

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

*Unedited transcript*

750<sup>th</sup> Meeting

Tuesday, 27 March 2007, 10 a.m.

Vienna

*Chairman:* Mr. R. González (Chile)

*The meeting was called to order at 10.12 a.m.*

**The CHAIRMAN** (*interpretation from Spanish*): Distinguished delegates, good morning, please take your seats. I hope that you have all turned up with your briefcases today! I am delighted to see you all here for this second day of our deliberations. I call the 750th meeting to order and we will continue our consideration of the general exchange of views, item 3, today. We will begin our consideration of item 4: status and application of the five United Nations treaties on outer space and, the working group on agenda item 4, will then hold its first session under the chairmanship of my friend, Mr. Vassilios Cassapoglou of Greece. I recognize the Russian Federation under item 3.

**Mr. E. ZAGAYNOV** (Russian Federation) (*interpretation from Russian*): Thank you very much Mr. Chairman. At the outset, my delegation would like to join previous speakers who have praised you for your work as Chairman of this meeting, we would like to wish you every success in your very important functions. It is our conviction that your rich experience will assist our work in this session and will lead to positive results in favour of the progressive development of international space law. We would also like to note the efforts and the high level of professionalism of the Secretariat and the major contribution that they have made in ensuring that this is a productive and worthwhile discussion.

The productivity of the Committee's sessions and those of its subcommittees are of particular significance this year given the anniversaries that we are celebrating, many have already mentioned them

this year, namely, the fiftieth anniversary of the launch of the first artificial satellite and the fortieth anniversary of the entry into force of the Outer Space Treaty. The importance of these events was noted by UNISPACE III, which took the decision, that on an annual basis between 4 and 10 October every year, there should be the World Space Week. We would also like to recall that in 2007, we are also celebrating a number of anniversaries of major Russian scientists, who were at the very beginning of space activities, namely, the 150th anniversary since the birth of Konstantin Tsiolkovsky and 100 years since the birth of Sergei Korolev.

The Russian Federation has always championed the development of international cooperation in all areas for the exploitation and use of space and a necessary basis for this, is international law, which is in keeping with the needs of the present day. Russia continues to broaden its work of bilateral international treaties to give rise to the necessary legal basis for the development of interaction between our country and foreign partners. Over the last year, we have seen a number of important documents signed with Brazil, India, Indonesia, the United States of America, South Africa and other States.

COPUOS and its Legal Subcommittee are perhaps the best known and those which have most demonstrated their work when it comes to organizing the discussion of matters of space cooperation and seeking solutions in this area. All the universal international treaties which exist and which are designed to regulate space activities, were precisely drafted in our committee. However, life does not stand still and the commercialization of space activities is

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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 D0771, United Nations Office at Vienna, P.O. Box 500, A-1400, Vienna, Austria. Corrections will be issued in a consolidated corrigendum.



going forward at a great rate, new participants are appearing on the market of space services. We feel, therefore, that the basic treaties are not commensurate with modern space activities and this makes the resolution of matters of liability more difficult, as it does when it comes to transactions on space objects which are placed in orbit. All this demonstrates the objective needs to adapt the existing treaties and principles on space to the needs of the present day.

The Russian Federation is a supporter of a comprehensive approach to these matters and champions the development of a comprehensive United Nations international space law convention. This kind of instrument would mean, that we could examine all aspects of the conquest of space and the use of space technologies in a single context and would take into account the interests of all participants in space activities and other countries. We, once again, call upon all States to support such work. By way of clarifying the positions of States and their preferences on possible ways forward when it comes to the gradual development of space law, we consider a useful and timely initiative to be the distribution of the questionnaire on prospects for the further development of international space law.

We hope that this year, we will manage to approve the United Nations General Assembly resolution on the Practice of States and International Organizations in Registering Space Objects. As last year's discussion demonstrated, in the context of the working group on the registration of space objects, this matter is one of the most urgent. In this context, we would like to thank the German Government for their initiative to organize the Intersessional Meeting of Experts to fine tune this draft resolution, submitted for examination this year.

We much appreciate and consider very useful, the internships on space law, which are regularly organized by OOSA together with the States parties in COPUOS. We consider that the useful discussion of urgent matters of space law took place at the event organized in Kyiv last year, entitled, states application and progressive development of national and international space law. We would like to underline, that Russia continues to champion the peaceful conquest of space. We consider that one of the most important aims of COPUOS is defining ways and means to maintain space for peaceful purposes. The deployment of weapons in space would inevitably impact negatively on the regime of the peaceful use and on the entire international security system. In this connection, we have great hopes with regard to bolstering the regime for the peaceful use of space,

given the initiative at the disarmament conference, to draft an international treaty to prevent the deployment of weapons in space and the threat or use of force with regard to space objects. We consider that, with regard to preventing a \_\_\_\_\_ (*inaudible*) confrontation in space, is the resolution that was adopted at the sixty-first session of the General Assembly of the United Nations namely, transparency and competence building measures in space activities. Our view, is that it is in the general interest of all States to make sure that space is an arena for peaceful cooperation, opening broad prospects for the use of space equipment and technology to promote economic and social progress and to resolve the challenging issues faced by humanity on earth. Thank you for your attention.

