words on the subject of the International Heliophysical Year. We particularly highlight the activities of a number of countries. We will be commemorating also the fiftieth anniversary of the Geophysical International Year of 1957 and it will be the occasion to announce a series of scientific projects for communication and education. The French delegation will give its fullest support to all projects linked to this anniversary and its commemoration.

By way of a conclusion, we would like to draw attention to the fact that consolidation of international space law must be the main purpose of the work of our Committee. That is why my delegation has already had occasion to state that we are not in favour of embarking on a new international convention that would pool our existing texts in a single text. Such an initiative would run the risk of considerably slowing down the work of the Subcommittee during a number of years because it is a huge undertaking to which it would have to devote its attention entirely.

And, furthermore, such an initiative would, in a way, make the message coming from this Subcommittee less clear because our priority is the implementation of existing texts.

Thank you Sir.

**The CHAIRMAN** (*interpretation from Spanish*): I thank the distinguished Ambassador of France for that statement.

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

**Mr. I. R. INKIRIWANG** (Indonesia): Thank you Mr. Chairman. Mr. Chairman, at the outset, on behalf of the Indonesian delegation, I would like to congratulate you on your election as Chairperson of the Legal Subcommittee. We are confident that under your able guidance and leadership, our session will be of significant success as the previous sessions have been.

I would also like to take this opportunity to express our high appreciation to the previous Chairman, Mr. Sergio Marchisio of Italy, who has made a significant contribution to the work of the Legal Subcommittee.

My delegation would be remiss not to commend the Office for Outer Space Affairs under the able leadership of Dr. Sergio Camacho-Lara, for supporting and carrying out such work which, in turn, facilitates our consideration on the issues of concern during the course of our present session.

Before continuing, allow me to convey the deep sympathy of the Government and the people of the Republic of Indonesia to the Government and the people of the Republic of Iran for the loss suffered due to the recent earthquake.

Mr. Chairman, I would like to reiterate Indonesia's basic position that outer space should be used and dedicated entirely for peaceful purposes and for the benefit of all mankind. To take the position into reality, my delegation is of the view that international cooperation in space activities should be promoted and space activities of all countries should comply with the international treaties agreed upon by all countries. My delegation is pleased to note that constructive discussions in the Subcommittee have been taking place in furthering legal instruments on space issues.

As a reflection of our commitment to international cooperation on outer space, I am pleased to inform you that Indonesia is among the eight countries stated by the Chinese delegation yesterday as having signed the Convention establishing the Asia-Pacific Space Cooperation Organization in Beijing, October 2005. We believe that through this organization, the cooperation among Asia-Pacific countries in outer space activities will strengthen and in turn enhance the capacities of the regional countries in this field.

With regard to the definition and delimitation of outer space, Indonesia stresses the need for this Legal Subcommittee to commence to seriously discuss this issue in concrete terms. The absence of a clear definition and delimitation would bring about legal uncertainty in the application of outer space law and airspace law. The matters concerning State sovereignty over air and space, and the scope of the two different legal regimes, need to be clarified so as to reduce the possibility of disputes among States. In this regard, it might be expedient for member States to resort to their respective regional grouping to find a common definition and delimitation. The results of the groups' deliberation can then be discussed at the international level in the Subcommittee.

Mr. Chairman, the geostationary orbit is a limited natural resource with *sui generis* characteristics that risks saturation. Indonesia would like to reiterate its call that assurances be given that the utilization of the geostationary orbit is extended to and for the benefit of all countries by applying the principle of equitable access for all States, taking into particular account the needs and interests of the developing countries as well as the geographical position of certain countries.

My delegation considers the Convention on International Interests in Mobile Equipment and the future Space Assets Protocol as important instruments to regulate the ever-growing outer space activities. At this present session, my delegation hopes that consideration on this agenda item can make significant headway, particularly in deciding the appropriate organization to act as the Supervisory Authority of the Space Assets Protocol currently under negotiation. Indonesia is of the view that the United Nations is such an organization. By exercising this function, the United Nations will enhance its role in promoting international cooperation for the benefit of all countries and encouraging the progressive development of international law and its codification.

