

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

Unedited transcript

740th Meeting
Friday, 7 April 2006, 3 p.m.
Vienna

Chairman: Mr. R. González (Chile)

The meeting was called to order at 3.12 p.m.

The CHAIRMAN (*interpretation from Spanish*): I would like to greet everybody and say good afternoon to you all. We are now going to undertake item 10.

Examination and review of the developments concerning the draft Protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment (agenda item 10)

I give the floor to the Republic of Korea.

Mr. K.-Y. CHUNG (Republic of Korea): Thank you Mr. Chairman. As a relatively new space-faring country, the space activities of the Republic of Korea have been carried out mainly by governmental organizations, state-funded companies or research institutes and recently by private sector companies which can finance from their existent resources other than asset-based international security financing.

However, as many more relatively smaller private entities are expected to have easier access to space technologies, the importance of effective financing will continuously increase in Korea in the near future.

In this regard, my delegation would like to reiterate its views that the conclusion of a protocol on space assets would prove to be mutually beneficial to all parties concerned by enabling them to maximize their use of available resources, thereby facilitating the expansion of outer space activities.

Mr. Chairman, on this agenda item we have two outstanding issues before us.

On the matter of the Supervisory Authority, my delegation is of the view that the United Nations would be an appropriate candidate to supervisory role, given the impartiality and credibility it has shown throughout its history.

Concerning this new role, three key issues have been raised in the Legal Subcommittee: compatibility with the United Nations objectives; possible liability to the United Nations; and financial implications.

My delegation believes that these three issues can be resolved if we give careful consideration to the issues, especially taking into account the implementation taken by ICAO as a Supervisory Authority for the Aircraft Protocol, which has recently entered into force. In this regard, I would like to express my gratitude to ICAO for its attendance and presentation on Wednesday on the current progress of the Aircraft Protocol. I would like to invite, through the Legal Subcommittee, the ICAO to continue to contribute to the Legal Subcommittee, especially by focusing on its practices and practical issues which have arisen in implementing its role as a supervisory authority.

On the second issue of the agenda item, my delegation is of the view that the Space Assets Protocol is basically compatible with public international law provided that the scope of the application of the Protocol and key assumptions are carefully defined.

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My delegation believes that discussions which have been conducted within the UNIDROIT meetings held in Rome, which Korea also attended, have made some progress and I hope the upcoming meeting this year will help clarify the outstanding issues.

Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): I should like to thank the representative of the Republic of Korea for that statement.

This brings us to the end of our treatment of this agenda item, item 10, on UNIDROIT.

And we will now turn our attention to item 7.

And I recognize Argentina.

Mr. S. SAYUS (Argentina) (*interpretation from Spanish*): Thank you very much Sir. Apologies for taking the floor at this late stage but I would like to make a statement under item 10.

Mr. Chairman, we welcome the statement made by UNIDROIT on UNIDROIT's activities in this area. This is a contribution to our work of considerable significance in this area. As you will know, we have no document under this agenda item and we have started our debate without having either a draft Protocol or any information about new activities. Generally speaking, when the Secretariat presents the annotated agenda, we have this extra information but on this occasion we have not been given any information of this kind on the issue which we are going to be examining.

Now, having listened to statements made by various delegations, my delegation would like to state clearly that this goes beyond our programme, namely the question of the United Nations as a supervisory body for the Protocol, the Register. This is a matter which has already been examined. This was the object of attention by this Legal Subcommittee last year and the conclusion of the Subcommittee was quite clear. Paragraph 114 of the Subcommittee of A/AC.105/850 explains this. We have not been able to achieve consensus on the main issue, namely the United Nations becoming a supervisory body "a Supervisory Authority" rather. Hence the status of this theme in this Subcommittee.

Now, if this indirectly we are supposed to deal with here, my delegation, along with others, continues to be concerned, and this is something which is reflected in the Working Group's report, Annex I, of

the document that I have just mentioned, that is A/AC.105/850. And what is also relevant is the Secretariat's report, A/AC.105/C.2/238, this is a document from January 2003, and this is something which compiles the legal advice from the Secretariat, and I quote "that we bear in mind difficulties here" and this is why we should envisage other possibilities such as, for instance, the Conference of the Parties, setting up a mechanism to appoint this Supervisory Authority as soon as the Convention has come into force. The Parties to that Convention would appoint the Supervisory Authority body.