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

**Mr. G. TANG** (People's Republic of China) (*interpretation from Chinese*): Mr. Chairman, please allow me, on behalf of the Chinese delegation, to congratulate you on your continued chairmanship of the Legal Subcommittee. I am confident, that under your able leadership, this session will be another success. I would also like to thank the Director of the Office for Outer Space Affairs, Mr. Camacho and his staff, for their excellent preparations for this session. Their work will assure the smooth completion of the tasks ahead of us. My delegation will, as always, participate actively in the discussions on the various items and stand ready to increase communication and cooperation with other delegations, to contribute to the success of this session and for the development and improvement of space law.

This year marks the fiftieth anniversary of the launch of the first man-made earth satellite, the fiftieth session of COPUOS and the fortieth anniversary of the entry into force of the 1967 Outer Space Treaty, these are all memorable, historic events. Looking back over half a century of great achievements in human activities in outer space, we note the important role of COPUOS in the 1967 Outer Space Treaty, known as the space Magna Carta and the cornerstone of space law. The Outer Space Treaty laid the legal foundation for the peaceful exploration and use of outer space, provided the legal framework for space activities, established the basic principles which countries must abide by when conducting space activities, in particular, for the benefit of humanity principle, the peaceful uses of outer space principle, the principle of

free exploration and utilization of outer space on an equal and a non-discriminatory basis, as well as, the international cooperation principle.

The five outer space treaties, including the 1967 Outer Space Treaty, constitute the current international legal regime governing outer space. These treaties have played a positive and effective role in regulating national space activities, safeguarding national rights and interests in outer space, maintaining order in outer space and promoting international space cooperation. At the same time, we must also recognize that human activities in the peaceful uses of outer space have always been threatened by the weaponization of an arms race in outer space and that the existing legal instruments on outer space are apparently deficient, in terms of preventing the weaponization of an arms race in outer space. Therefore, early elaboration of a new international treaty on this issue, to prevent the weaponization of an arms race in outer space is a common task facing the international community and COPUOS and its Legal Subcommittee should play the dual roles in this regard.

With the in-depth development of human space activities, available space resources are becoming an increasingly shorter supply. Pollution of the space environment from nuclear power sources, space debris and ejector is worsening. Protection of the space environment, rational exploitation and utilization of space resources and the achievement of sustainable development in the peaceful uses of outer space have been placed on the agenda of, and received attention from, the international community. The space environment is the basic guarantee for the sustainable development of human space activities, protecting this environment has become a common responsibility of all space-fearing nations and requires full cooperation from all parties.

As a responsible space-fearing country, China supports the space debris mitigation guidelines recently adopted by the Scientific and Technical Subcommittee and stands ready to continue exploring and promoting ways and means of sustainable development in the peaceful uses of outer space.

I would like to take this opportunity to inform the Legal Subcommittee briefly on the latest developments and progress in China in the peaceful uses of outer space and international cooperation in this area in 2006.

2006 marked the fiftieth anniversary of China's space undertaking. The Chinese Government issued a white paper titled "China's Space Activities in

2006" which spells out the aims, principles, targets and tasks, as well as development policies and measures of China's space activities. The publication of the white paper will help the international community better understand China's space activities, help strengthen China's extraneous cooperation with other countries in the space area and help the people of other countries understand China's determination to unswervingly go down the path of peaceful development.

In 2006, China made new progress in using space technology for the benefit of its people. China successfully launched a resource survey satellite, one remote sensing satellite used for scientific experiments, lunar resource surveys, crop estimation, disaster prevention and reduction, among others, and the FY-2D meteorological satellite. China is currently working on a proprietary navigation satellite system, called COMPAS, or the Big Dipper navigation satellite system, which will gradually extend into a global navigation satellite system.

In 2006, China achieved notable results in promoting international cooperation in the development of a space technology applications and science. The thirty-sixth COSPAR Scientific Assembly and the eighth ILEWG Conference on the Exploration and Utilization of the Moon, were held in Beijing. The Chinese Government also organized, jointly with OOSA and ESA, a training course on GNSS applications in China. In 2006, the Chinese Government continued to promote the Convention of Asia-Pacific Space Corporation Organization and the preparatory work for APSCO made a new headway. On 1 June 2006, Turkey signed the Convention becoming the ninth signatory. As of the end of 2006, Bangladesh, China, Iran, Mongolia, Pakistan and Peru deposited instruments of ratification with the host government, under the provisions of the Convention. The Convention entered into force on 2 October 2006.

