

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

Unedited transcript

777th Meeting

Tuesday, 8 April 2008, 10 a.m.

Vienna

Chairman: Mr. V. Kopal (Czech Republic)

The meeting was called to order at 10.15 a.m.

The CHAIRMAN: Good morning distinguished delegates, I now declare open the 777th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

I would first like to inform you of our programme of work for this morning. We will meet promptly at 10.00 a.m., it means it is clear. At that time, we will continue and hopefully conclude our consideration of agenda item 11, Capacity-Building in Space Law. We will continue our consideration of agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space. We will also begin our consideration of agenda item 13, Proposals to the Committee for New Agenda Items.

Are there any questions or comments on this proposed schedule?

I see none.

Ladies and gentlemen, prior to opening the discussion on the capacity-building in space law, I would like to inform you about something.

(Continued in French) Today we will have the pleasure and honour of hosting Mr. Gérard Brachet here, former President of the United Nations Committee on the Peaceful Uses of Outer Space. I believe it is a happy and exceptional opportunity and, on behalf of all of us here, I would like to ask you to please say a few words for the benefit of the Subcommittee. You have the floor Mr. Brachet.

Mr. G. BRACHET (France) *(interpretation from French)*: Thank you Mr. Chairman. First of all, I would like to thank you for having interrupted, in fact, the floor of the deliberations of the Legal Subcommittee to announce my arrival. I have to apologize to the delegations. I could only put things aside for three days, yesterday, today and tomorrow to attend this Legal Subcommittee session but at least I am happy to be able to attend part of your session.

For me, it is extremely important. We have worked for two years to advance the work of the United Nations Committee on the Peaceful Uses of Outer Space and I am particularly satisfied that the omnibus resolution 62/217, approved by the United Nations General Assembly last year, has traced an outline of the programme of work for the year 2008, therefore, the Scientific and Technical Subcommittee and the Legal Subcommittee and, of course, for the Main, the Plenary Committee itself.

I am also happy to announce that the General Assembly approved a special resolution on the registration of space objects. If I recall, it is number 62/110 and that resolution, of course, is a direct product of the work of the Legal Subcommittee, on which it is to be congratulated.

And at this point I wanted to also congratulate you, Mr. Chairman, on having been nominated again to the Chair of the Subcommittee and wish all colleagues every success this week.

Thank you Mr. Chairman.

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.



The CHAIRMAN (*interpretation from French*): I thank you distinguished Chairman of the Committee on the Peaceful Uses of Outer Space for being here with us and, of course, you are cordially invited to stay as long as you want. Thank you.

Capacity-building in space law (agenda item 11)

(*Continued in English*) Ladies and gentlemen, we will now continue the discussion of item 11 of our agenda on capacity-building in space law.

I have one delegation inscribed in the list of speakers and it is the distinguished representative of Nigeria.

Mr. A. OTEPOLA (Nigeria): Mr. Chairman, this Subcommittee at its forty-sixth session in 2007 in recognition of the importance of capacity-building in space law, especially in developed(?) countries, adopted the agenda item as a single issue.

In furtherance of the importance of this agenda item, COPUOS at its fiftieth(?) session decided that the Office for Outer Space Affairs should continue to explore the possibility of developing a curriculum for a basic course in space law that would be used in particular for the benefit of developing countries by initiating space law studies as appropriate in the activities of Regional Centres for Space Science and Technology Education affiliated to the United Nations.

Mr. Chairman, if properly regulated activity in the outer space regarding understanding of all member States of the basic rules of _____(?) (*not clear*). For member countries to be able to live up to their responsibilities under the various treaties on outer space, it is assumed that member States fully understand their treaty obligations. However, it is clear that many emerging space-faring States do not have this practice in space law adequate enough to enable them fully to fully assume responsibilities associated with their activities in outer space.

This that of space law is part _____(?) learning in developing countries. The need to institute a programme for training and capacity-building in space law especially in developing countries has assumed that become imperative in order to build a course on space law as that and there are a number of ways that this could be achieved without creating new institutions.

COPUOS, at its fiftieth session, endorsed the decision of this Subcommittee at its forty-sixth session, to request the Office for Outer Space Affairs to

continue to explore the possibility of developing a curriculum for a basic course in space law in the activities of the Regional Centres for Space Science and Technology Education. Much as this we address the need for capacity-building in space law, Mr. Chairman, the level of current assistance received from the United Nations and member States for the activities of these Centres does not match the expectations of most(?) countries.

Nigeria is one of the four Regional Centres and has been the law of the host country to support to a greater extent the continued operations of these Centres. The Regional Centre in Nigeria just had its Governing Board meeting with the representative of the Office for Outer Space Affairs in attendance.

The issue of lack of adequate support for the activities of the Centre was high on the agenda. Therefore, the need for a better support for these Regional Centres if they are to be used as a conduit for capacity-building in space law.

Mr. Chairman, in addition to this, there is need to widen the existing opportunities for capacity-building in space law for a well and proper coordinated training and capacity-building in space law. It will be more beneficial to involve more order, international and intergovernmental organizations for further training of developing countries' officials in advanced studies in space law in added for universities and institutions of higher learning with assistance provided through grants and scholarships.

Research also explored the possibilities of _____(?) the existing capabilities of this just like _____(?) and with the support of other intergovernmental organizations in organizing training courses on specific aspects of space law _____(?) for the benefit of universities(?).