I simply wanted you to take note of this statement of ours and that this should be mentioned in the report of the debate.

The CHAIRMAN (*interpretation from Spanish*): Thank you very much for that statement. I can assure you that we have taken good note of your comments as is the case for statements made by all delegations on all the agenda items.

I think we can now conclude our examination of item 10 of the agenda and we will now turn our attention to item 7, Information on the Activities of International Organizations Relating to Space Law.

Information on the activities of international organizations relating to space law (agenda item 7)

Now, the Space Generation Advisory Council, represented by Ms. Jimenez. This is an organization that has an English name but reading her Spanish surname.

Ms. C. JIMENEZ (Space Generation Advisory Council) (*interpretation from Spanish*): Mr. Chairman, ladies and gentlemen, it is a pleasure for the Space Generation Advisory Council to be here at the Legal Subcommittee as an observer for the first time. I should, however, mention that the Council has been present at the meetings of the Scientific and Technical Subcommittee in the last five years and has focused on a number of issues, such as space debris and other issues that were debated.

Given that this is the first time that the Council has been represented here at the Legal Subcommittee, I would like to take this opportunity to describe my organization and what it does and what it is interested in. This is an international non-profit organization with a representative structure which involves the vast majority of United Nations member States. It was set up following the recommendation presented by the Space Generation Forum organized by

graduates from the International Space University during the UNISPACE III event, the idea being to set up an advisory mechanism within COPUOS that would mean that we could take into account ideas and proposals made by young people with regards to outer space.

We are proud to be able to indicate that currently some participants of the Space Generation Council are representatives of their countries as delegates to the COPUOS.

The Council works with young people from different parts of the world who have the same interest and passion for various different aspects of the use and exploration of outer space. In this regard, it is important to underline that within the main objects of the Council, one finds its function as interlocutor and a mediator to convey the proposals made by students and young professionals to international organizations and national space agencies.

In this way, the Council is working to construct an interdisciplinary specialist network on outer space in order to develop national projects. The space experience that has been gathered in various regions of the world is shared annually by the Space Generation Congress during the International Space Conference, Astronauts Conference. And I am in a position to point out that this year the Fifth Congress will take place which involves some 150 young people from various different countries, different cultures and different disciplines. During the Congress, the students and young professionals will work together for three days on a number of different issues from an interdisciplinary point of view, seeking a single uniform vision of those different aspects of outer space.

A current theme that are of interest to the Space Generation coincide with certain recommendations made during UNISPACE III and they include space education, international cooperation, sustainable development and space exploration.

The legal aspects of these themes are related with international space law, with various alternatives for international cooperation, for the development of space projects, the regulation of activities involving space technology application for the implementation of national sustainable development models, as well as new themes involving space exploration. These themes represent a particular interest for the Council, given their major impact on the quality of life of present and future generations.

As regards the projects that have been developed by the Space Generation, it is worth mentioning the coordination of international cooperation between universities in order to construct micro-satellites, the organization of space workshops and the most recent was the one with the theme Moon Mars in Fukuoka, as well as the active participation of members of Space Generation in international congresses on work in space.

And finally, I would like to take this opportunity to express our gratitude to the staff of the Office for Outer Space Affairs, in particular to its Director, Mr. Camacho, and to Dr. Alice Lee, who is an expert in space applications when it comes to efforts to train experts in matters involving space. This is particularly important for countries in development with regards to space activities.

The CHAIRMAN (*interpretation from Spanish*): I should like to thank the representative of the Space Generation Advisory Council. It is my sincere hope that you will continue to attend our meetings and I would also like to congratulate you on everything that you undertake. My sense is that your work is extremely interesting. And I have a request. Please convey this to the Director of the International Space University, namely that space law should be included as a relevant feature of the curriculum. Thank you very much.

As I have no other speakers on the list.

Apologies, I recognize the Republic of Korea. I am sorry Sir, I did not see you.