To conclude, Mr. Chairman, I would like to reiterate our firm commitment and support to the efforts of this Subcommittee for the benefit of us all.

Thank you Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): I would like to thank the distinguished representative of Indonesia for his words. He made reference to the earthquake that recently occurred in the Republic of Iran. I would like to join him in expressing my condolences. I have just recently arrived so I was not really informed.

I now call on the distinguished representative of Nigeria.

**Mr. T. BRISIBE** (Nigeria): Thank you Mr. Chairman. The Nigerian delegation congratulates you upon your election as Chairman of the Legal Subcommittee. We have no doubt that under your leadership and guidance, the work of the Subcommittee in this session will be a success.

The Nigerian delegation would also like to express its appreciation to Professor Sergio Marchisio of Italy for his work as Chairman of the Legal Subcommittee.

We take this opportunity to greet the members of the Office for Outer Space Affairs who are at the podium with you and especially express our sincere appreciation for the hard work and excellent support provided in ensuring the success of the Space Law Workshop convened from 21 to 24 November 2005 in Abuja, Nigeria. The Workshop, which recorded participation from legislators, government officials, practitioners, educators and students, particularly from Africa, will no doubt serve towards promoting adherence to the United Nations treaties on outer space, the building of capacity and promotion of education in space law across the region. The Government of Nigeria gives its assurances towards ensuring that these objectives are met in accordance with the recommendations, observations and conclusions reached at the closing session of that Workshop conducted under the able chairmanship of Professor Kopal of the Czech Republic.

Mr. Chairman, we would like to report that, with the deposition of our instrument of accession, the Convention on International Liability for Damages Caused by Space Objects has entered into force for Nigeria. In due course, we expect to report the same with respect to the Convention on Registration of

Objects Launched into Outer Space, for which an instrument of accession has also been signed.

Mr. Chairman, the Nigerian delegation notes the significance of defining and delimiting outer space as well as the attendant issues arising from both space law and air law. It is our view that the matters concerning State sovereignty and the application of the two legal regimes would require further clarification Sir.

The Nigerian delegation also attaches great importance to the subject of the draft Protocol to the Convention on International Interests in Mobile Equipment. Our views regarding which services are considered as "public services" and how they are at present protected in Nigeria are currently being articulated between all the relevant governmental ministries and Para-Statals which we expect to be able to communicate to the UNIDROT Secretariat.

The foregoing, Mr. Chairman, are preliminary general views for which specific interventions shall be made on individual agenda items in the course of the session as may be appropriate.

Mr. Chairman, the Nigerian delegation looks forward to a very fruitful session under your guidance.

Thank you.

**The CHAIRMAN** (*interpretation from Spanish*): I thank the distinguished representative for that statement.

The next speaker on my list is a great friend and quite an artist too. I am not used to this sign language so I cannot understand what you mean. I think you are trying to say something. Is this a point of order? I hope it is not a point of disorder.

**Mr. M. ALME** (Ecuador) (*interpretation from Spanish*): I wanted to beg your indulgence to speak once I get my corrected text back. So later.

**The CHAIRMAN** (*interpretation from Spanish*): So I would next call on my distinguished friend from Greece.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): Thank you very much and good morning to my friends in the Secretariat.

I would like to speak in the context of the general debate but unfortunately I have not really studied it. As you said yesterday, we often do not have

general debates but we will try to get one started and to animate it.

With respect to general declaration, I will give you some idea of what my country has been doing and then European activities which we have not referred to yet, which are fantastic actually, and then I will deal some other delicate problems which are on the agenda of our Subcommittee.

I would like to start off by informing my colleagues that Greece has ratified its accession to the European Space Agency six months before the deadline, before the end of December 2005. So since then we have been a full-fledged member of ESA and now we are in the six-year transitional period allowing us to adjust to the institutional and functional structures involved in ESA work.

I would also like to inform you that the Legal Department of the University of Athens last semester started a course of outer space law at post-graduate level. This will lead to post-graduate degrees granted in international public law.

And in this regard, I would like to reiterate the proposal that the future Workshop on Outer Space Law in Europe be held in Athens when it is Greece's turn to host this.