As host country of the organization, China will work closely with signatories to complete the relevant preparatory work as soon as possible and make sure that APSCO is up and running at an early date. We trust that the establishment of this organization will help further expand exchanges and cooperation among Asian/Pacific countries in space technology and applications area and make an important contribution to economic development, social progress and a higher standard of living for people in the region. Thank you, Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): I should like to thank the distinguished representative of the People's Republic of China for his

statement. I now recognize the representative of South Africa.

**Ms. J. SCHNEEBERGER** (South Africa): Thank you Mr. Chairperson. The South African delegation wishes to express our appreciation to you on presiding over this session of the Legal Subcommittee of COPUOS. We are confident that substantive progress will be made on the various agenda items under your able leadership.

Like many before us, our delegation noted, that this year marks the fortieth anniversary of the Outer Space Treaty and the fiftieth anniversary of the start of the space age. On this auspicious occasion, we reiterate our delegation's statement during the recent Scientific and Technical Subcommittee meeting. We said, we are all dependent and interdependent on a variety of space systems in many areas of human endeavour. The dependence is brought into sharp focus every time there is a major natural disaster or when space infrastructure is threatened by orbital debris.

South Africa remains convinced, that the peaceful uses of outer space offer great benefit for society at large. In this regard, South Africa is working towards the development of a framework on national space policy, which is to be implemented by the newly-formed South African Council for Space Affairs.

South Africa has also made progress since the last session of this Subcommittee, here in Vienna last year. In establishing a South African Space Agency, on 25 July 2006, the South African cabinet took the decision to establish a South African Space Agency, to act as an institutional vehicle for the coordination and implementation of national space science and technology programmes. This new agency is being established under the Minister of Science and Technology and will conduct long-term planning and implementation of space-related activities in South Africa. Its activities will be coordinated closely with the South African Council for Space Affairs and other stakeholders.

The preparation for the launch of South Africa's low orbiting satellite, Sumbandila, are also well underway and the satellite will be launched later this year.

We are also making strides in cooperating with other countries on the African continent on space-related issues, in line with the new partnerships for Africa's development. We hope to conclude a declaration of intent soon, on the African resource management constellation with Algeria, Kenya and

Nigeria, for cooperation and the possible launch and operation of low earth orbiting satellite constellation. In elaborating on our enhanced cooperation with Africa, we are particularly pleased to inform that South Africa will be hosting the Second African Space Leadership Conference from 28-30 August 2007. We have no doubt that this Conference would greatly assist Africa in elaborating on the matters discussed during the previous conference, that was so successfully hosted by Nigeria, in 2005. We believe that initiatives like this in Africa, demonstrates the eagerness and determination of the continent to participate meaningfully on this matter. We look forward to welcoming all our African colleagues to attend the second conference in this series, in South Africa, in August.

Also on our cooperation with our African partners, in complementing the current theme of the symposium series, jointly organized by the ECSL and IISL, we are pleased to inform that the South African Government has provided a great deal of support for the teaching of space law in South Africa in the form of student bursaries, library resources and funding of international conference attendance, as well as training of lecturers in respect of the space and satellite law. The coordinator of that course is currently the Centre for Human Rights at the University of Pretoria, which was the winner of the 2006 UNESCO prize for human rights education. One of the Centre's strengths is that it works at a number of other universities in Africa, holding international academic programmes thereby extending links in important academic fields to other students, academics and institutions in Africa.

Space law is one of the purposes of the new project regulating for development which aims to focus on the regulation of sectors, such as, space, electronic communication and energy in Africa, with the aim of teaching international best practices and to develop African regulatory capacity in these sectors to meet the continents' democratic and development goals. The project is currently being established and 2007 has been designated as a year for research, publication and the development of appropriate courses to be given in 2008. After links with other universities and academies with space law capacities in Africa have been established and the necessary funding from both public and private sectors has been secured.

South Africa values bilateral cooperation in the space arena and has signed an international agreement in the field of cooperation in space issues for peaceful purposes with the Russian Federation in December last year. We look forward to cooperating in

the space arena and signing similar agreements with other countries during the course of this year.

We are also very pleased to advise that we will be hosting the GEO Ministerial Conference in Capetown in November of this year.

My delegation wishes to reiterate our position that space should continue to be used for peaceful purposes for the benefit of all humankind. The introduction of weapons into outer space would undermine the concepts of peaceful uses of outer space, as well as non-proliferation efforts. We believe that regional and interregional cooperation is crucial for preserving the use of space for peaceful purposes by all countries. We therefore add our voice to call for this Committee to give adequate attention to the important issue of maintaining space for peaceful purposes.