Mr. K.-J. YOU (Republic of Korea): Thank you Mr. Chairman for giving me the floor. Just very briefly. Just a clarification. Rather recently, starting to deal with this issue, I am just wondering the title of this agenda item. The agenda item is the information on the activities of international organizations relating to space law. One might interpret the concept of international organizations maybe as something which can cover even non-governmental organizations whatever, are in my delegation's intention not to restrict the participation of such bodies but if there is any explanation or expression of the agenda, my delegation would welcome. For example, other observers, some in normal usage. I mean international organizations normally mean international intergovernmental organizations.

Thank you very much.

The CHAIRMAN (*interpretation from Spanish*): Thank you. We will take note of your concern in any case. That is for the future because the subject is recalled on the agenda and by the General Assembly resolution as well. At this stage we cannot change it, however.

With that, we can conclude examination of item 7. I hope that we will continue with this item and we might well conclude it on Monday, since tomorrow is Saturday.

Matters relating to (a) the definition and delimitation of outer space and (b) the character and utilization of the geostationary orbit (agenda item 8)

Now I would like to continue and then suspend our examination of item 8 on the definition and delimitation of outer space and the geostationary orbit.

I have no speakers on my list for this item.

Would anyone like to take the floor on this?

According to the information I received, the discussion that we had today in the Working Group was very interesting and quite rich and I would like to congratulate my friend, Mr. Monserrat Filho, for that.

Now I would imagine that we would have then the elements to provide some fuel for the fire, some enthusiasm for this subject, but I see none.

The distinguished representative of Argentina has the floor.

Mr. S. SAYUS (Argentina) (*interpretation from Spanish*): Thank you Mr. Chairman. I would like to address item 8 of the agenda, specifically. I would like to add to what my delegation already said under the exchange of views.

With regard to the definition and delimitation of the geostationary orbit, Mr. Chairman, Argentina sustains the need for continuing for the quest for a consensus based on delimitation of outer space, based on air space, despite the fact that there are different legal regimes governing the two at this time. Increasing technological developments and changes force us to reconsider the definition and delimitations of these two areas, air space and aerospace.

For that reason, my delegation is in favour of maintaining this item on the agenda in the Legal Subcommittee.

With regard to sub-paragraph (b), the character and nature 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 ITU, we should bear in mind the needs and interests of developing nations regardless of their geographical location.

In this context, Mr. Chairman, it is worthwhile to highlight the role of the ITU with regard to their work in the area of geostationary orbit and its use. At the time that the bodies that were competent to address the legal and ethical issues involved in the geostationary orbit is, we believe, the Commission on Outer Space and its Legal Subcommittee. And, thus, Mr. Chairman, we welcome with satisfaction the decision reflected in A/AC.105/738, Annex III.

Thank you Mr. Chairman.

The CHAIRMAN (*interpretation from Spanish*): Thank you to the distinguished representative of Argentina for that statement.

Would any other delegation like to take the floor?

I see none.

We will suspend discussion of this item of the agenda until Monday and awaiting the results of the Working Group on this.

Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (agenda item 9)

Distinguished delegates, I would now like to begin item 9, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

I see no speakers on my list for this item either. I am wondering if any delegation would like to make a statement on this.

I see none.

Therefore, we will also continue with this item on Monday, that is, examination and review of item 10(9?).

We will now adjourn this session so that the Working Group on Item 8 can continue with its work on that matter.

And we will resume our work punctually at 10.00 a.m. on Monday morning. And then hopefully we will be able to conclude item 7 of the agenda on information on the activities of international organizations relating to space law.

We will also continue with item 9 and if time permits, we will begin 11, Practice of States and International Organizations in Registering Space Objects.

The Working Group on Item 8 will now hold its third meeting under the chairmanship of Mr. Filho of Brazil.

One moment, I am sorry. There is some practical information I would just like to indicate that the Rotunda in Building 'C' as of Monday will have an exhibit on photography for the celebration of the anniversary of the first flight of a human being. This is conjunction with the Permanent Mission of the Russian Federation to the United Nations in cooperation with the Office for Outer Space Affairs and the Russian Agency for International Information. I strongly urge delegations to visit this interesting exhibition which will be held until 20 April.

This session is now adjourned.

The meeting closed at 3.36 p.m.