Now I would like to refer to the success of spatial activities in the part of Europe. This, of course, involves Galileo which will be given priority in the space activities of Europe. This is going to be comprising all of the space activities run on Earth.

Now I would also like to refer to the strategic cooperation between Europe and Russia with regard to the space port with regard to the launching of the Soyuz. This is going to be giving us a priority in the world market of space services.

I would also like to mention European success for the protection of networks and the development of data and the issue of privacy when it comes to electronic crimes.

Mr. Chairman, dear colleagues, I believe that we can start thinking in terms of introducing the issue of the protection of privacy and the repercussions of cyber crime.

I would also like to speak about the development of space science as well. Last year, in the Scientific and Technical Subcommittee, we talked about starting to include outer space as a subject in our

schools to allow young people to become aware of outer space activities increasingly and to also expose them to the possibility of employment in the outer space activities sector. I would like to stress in this connection the important role played by the European Centre for Space Law. And I believe that we should not forget the important work accomplished by our colleagues in the Secretariat when it comes to placing information on outer space law on the web, along with information from our two Subcommittees and the Committee as a whole.

As for cooperation which has come along the last couple of years, I believe that this should be strengthened. I especially believe that our connections with ITU should be strengthened, especially in the run-up to the meeting in Antalya, Turkey, which is scheduled for this year.

I would also like to advocate a better linkage with UNESCO, especially as concerns the ethical problems of space activity.

As for international cooperation for the coordination of action with regard to disasters, both natural as well as man-made, I do believe that we should set up an international entity to coordinate such action. Yesterday we had a very interesting symposium held and we heard that data should be made available to all countries without any restriction and free of charge. I believe that everyone has read Ernest Hemingway's novel "For Whom the Bell Tolls" and the bell is tolling for everyone. If there is a disaster striking in Indonesia or India or Canada or even the United States, then, of course, there is an impact on nature and mankind. It is necessary to have a universality in our response to universal disasters.

It is necessary to continue to examine the legal problems in connection with space objects and also to examine the problem of space debris.

I believe that in the Scientific and Technical Subcommittee things are coming along very well and in this connection I would like to refer to the joint proposal of the Czech Republic and of Greece.

I also would like to refer to what are called the near-Earth objects in this connection. These are also a challenge for the legal experts as well as the technical experts. It is necessary to see how we organize these activities.

And finally, Mr. Chairman, as concerns the celebration of the first fiftieth anniversary of the space era, I believe that this should be universal. There is a

proposal tabled by our eminent colleague, the future colleague who will be the Chairman of this work, our French colleague.

I would also like to refer to the ethical aspects of space activity in this work which, of course, should not in any case lose sight of the human dimension of these activities.

We have already indeed invested much hope in your chairmanship, Mr. González. I certainly hope that you are going to be revitalizing our Legal Subcommittee.

Thank you very much.

**The CHAIRMAN** (*interpretation from Spanish*): I thank the distinguished representative of Greece.

He wants me to appear younger. This has a very positive impact on my ego, I must say.

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

**Mr. A. MOGADINGWANE** (South Africa): Thank you Chairperson. My delegation wishes to express its pleasure to see you presiding over this forty-fifth session of the COPUOS Legal Subcommittee.

South Africa continues to contribute to the development and exploitation of space technology as it has done since the dawn of the space age in the late 1950s. Our Government continues to recognize our nation's reliance on space technology for our day-to-day needs as well as the huge development potential that capability in space offers.

Indeed, Mr. Chairperson, South Africa has identified space as an essential tool with which to tackle our national priorities of meeting basic needs and improving resource management, as well as retaining and improving our scientific and technological expertise. The space arena enjoys a high level of interest and ever-increasing commitment by our Government towards the achievement of these goals. South Africa is committed to being a responsible user of space and recognizes the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes.

Mr. Chairperson, we, therefore, remain convinced that the peaceful uses of outer space offer

great benefit for society at large. In this regard, various initiatives are currently underway in South Africa. The development of a National Space Policy has been prioritized and with it an analysis of the international legal framework as well as considering a review of South Africa's legislation.