Finally, we are pleased to inform that the South African Government has instituted the necessary constitutional procedures to facilitate 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.

Finally, please allow me to take this opportunity to extend our sincere appreciation to the Office for Outer Space Affairs, for their continuous efforts to support the work of COPUOS and its two subcommittees, to prepare us for these meetings and also for the excellent support and cooperation that they have rendered to South Africa over the past year. Thank you.

**The CHAIRMAN** (*interpretation from Spanish*): I wish to thank the distinguished representative of South Africa for her speech. The next speaker on my list is the distinguished representative of Indonesia to whom I give the floor.

**Mr. S. DAMANIK** (Indonesia): Thank you Mr. Chairman. Let me first take this opportunity to express my delegation's distinct pleasure at again seeing you \_\_\_\_\_ (*inaudible*) of the forty-sixth session of the Legal Subcommittee of COPUOS. Under your leadership, the Subcommittee has continued to make important contributions to the further development of outer space law. My delegation also expresses its appreciation to the Office for Outer Space Affairs and all parties, for supporting and carrying out the work, which in turn, facilitates our consideration on the issues of concern during the course of our present session.

Before turning to the work of the Subcommittee for this session, allow me on behalf of the Government and people of Indonesia, to express our sincere appreciation and gratitude to you \_\_\_\_\_ (*inaudible*) that, through the international charter, have been very swift in providing imagery and data of the earthquake on 6 March 2007 in West Sumatra, Indonesia. We would also like to thank the delegations that expressed their compassion and solidarity to Indonesia in view of the recent earthquake in West Java, Jakarta, that has caused the loss of human lives and properties. I would like to further take this opportunity to express our gratitude and appreciation for the countries that have provided humanitarian assistance.

As we stated on many occasions, my delegation would like to reiterate Indonesia's basic position, that outer space should be used and dedicated entirely for the peaceful purposes and for the benefits of all humankind. To take the position into reality, my delegation is of the view that, cooperation among countries 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 the constructive discussion in the Subcommittee have been taking place in the \_\_\_\_\_ (*inaudible*) of legal instruments of space issues. In observing the work of the Subcommittee for this session, my delegation would like to comment briefly on some issues. 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 and application of outer space law and aerospace 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 result of the group's deliberations can then be discussed at the international level in the Subcommittee.

The geostationary orbit is a limited natural resource with *sui generis* characteristic that risk separation. Indonesia would like to reiterate its call that assurance 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 to all States, taking into particular account, the needs and interests of the developing countries, as well as the geographical position of certain countries.

With regard to agenda item 7, review and possible revision of the principles relevant to the use of nuclear power sources in outer space, my delegation expressed that at the last session of the Scientific and Technical Subcommittee, the Working Group on Nuclear Power Sources have reached a consensus to prepare and publish the safe framework for nuclear power sources application in outer space, under the new multi-year workplan 2007-2010. In this regard, my delegation is of the view that, revision of the principle relevant to nuclear power sources in outer space is not warranted.

My delegation considered the Convention on International Interests in Mobile Equipment and the future space asset protocol as an important instrument to regulate the ever-growing outer space activities. In 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 asset 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 qualification.

As to agenda item 9, practice of states and international organizations in registering space objects, we would like to inform you that, in accordance with article 2 of the Convention on the Registration of Objects Launched into Outer Space, at the end of 2006, Indonesia has established a registry of space objects launched into earth orbit. The registry will be maintained by the National Institute of Aeronautics and Space.

In the context of international cooperation, as we have already stated in the last session of the Scientific and Technical Subcommittee, we are pleased to inform you that LAPAN, in cooperation with the Technical University of Berlin, have built the first \_\_\_\_\_ (*inaudible*) micro-satellite, namely, LAPAN-TUBSAT. The satellite was launched from Sriharikota, India, on 10 January 2007 as auxiliary payload by Polar Satellite Launch Vehicle, C7 launcher. It carried with it an S-bend data transmission system, a high-resolution video camera, \_\_\_\_\_ (*inaudible*) video camera and \_\_\_\_\_ (*inaudible*) messaging. In the

meantime, LAPAN and DLR of Germany, have been conducting joint studies on micro-satellite systems. With the Government of the Russian Federation, the Indonesian Government has signed on 1 December 2006, the agreement on cooperation in the field of exploration and use of outer space for peaceful purposes and, in July 2007, Indonesia, in cooperation with China, will organize an international symposium on the use of \_\_\_\_\_ (*inaudible*) for early warning and monitoring of earthquakes. Indonesia also continues to actively contribute to the strengthening of international cooperation among others, through the hosting of the tenth Asia-Pacific Regional Space Agency Forum (APRSAF) and the Second International Water Boosted Rocket Competition on 5-7 December 2006, as well as the APRSAF/UNESCO/LAPAN Space Education Seminar on 11-12 December 2006. Indonesia has also actively participated in the activities of Sentinel Asia and APSCO. We hope that cooperation with other countries will continue to increase in the forthcoming years, in particular, in the form of cooperative activities in support of sustainable development.