The current legal framework in South Africa pertinent to space activities is the Space Affairs Act 84 of 1993, as amended. Related to this legislation is the Non-Proliferation of Weapons of Mass Destruction Act 87 of 1993. The Space Affairs Act recognizes the need for peaceful uses of outer space as well as to meet all international commitments and responsibilities entered into by South Africa in order to be recognized as a responsible and trustworthy user of outer space.

In terms of the Space Affairs Act, the Minister of Trade and Industry, together with other Ministries, are empowered to develop a national policy framework as well as to establish the South African Council for Space Affairs to implement such a policy. The process of appointing members to this Council has already commenced and the consultative process regarding a National Space Policy is at an advanced stage.

Chairperson, South Africa also participated in the United Nations/Nigeria Workshop on Space Law on "Meeting International Responsibilities and Addressing Domestic Needs" in Abuja, Nigeria, last year. This Workshop highlighted, amongst other things, the need for greater participation by all developing nations, particularly African countries, in contributing towards the development of space law. In addition, it noted that there is a need for assistance, through various forms of cooperation, in developing capacity in the area of space law.

Mr. Chairperson, in the light of these developments, and particularly our commitment to the peaceful uses of outer space, South Africa is giving serious consideration to the ratification of the Convention on Registration of Objects Launched into Outer Space, as well as the Convention on International Liability for Damage Caused by Space Objects.

In conclusion, Mr. Chairperson, we wish to convey our commitment to greater participation in the work of this Committee in the future.

Thank you very much Mr. Chairperson.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you distinguished representative of South Africa for that statement.

Before I call on the next speaker on my list, I would like to share with the South African representative a comment.

I think it is a very positive step that his country has taken and adopting legislation and that is precisely one of the main purposes. We have to create critical mass in terms of national legislation in this area. So I would encourage all countries where there is national legislation but that has not yet been brought to the attention of the Secretariat to do so in such a manner that very soon we might even set up a working group for comparative work on national legislation, as a result of what the Working Group presided over by Greece is doing or some other relevant body. I would not want the Secretariat to be alarmed by this. We would use existing possibilities. But whoever has recent legislation adopted, please bring it to the attention of the Secretariat because this will provide us with appropriate channels for cooperation. If we are not aware of the legal circumstances in a country, we cannot really have a free flow of cooperation.

And now, it gives me great pleasure to call on the distinguished representative of Ecuador.

**Mr. MOREJON-ALMEDA** (Ecuador) (*interpretation from Spanish*): Thank you Sir. Thank you for your patience also.

First and foremost, I would like to join the expressions of condolences conveyed to the Islamic Republic of Iran on the occasion of the recent earthquake.

First, Sir, my country would like to express my satisfaction to have you in the Chair to preside over this Legal Subcommittee. We have full knowledge of your personal skills and vast experience in this particular area of work and we are sure that this session of the Legal Subcommittee will be highly successful and will be making substantial and very specific contributions to the quest of the international community, more particularly the developing countries, to have effective access to the peaceful uses of outer space via the means of appropriate legal provisions.

Furthermore, my country congratulates Professor Sergio Marchisio for the most effective and positive, professional work discharged over the past two years when he was responsible for this subsidiary body of COPUOS.

Furthermore, I would like to express my thanks to other officers and most particularly thank the Director, Sergio Camacho, for the highly instructive report he provided. The Office is very much involved in this work. It is very effective.

You may rest assured that we give you every support in terms of your endeavour to deal with international instruments in a manner that will strengthen space law on the basis of initiatives, as you have signalled.

Words of thanks would also go to the Secretariat for the hard work in terms of preparing the present session.

On this occasion, Sir, I would like to convey to the delegation of Brazil, the warmest words of thanks because, for the very first time in the course of an international space mission, a Brazilian astronaut has participated. This is confirmation, to my country, that international cooperation is the best possible means to benefit from outer space in the interest of the common good.

May I, first and foremost, underline the fact that, for my country, official policy is aimed at strengthening space law. You would understand that appropriate legal provisions will outline the rights and duties of States. Having said that, my country thinks that a special legal regime that would set forth provisions to govern outer space will mean that the benefits of research and space activities will have a positive impact on the overall quality of life for human beings in circumstances on an equal footing and providing prosperity for future generations.