In concluding, I would like to reiterate Indonesia's firm commitment and support to the effort of this Subcommittee for the benefit of mankind. Thank you, Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): I wish to thank the distinguished representative of Indonesia for his statement and I now have the honour and privilege, of giving the floor to the Ambassador and good friend of Chile, Ambassador Skoknic-Tapia, who as well as being a great diplomat has written some outstanding pages in the history of Chilean sport, you have the floor.

**Mr. M. SKOKNIC-TAPIA** (Chile) (*interpretation from Spanish*): Thank you Mr. Chairman. On behalf of our delegation, I wish to express our special gratification at seeing you stewarding the deliberations at this forty-sixth session of the Legal Subcommittee of COPUOS, which we are confident will be very successfully concluded. We are well aware of your passion for space issues and especially, for the enlargement and universalization of the multilateral legal underpinning which the peaceful use of space tasks and applications requires. At the same time, may I greet the authorities of the Office for Outer Space Affairs, who are alongside you on the podium, its Director, Sergio Camacho and the staff of the Office, and congratulate all of you on your efficient work in preparing for this meeting and developing the working documents.

Chile restates its resolute commitment to measures conducive to securing universal accession to the five United Nations treaties pertaining to the exploration and peaceful use of outer space. Likewise, where the steadily increasing development of space activities points out the need for a legal regime for space to be applied universally, it is a matter of priority that we promote the knowledge, acceptance and application of the treaties and principles of the United Nations. To this end, we welcome the major symposium which is being held as part of this Subcommittee's session, to enhance training, dissemination and knowledge of space law. The calibre of the lecturers, the importance of the issues selected, allow us to submit that this is a crucial event which should be repeated in the future.

As regards the specific items of our agenda, we wish to highlight the debate on the working document containing the report of conclusions and recommendations on the practice of states and international organizations in registering space objects. The Working Group has done a sterling job and we now have to take some decisions, particularly on the proposal of the group's chairman, for a draft resolution to be submitted to the United Nations General Assembly. Our delegation expresses its readiness to work for the quest for an appropriate consensus on this issue. We hail the interest expressed yesterday by the Swiss delegation in becoming a full member of the Commission and of course, we extend our welcome to this decision, which we know will be a valuable contribution to the work and proceedings of our committee.

Lastly, on a more light-hearted note, we would like to remind all delegations present here, be they full members of observers, as well as all the international organizations who work alongside us and of course, the staff of the Office, all of the staff of OOSA, that the delegation of Chile would be most honoured to enjoy your presence at the reception we are offering in your honour this evening. Invitations have been distributed through the pigeon-holes. We look forward to seeing you this afternoon at 6.15 p.m., in the dining area of the VIC. Thank you Mr. Chairman.

**The CHAIRMAN** (*interpretation from Spanish*): I thank the distinguished Ambassador of Chile for his statement and for the event being organized later this afternoon for your humble servant. Before we move on to the next item in keeping with what we agreed yesterday, I wanted to see if there is any delegation who is very keen to make a comment at

this stage. If there are not, then I would like to give my own summary.

We have heard some very interesting statements, the Russian Federation referring to a questionnaire on developing space law, that would contain crucial elements for the future work of this organization on the key issue on the agenda. This is an aspect which we must consider.

Then, the delegation of the People's Republic of China, spoke of a Magna Carta on space going back to 1967.

Many other delegations have referred to the importance of ratification of this Treaty and the doctrine contained therein. The Space Treaty is deemed to be almost a constitutional treaty, since some of the provisions of such importance and there is no doubt that on the basis of the Outer Space Treaty, work needs to begin on other treaties which also have to be taken into account. It is especially interesting, the Ambassador of Chile would also be interested in this, and he is already aware of it, what is important then, is the regional organization \_\_\_\_\_ (*inaudible*) which is being developed and the Ambassador of Chile has been crucial in developing the Santiago meeting for this organization, this is something we must pay attention to and it needs to be considered subsequently. China's initiative is of key interest in this connection. Also, South Africa gave an excellent presentation.