That is why, and in keeping with those principles, my country, Sir, supports retaining definition and delimitation of outer space on the agenda. We very much encourage member States that sent in their replies to the questionnaire to also refer to possible legal issues having to do with objects in space. We duly responded to that questionnaire and we took a stance in favour of a single legal regime for the navigation of such space objects. We felt it was well taken to mention the fact that there is a grey area in space law and in aeronautical law because of the lack of that delimitation.

That is why Ecuador would encourage this Subcommittee to continue consideration of the delimitation and definition of outer space. We believe that compiling these responses and analytic summary provided by the Secretariat are very useful tools and instruments and will give us a technical and legal basis

for full-fledged analysis of this topic which is so particularly important to my country.

Furthermore, we think the Working Group's work on this will bring us a set of conclusions of the greatest benefit for all.

Mr. Chairman, in respect of access and use of the geostationary orbit in a rational and equitable manner, it is our tradition to reiterate that this restricted resource should be accessible to all and priority access should be given to developing countries where certain geographical position is held when they want to make use of outer space for the common good. I will have occasion to refer to that under the appropriate agenda item subsequently.

In any event, we should draw attention to the fact that the achievement reached during the thirtieth(?) session of this Subcommittee was to provide the geostationary orbit with its proper place and in keeping with a very practical approach.

It is necessary to remain this space in 8(b) on the agenda of the present session in respect of standard setting that would achieve equitable access to that natural resource, which is a limited one, without discarding, however, the possibility of the adoption of a *sui generis* international regime to apply to geostationary orbit that would bear in mind the interests of all countries of this planet.

The needs of the developing countries and the geographical position of certain countries, in keeping with Article 44 of the ITU's Constitution that was revamped in Minneapolis in 1988.

We, therefore, give recognition to the authority of COPUOS and this Subcommittee to consider legal aspects and political topics having to do with this item.

Mr. Chairman, I have received instructions from my capital. Thus, I would like to convey to Dr. Sergio Camacho, the Director of the Office, special words of thanks for the excellent professional contribution he brought to Ecuador in the context of the recent mission on 23 and 24 March last. That valuable contribution enabled the National Preparatory Committee for the Fifth Conference on Space of the Americas to advance in substantive issues on the agenda of this major international event.

Furthermore, Ecuador would like to convey special words of thanks to the Republic of Chile for

having successfully brought to an end the Fifth Preparatory Meeting on 28 and 29 March last.

The outcome of that major international meeting will be of huge benefit to the continent as a whole. The main topic was "Development of International Space Law".

The Preparatory Meeting approved a Declaration, clearly identifying space applications in the interest of security and sustainable development of mankind, that will be analyzed on the occasion of the Quito Conference. It is remote education, tele-medicine, prevention and mitigation of natural disasters, preserving the environment and protecting cultural heritage.

The statement of Santiago particularly emphasized the need to strengthen space conferences in the Americas and furthermore pointed to the relevance of the International Group of Experts as an advisory body for conferences.

It also pointed to the need to increase interregional dialogue with other continents already active in space applications.

Furthermore, during this Preparatory Meeting, the Government of Colombia officially handed over to Ecuador the Pro Tempore Secretariat for this Conference. This is a mechanism that has governed us in the Americas for space application programmes and proper follow-up.

We would not fail to mention on this occasion our words of thanks to the Republic of Colombia for the excellent efforts deployed and results achieved while it was hosting the Fourth Conference of the Americas.

To conclude, Mr. Chairman, Ecuador, taking inspiration from the principle of international cooperation as the guiding framework for this forum has taken a very serious approach to its responsibility in terms of hosting the Fifth Space Conference of the Americas and we are fully ready to cooperate with States, international organizations, non-governmental organizations in our quest to establish the common good via effective and peaceful use of outer space.

Thank you.

**The CHAIRMAN** (*interpretation from Spanish*): I thank the distinguished Ambassador of Ecuador for that statement.



I would merely have to add that, since I was privileged to participate in the Preparatory Meeting in Chile, there was an excellent environment there and we very much support a country that we trust tremendously.

I am very pleased and I will be pleased to return to Quito. I have not been there for some years.