I wanted to highlight something which is not usually related to these issues and that is, the relationship between space science and technology with human rights. The organizer of a course on space law in South Africa was, in the context of the Pretoria University Centre for Human Rights, that won the UNESCO prize for human rights in 2006, that is an appropriate recognition of what that country is doing in this field. There is also a conceptual link which is very important, that is, between human rights, science and technology and more specifically, space science and technology. The need for improving the impact on the socio-economic lives of individuals, as for Indonesia. An important contribution has been made by that country in highlighting something which may be obvious but which has not been sufficiently grasped by us. The idea he mentioned was, to establish a legal frontier between aeronautical developments and space developments and this key issue, which Indonesia mentioned, is the common heritage of humanity.

Lastly, there was Chile's statement, I do not want to comment too much on this because I might appear a bit biased but there is one important element

to be highlighted and that is, the reference to the working group document on the conclusions and recommendations on registering of space objects.

Lastly, I would like to mention something which is obvious but I have seen in 80 or 90 per cent of the statements, a reference to the four key treaties of space law but in fact, of course, there are five treaties and the distinguished representative of Chile has just made that point and as a minor detail which needs to be mentioned, that is the Moon Treaty, which refers to the common heritage of humanity. Some people may, or may not, like that Treaty but there are five of these treaties, that we can sovereignly decide to ratify them or not but there are still five of them at the end of the day. I am not sure if there are further comments to generate debate under item 4 but there is one thing which I would like to mention and that is, an observation made by the Indonesian delegation, which perhaps could meet my friend from Colombia to find some solution. Colombia spoke in very provocative terms, from an intellectual standpoint, for a proactive consensus and the fact that the geo-stationary orbit is an atypical resource, Indonesia referred to it being a *sui generis* resource and perhaps they could get together to find a common position, this is just an idea.

I would now like to give the floor to the distinguished representative of Algeria.

**Mr. S. FEROUKHI** (Algeria) (*interpretation from French*): Thank you very much. I am very pleased that you have suggested that we pursue this exchange of views because statements tend to be read out in the usual way and it would be interesting to actually address a number of issues.

There are three issues that my delegation would like to address and they have all been raised by delegations and they all seem to be important to me. The first thing, is the question that you mentioned in your summary, when you talked about the link in terms of operation with space technology linking that with the millennium development goals, that is a very interesting idea especially for African countries because we have very ambitious goals, in the context of the millennium development goals, when it comes to health, education and other areas, such as campaigning against poverty and hunger. This is a link which we need to be able to bring to life using space technology and we must not be determinist here, that is, we have got to actually bring about these links between space technology and programmes that are currently being implemented by organizations, including United Nations bodies today. I am thinking of FAO, the Food Programme and the \_\_\_\_\_ (*inaudible*) when it

comes to producing indicators in terms of health, education and poverty reduction, especially in rural areas in Africa. If we are talking about the millennium development goals here, then there is an effort to be made here when it comes to linking COPUOS activities and activities undertaken by other international organizations because in United Nations bodies though, traditionally alliances in order to implement programmes, alliances between FAO, WHO and so on.

This brings me to my second point, which is also important. We often talk about international cooperation, but in fact, we do not have the actual tangible practical tools to bring this about always. Sometimes countries such as mine, we aim to cooperate but what actually happens is that it is commercial activities because technology is actually purchased, so under the heading of cooperation, very often what we find is that the relations tend to be commercial, if we really want to develop international cooperation in the area of space technology we need the tools, we need the funding to bring this about. Egypt mentioned this issue as well. This is something we can think about.

The third point I would like to raise is the following, all delegations have called upon us to use these anniversaries as an opportunity to think about things and we should think about strategy, we should think about standardization and the rules that we need for the forthcoming years, this is something that can be dealt with in our informal workings groups. We need to look at what the opportunities are today, especially when it comes to soft law, for instance, we do not have to have treaties and conventions in every single domain. We can have a strategy which could use soft law mechanisms or could use rather tougher mechanisms. That is the contribution that I wanted to make to this debate that you have called upon us to engage in. Thank you.

**The CHAIRMAN** (*interpretation from Spanish*): I thank the distinguished representative of Algeria for his interesting contribution. This is just another demonstration of the privilege it is, to have made every effort to ensure that Algeria may become a member of this Committee. I give the floor to my friend, the distinguished Ambassador of Colombia.

**Mr. C. ARÉVALO-YEPES** (Colombia) (*interpretation from Spanish*): I, too, agree, about how useful and beneficial it is to have some discussion after the general statements made by delegations on their national programmes but to pay tribute to the title, general debate, it is, indeed, important to emphasize as



you have so rightly done, the leitmotivs which could lead to an exchange of ideas on core issues.

I have two in particular, in response to your appeal. The first, naturally, is that we have had a traditional coincidence of views with Indonesia, and this has been the case for many, many years. The legal experts of that country have always been very astute in putting forward a number of positions which have proven to be very successful in the world of legal standard setting on the geo-stationary orbit, to more general terms, in achieving more specific stands on the orbit, particularly article 44 of the Constitution of ITU. We have always put forward the view that there was a need for *sui generis* regime for the geo-stationary orbit, taking into account the fact, that this orbit is a natural and limited resource which naturally runs the risk of being saturated. This is another important issue, the one of protection of natural resources and the developing countries rights to natural resources. In the General Assembly, the geo-stationary orbit has seen some substantial contributions in this regard, particularly the \_\_\_\_\_ (*inaudible*) instrument, which refers to the historic importance of the geo-stationary orbit in the light of the research carried out by Colombian researchers in this field and that obviously had scientific and technical ramifications. In general terms we wanted to say that, the basis of our position is similar to that of Indonesia. It is important to continue to find ways and means which will bring about fair access, not just in COPUOS but in ITU as well.

The second point which is crucial, is the question of cooperation. Cooperation is a word which has been used and abused in many respects. At the fifth Space Conference of the Americas, we saw an increasing view that cooperation is an element of law with legal underpinning which is now becoming virtually an element of law. Cooperation is absolutely crucial, since it is through that, that we may comply with article 3 of the Outer Space Treaty, by means of which, a whole structure of space activities have a real meaning and substantial progress has been made in this field. Not just cooperation on major space projects to which the developing countries do not have access but also cooperation which could be carried out in a way that it would reduce the technological divide.

There is one important issue, which I will try to expand on more in detail this afternoon and that is, how cooperation can be achieved through specific instruments, for example, memorandum of understanding for technology and cooperation on space issues, they contain very diverse legal provisions from a legal, fiscal, economic point of view, which have ramifications of various legal fields which come

together in such instruments. Hereto, we can make an effort to produce a sort of model for legal instruments which would be easily accessible and OOSA has already provided such advice through its legal department, in showing how States can implement international cooperation through such specific instruments.

Summing up, those are the two observations which I would like to make, particularly on the very important and interesting statement made by Algeria.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you very much for that interesting contribution. The distinguished representative of Brazil has the floor.

**Ms. C. RIBEIRO MOURA** (Brazil): The promotion of this debate is very useful for the work of this Subcommittee. I would also like to make two brief points. The first one is about the usefulness of the space technologies for developing countries and in this respect, I totally support the ideas put forward by the delegation of Algeria, especially in what concerns the promotion of the millennium development goals. In this connection also, I would like to mention that the Brazilian proposal at COPUOS goes in that sense, that is, in order to promote or to create the national infrastructure in developing countries through capacity-building so that they can be enabled to better utilize space information and technology for their development goals.

The second point is about the observations that were just made by the delegation of Colombia on the geo-stationary orbit. Brazil has a \_\_\_\_\_ (*inaudible*) that broad interpretation of article 44 of the ITU Convention. We believe that any interpretation that might restrict an equitable access to the geo-stationary orbit would go against the spirit of the Magna Carta for space, that is the 1967 Treaty, where article 1, as I am sure that everybody knows, states that, the exploration and use of outer space shall be the province of all mankind, so our interpretation goes in that sense. Thank you.

**The CHAIRMAN** (*interpretation from Spanish*): I thank the distinguished representative of Brazil. I do not want this debate one which would be superimposed on specific issues or specific agenda items but these are important points you have made. The last comment is to be made by the distinguished representative of Greece.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): I would like to say good

morning to everybody and I would just like to make a comment. Taking up on what Algeria said with regard to cooperation and assistance or aid because cooperation is rather a vague word but aid or assistance to developing countries, so that they can enjoy the benefits of space technology. Just one point if I might. Some 20 years ago, ITU came up with an unprecedented system, a magnificent system for development assistance and as you know, there is the Telecommunications Development System, but that is not telecommunications in the strict sense because since the end of the plenipotentiary conference in Antalya last year, a dozen resolutions \_\_\_\_\_ (*inaudible*) resolutions one might say, have been taken on overseas aid on information technology and telecommunications from the point of view of the World Summit on the Information Society (WSIS) and most of the technologies involved are space technologies and it is, therefore, vital to institutionalize relations here, to make sure that they are as close as possible with ITU and the entire development sector. We must have the models and we must make sure that we also find sources of funding for this because we might have space applications programmes but our office is very poor, financially, and the whole technology development system, that is, space technology and telecommunications, this is all something that could be very useful for our efforts here and I would also like to suggest to our colleagues from interested countries, that they could be in a position to help us move forward towards an institutional solution to this matter.