I now call on the distinguished representative of India.

**Mr. R. LOCHAN** (India): Thank you Mr. Chairman. It is a matter of delight for the Indian delegation to see you elected to this august chair of the Legal Subcommittee and we are confident that, under your leadership, the Subcommittee will achieve good progress on the matters included in the agenda. I take this opportunity to assure you of the wholehearted cooperation and support of the Indian delegation in resolving many difficult issues waiting for our attention in the current session.

The Indian delegation places on record its appreciation for Professor Sergio Marchisio for his excellent conduct of the meetings of the Legal Subcommittee in the last two years.

Mr. Chairman, let me briefly explain some important achievements of the Indian space programme since our last session in 2005. During the year, we have successfully carried out the ninth launch of India's Polar Satellite Launch Vehicle, PSLV, from Satish Dhawan Space Centre-SHAR on 5 May 2005. This launch attaches a special significance to us as it was the maiden flight from the newly built state-of-the-art Second Launch Pad. The Launch Vehicle successfully orbited remote sensing satellite CARTOSAT-1, meant for cartographic applications and an auxiliary satellite, HAMSAT, into Polar Sun Synchronous orbit at an altitude of 620 kilometres. This launch of PSLV was the ninth (eighth?) success in a row. CARTOSAT-1 is the heaviest remote sensing satellite launched by ISRO so far. The onboard cameras were configured to obtain three-dimensional stereoscopic images. The auxiliary satellite, HAMSAT, was built by ISRO as a contribution to the International Amateur Radio Operators. One of the transponders in the HAMSAT was developed and supplied by a university student of The Netherlands, a fine example of cooperation in space by international youth.

Another important milestone during the year has been the launch of India's most advanced communication satellite, INSAT-4A, intended mainly

for meeting the demand for direct-to-home television broadcasting requirements. This satellite was launched by the European Ariane-5 launch vehicle from Kourou, French Guyana, during 21 December 2005. It carried 12 high power Ku-band and 12 C-band transponders. Recently, the satellite has been commissioned and the services will commence soon.

In addition to this, the space application programmes have continued to make forays with the advent of several newer initiatives like tele-education, tele-medicine and Village Resource Centres. A number of satellite-based educational networks have been commissioned using EDUSAT. Similarly, in the area of tele-medicine projects, we have successfully expanded the network in the last one year. Presently, ISRO's tele-medicine network consists of 150 hospitals of which 118 hospitals in the remote, rural and district levels have been connected to 32 Super Specialty Hospitals located in the major cities.

Adding another dimension to the effective use of space-enabled services for societal benefit has been the initiative of ISRO in creating the Village Resource Centres. Village Resource Centres are envisaged as a single window delivery mechanism for a variety of space-based products and services, such as tele-education, tele-medicine, information on natural resources for planning and development at local level, interactive advisories on agriculture, fisheries, land and water resources management, livestock management, etc. A number of clusters of Village Resource Centres has been established across the country providing valuable inputs to the local community and helping them in addressing a variety of social aspects.

In addition to this, some of the other major space application programmes were continued. They are crop acreage and production estimate, groundwater prospects mapping, forecasting of potential fishery zones, creating national inventory on wastelands, forest cover mapping and watershed development projects among many others.

Mr. Chairman, international cooperation, implemented as a crucial component of the Indian Space Programme towards exploration and use of space for peaceful purposes, received a further boost since we met last wherein bilateral Memorandums of Understanding were signed with ESA and the Russian Federation. There are many more in the offing.

The Centre for Space Science and Technology Education for the Asia and Pacific region affiliated to the United Nations and operating from India continues to make good progress. The Centre so far carried out

22 post-graduate programmes with a duration of nine months and two are currently ongoing. In addition, it organized a number of short-term courses/workshops. Six hundred and forty-three scholars from 46 countries in the Asia-Pacific region and 16 countries outside of the region participated so far and got benefited from the educational activities of the Centre.

We are happy to inform the Committee that during November last year, the Centre has successfully completed 10 years of its service.

Mr. Chairman, the Indian delegation considers that the development of space law is crucial to the orderly and organized exploration of space for peaceful purposes. This very Subcommittee has successfully formulated a number of treaties in the past on matters related to outer space. The role of these treaties in the conduct and expansion of space activities can hardly be over-emphasized. We have attached high importance to the important role being played by the Legal Subcommittee in the past and shall continue to do so in the future.

We reaffirm that the five United Nations treaties, evolved through consensus and accepted by a large number of countries, constitute the cornerstones of international space law. The review of status and application of the five United Nations treaties on outer space, therefore, is an important subject to encourage adherence to these by the States which are yet to accede to these.

The Indian delegation is of the view that "GSO is an integral part of the outer space" and is thus governed by the outer space treaties. Our continuing debate on this subject, and on the subject of the definition and delimitation of outer space, is crucial to arrive at a common understanding.

Mr. Chairman, we had earlier announced in 2004 about an initiative undertaken by the Indian Space Research Organization, ISRO, towards capacity-building in the field of international space law. We continued and strengthened that initiative in 2005. ISRO continues to support the conduct of a national event for selection of one team and sponsor the winning team of students for participation in the regional round of the Manfred Lachs Moot Court Competition being held in Sydney. It is my pleasure to inform this Committee that this year the number of participating teams of students jumped from nine to 22.

The Third Space Law Conference 2005 was held at Bangalore from 26 to 29 June. This Conference, "Bringing Space Benefits to the Asia-

Pacific Region", was jointly sponsored by IISL, the International Institute of Space Law, the Indian Space Research Organization and the Astronautical Society of India. Around 150 scholars, including 30 from outside India from 10 different countries, participated in the Conference. More than 25 papers were presented. Very lively discussions ensued in each of the sessions. On behalf of the hosts and the organizers, I heartily thank one and all who made this event a success. I take this opportunity to inform the Committee that the Proceedings of this Conference has just been released. The Indian delegation would be happy to contribute three copies to the Office for Outer Space Affairs for placement of these in the library for the benefit of all the members.

Mr. Chairman, we would like to reiterate the Indian commitment to 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 the developing countries.

The Indian delegation urges all countries to respect the sovereign right of every country to have access to space and opportunity to utilize space for developmental programmes. The 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. The Indian delegation expresses its confidence that the Legal Subcommittee will contribute significantly towards this goal.

Thank you Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): Let me thank the distinguished representative of India.

I would like to share a major item with you. I think it is important. We discussed it yesterday. An offer was made to provide the Proceedings, three copies thereof to the Office. Now yesterday, I think I was really privileged in that I got one set of proceedings. I am very thankful. This is extremely valuable documentation. A representative of my continent, Dr. Monserrat-Filho, also made a contribution. That is very much what we need in the Legal Subcommittee.

As I had occasion to say yesterday, all available proceedings, all materials should be made available to the Office and there should be free access

to that material, as you have just said. Thank you for that generous offer and there is no doubt that this is an effective element, making a contribution to the strengthening of international space law, as contained in the preambular paragraph number 6 in resolution 60/99.

May I enquire, does any other delegation wish to take the floor on five?

That does not seem to be the case so we will now have the topic, General Exchange of Views, this afternoon and I hope that we will conclude the item this afternoon. I hope to get substantial contributions from delegations that probably expect to take the floor.

#### **Status and application of the five United Nations treaties on outer space (agenda item 6)**

Next, we will take agenda item 6, Status and Application of the Five United Nations Treaties on Outer Space.

And on my list of speakers I have the distinguished representative of Ukraine. I call on you Sir.

**Mr. A. KASYANOV** (Ukraine) (*interpretation from Russian*): Chairman, distinguished delegates, the delegation of Ukraine is pleading in favour of the strict compliance with international order, a special international legal regime governing space activities. Ukraine is party to four international treaties in international space law, the Outer Space Treaty, the Rescue Agreement, the Liability Convention and the Registration Convention.

These basic treaties were developed in the 1960s and 1970s and there are also five basic compendia of principles adopted by the United Nations General Assembly and they have all served us well as guidelines in the development of outer space law treaty.