**The CHAIRMAN** (*interpretation from Spanish*): Thank you. I wanted to express a few ideas and trying to be as pragmatic as possible, on the basis of a very interesting statement made by the distinguished representative of Algeria. I can say that there is no doubt about the link with the millennium development goals, an inextricable link for the peaceful use of outer space and he very concisely referred to the importance of this to our countries. To focus our actions, perhaps OOSA could send letters to the Directors-General of UNESCO and WHO, specifically UNESCO, because its Deputy Director-General has tremendous experience on space issues, to pinpoint this link with the millennium development goals so perhaps they could provide some elements for this discussion.

Two points of cooperation and aid. Cooperation is clearly established in resolution 2625 (1970), which recognized the crucial principles of the United Nations Charter, which spoke of a duty to cooperate, so from a legal standpoint, this issue has already been dealt with. Then, Greece is quite right on aid, a specialized agency, he rightly pinpointed

the last UNDP report on human development, mentioned development assistance \_\_\_\_\_ (*inaudible*) he said that 40 per cent was being earmarked for African countries. There is this question of a duty to cooperate and use \_\_\_\_\_ (*inaudible*), which is certainly referred to in resolution 2625.

We have had an interesting debate, many other things which we have to continue doing, including the working group chaired by our friend from Greece. Let us now move on to item 4 of the agenda in plenary. I have just a single speaker on the list of speakers and that is the distinguished representative of the United States of America, to whom I give the floor.

**Mr. M. SIMONOFF** (United States of America): Thank you Mr. Chairman for this opportunity to provide the views of the United States on this agenda item.

The four core treaties governing the use of outer space, the Outer Space Treaty, the Agreement on the Rescue and Return of Astronauts, the Liability Convention and the Registration Convention, have served States Parties well over many decades. The United States is honoured to serve as one of the depositories for three of these treaties, the Outer Space Treaty, the Rescue and Return Agreement and the Liability Convention. I have consulted with the State Department's Treaty Office regarding actions, with respect to these treaties, and I am pleased to report that, since the Legal Subcommittee's last meeting in April 2006, our Treaty Office received on 17 October 2006, an instrument of ratification of the Liability Convention by Algeria. We are also pleased to hear about the developments towards ratification that have been reported during the course of this Legal Subcommittee session so far. We would welcome any further information from other depositories on any relevant treaty action since this Subcommittee's last meeting. We would also welcome further adherence to these treaties and hope that those States and international organizations, including some members of COPUOS, and some organizations that participate as observers to this Subcommittee, that have not yet become party to these treaties, will carefully consider the status with respect to them in the coming year. Thank you Mr. Chairman for the opportunity to comment on this agenda item.

**The CHAIRMAN** (*interpretation from Spanish*): I thank the distinguished representative of the United States for this statement. I now have pleasure in giving the floor to the distinguished representative of Brazil.

**Ms. C. RIBEIRO MOURA** (Brazil): Under this agenda item, I would like to convey some information on the latest developments in Brazil. Before I do so, I would like to also convey my appreciation to Mr. Sergio Camacho, the Director of OOSA and his staff for the very efficient preparation for the present session.

Following the ratification by Brazil of the United Nations Convention on the Registration of Objects Launched into Outer Space, on 20 February 2006, I would like to inform, that the corresponding instrument of accession was deposited at the headquarters of the United Nations in New York, on 17 March 2006. The Convention was enacted by Presidential Decree 586, of 19 June 2006. Moreover, as required under article 2 of the above-mentioned convention, the Brazilian Space Agency established a national register of all space objects that are under the responsibility of Brazil, that is, when Brazil can be characterized as a launching state in one of the categories of launching states foreseen under the Convention. The national register was created by the Brazilian Space Agency, by resolution 69 of 12 December 2006.

Finally, the Brazilian delegation deems that, the accession of Brazil to the Registration Convention is important, not only to enhance the Brazilian space regulations but also, as a relevant step to prepare for the commercial exploration of the Alcantara Space Base. In this context, I would like to mention that, in connection with the bilateral agreement celebrated between Brazil and Ukraine, the Alcantara Cyclone Base, an enterprise, was created last September in order to implement that agreement.

**The CHAIRMAN** (*interpretation from Spanish*): I think that was very interesting to see all the background which brings us up to date with what Brazil is doing in this field. Distinguished delegates, I am now going to adjourn this meeting so that the working group on item 4 may begin its deliberations. However, before doing so, I would like to inform delegates of our timetable for this afternoon. We will be meeting at 3 p.m. sharp to continue the consideration of agenda item 3, general exchange of views, at around 4 p.m., I intend to adjourn the plenary meeting of the Subcommittee for the second session of the IISL/ECSL symposium on capacity building in space law. The meeting is adjourned.

*The meeting closed at 11.24 a.m.*