However, at present, many of their provisions need amendment, especially given the fast and furious development of commercial space activity. The lag in standard setting in international space law has been pre-empted by massive development of national regulations to fill these lacuna. And this is certainly positive. However, we must be vigilant because when it comes to national law coverage of these lacuna, some can only be effectively regulated by international law. And in particular here I am referring to single definitions in outer space legal terminology. This trend has been compounded by the slowing down of the

process of States joining outer space treaties and this is due to the fact that States are not always well informed as to the benefits of joining and also because of the weakening of the treaties regulatory role.

Our country is in favour of commencing the codification of international space law, along with Russian, China, Greece and other delegations, we are in favour of developing a comprehensive convention on outer space law. We believe that this would allow us to elevate international space law to a new qualitative level. We believe that amending by just patching holes in the present treaties is not very productive because it will not meet the complexities of requirements in international legal coverage and those problems.

We also believe that certain problems are beyond the regulations in effect and certain problems are thus just simply not covered in treaties in effect.

We believe that the development of a comprehensive convention does not imply the revision of basic norms applying at present. We believe that we should keep existing regime regulations. We should codify them however. We believe that to start off with we should place the five basic treaties into the foundation of our convention. And we believe also that we should enhance the regulatory role played by the principles of international outer space law and so-called "soft law" provisions and elevate them and make them become regulations.

We also believe that it is necessary to codify international space law to fill the lacuna in the present day space law and especially the lacuna arising the fast and furious development of space activities.

All of this could not have been foreseen in the 1960s and 1970s and now certainly must be covered.

It is also important that the work of the comprehensive convention should not in any way have a negative impact, an effect on our implementation of present treaties in effect. Certainly, international law applying and in effect should be continued to be strictly applied. And it is important that this should not slow down the accession procession for States not having joined the treaties so far. A good example for this would be the Law of the Sea Convention, the Montego Bay Convention.

We have, indeed, suggested that a questionnaire be distributed to the States represented here so as to sound out the rule (room?) as to how we should proceed in developing our space law in the

future by amending the present treaties or adopting a convention, we should take a sense of the room as to which States have not decided how to approach these matters yet or possibly have another alternative to propose to us. This would allow us to get a sense as to how the process should develop and also predict the time frame for our prep work in this regard.

Thank you.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you so much distinguished representative of Ukraine for that statement on agenda item 6.

This completes, in theory at least, the formal meeting of the Subcommittee. However, may I repeat what I said in my inaugural statement.

It is important to be consistent with the fact that this is a general exchange of views which means that we should proceed to have an exchange of views. I have heard excellent statements, Canada, United States, Algeria, Brazil, France, Indonesia, Nigeria, South Africa, Ecuador, India and now Ukraine, and they have all referred to important issues. Would some of the delegations like to react to other statements or statements of other delegations, I should say. As in the case of France, a statement was made saying that they would not wish to have a single convention because they think we should focus on the work in the Legal Subcommittee from which this would detract. The Ukrainian statement says precisely the contrary. So perhaps we could have some interaction in terms of discussion because otherwise we are merely reading out statement after statement.

You could send that out in an e-mail. You are all distinguished legal experts. You all have a lot of ideas and material to provide and we would like to hear more.

Any comments please?

You are all closed off.

I want to leave something perfectly clear. When we discuss the report, very often we waste quite a lot of time when delegations say “when we said this”, “we said that” and another delegation says “that is not what was stated” and ultimately people sit with their bags under their chairs, literally, trying to get away when we could have had a debate throughout the session which is the purpose of this Committee. Otherwise, we are not properly facing the many challenges that we should be facing.

We do not have any additional speakers on agenda item 6 so I will proceed to adjourn this meeting of this Legal Subcommittee so that the Working Group, headed by my friend Vassilios, I hope he will be back in the room soon, can continue.

This afternoon we will be meeting at 3.00 p.m. sharp for general exchange of views. Then we will continue with consideration of item 6.

Time permitting, we might start our consideration of new developments in terms of the draft Protocol on the peaceful uses of outer space for new items to be considered by the Legal Subcommittee at its forty-sixth session, or rather mobile equipment, the Convention on International Interests in Mobile Equipment.

Thank you.

*The meeting was adjourned at 11.22 a.m.*