Mr. Chairman, given the importance that my delegation attaches to this agenda item, we propose that capacity-building in space law should remain as a single item on the agenda of this Subcommittee at its forty-eighth session in 2009 so that we can continue to address the subject as well as monitoring the implementation(?) of any decisions are made by this Subcommittee. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of Nigeria for your contribution on capacity-building in space law. As a matter of fact you have evaluated the present situation in this respect and also the need of the many emerging space-faring States including, in particular, the

developing countries. You also requested the Office for Outer Space Affairs to continue to explore the possibility of developing a curriculum for a basic course in space law in the activities of the Regional Centres for Space Science and Technology Education. As a matter of fact this initiative has been already developed during the session of legal experts that was organized by the Office in December last year and you have the report from this session, including the progress that has been reached so far.

At the same time, you expressed a certain critical remark on the address of the United Nations because in your opinion the current assistance does not match the expectation of many countries. There is, therefore, need for a better support for Regional Centres if they are to be used as a conduit for capacity-building in space law.

In the last part of your speech, you supported the idea of keeping the capacity-building of space law on the agenda of the Subcommittee at the forty-eighth session in 2009. Of course, we will discuss the item on the next items to be included in the agenda of the 2009 later. Thank you very much.

I do not have any other speaker on the list of speakers for this particular item. Is there any other delegation?

I recognize the distinguished representative of South Africa.

Ms. L. MAKAPELA (South Africa): Thank you Chairperson. The distinguished representatives of this meeting will recall that we have already taken the floor on this item but we have found that the exchange of views has been very interesting and in light of the fact that we will be concluding this agenda item this morning, we thought that it would be useful to exchange some summaries of some of the ideas that have been shared.

In the view of our delegation, the utility(?) of this item is to exchange views and simulate debate on the issue of capacity-building. It is also important to identify future programmes and initiatives to take forward. In this regard, it has been a very rich debate with the interest of many delegations making interesting suggestions and most supporting the retention of this item on the agenda as a single item agenda for future sessions.

It was also identified that capacity-building is important for all countries, not just developing countries. In addition, there was a question asked by

some delegations about what capacity-building does mean and a useful answer supplied by the distinguished delegate from the Ukraine that has three components, which our delegation certainly agrees with, the educational component, for example, manage information sharing, university and vocational training. It has a component for research and development and it has a component for the dissemination of knowledge on space law.

There were also very many suggestions made on what can be done to take the issue of capacity-building forward. Quite a lot of those and I say with trepidation for the Office for Outer Space Affairs, actually relate to what the Office for Outer Space Affairs can undertake, although they are a very small office but they do play a very valuable role in already undertaking capacity-building initiatives.

So, the Office for Outer Space Affairs, of course, was also commended for the establishment of an Experts Group and were requested to continue with the development on a curriculum on space law. It was also suggested that a trust to be managed by the Office for Outer Space Affairs and funded by voluntary contributions from States should be established at the training opportunity to students in the area of space law.

The Office for Outer Space Affairs was requested to offer internships to young law students interested in space law and also to explore further the possibility of developing a short online course in space law.

It was requested to continue to update the database of fellowships, grants and scholarships of it and in this regard thank you for the updated database we have just received this morning. And then the Office for Outer Space Affairs was also requested to work to explore the viability of including reports, articles and reviews of interests to students and practitioners in the area of space law on its electronic database.

It was suggested that the possibility of creating a small legal office within the Office for Outer Space Affairs should be explored and it was also requested that the Office for Outer Space Affairs, in the long term, request and investigate updating the publication on space law that it did in 1999.

The possibility of establishing a Regional Centre for countries that are becoming in transition which should also be considered and a database of experts working in the area of space law could be

established and managed by the Office for Outer Space Affairs.

Of course, Mr. Chairperson, these are things that are done to develop its member States and member States have an obligation and responsibility in this regard as well. Some of the suggestions that we identified and we would like to take forward on our part, that States are urged to make available scholarships, grants and scholarships, especially to students from developing countries. And they are also urged to encourage law faculties in their country, if they do not already do so, to include a module on air and space law in their general courses on international law. States are also encouraged to further international cooperation and collaboration between their law faculties, as well as to widely disseminate the _____(?) and benefits of space law, including during the National World Space Week celebrations.

And finally, it was also suggested that a more structured contact between different regions in sharing experiences and knowledge should be explored further.

Mr. Chairperson, of course, this summary does not include the valuable contributions made by the Nigerian delegation we have just heard this morning but I think that it does give us a very comprehensive work plan for which to take on further in our future meetings.

Thank you Sir.

The CHAIRMAN: Thank you distinguished representative of South Africa for your contribution to item 11, capacity-building in space law, in which you evaluated the exchange of views on this subject that has been developed during our consideration of this meeting and provided us with a brief summary of these discussions. You emphasized in particular the issue has three important components, one of them concerning education, the other concerning research and the third one concerning dissemination of knowledge and in this respect you referred to the contribution made yesterday or before yesterday or the last week by our distinguished colleague from Ukraine.

You then also briefly evaluated the efforts of the Office for Outer Space Affairs, particularly its initiative and for convening the Expert Meeting and the efforts as developed during this meeting and after the meeting on elaborating a curriculum. And you then also mentioned some other activities in this field.

And finally you suggested, you made a number of suggestions that, of course, should be taken

into due account when we will develop this issue at our further session. And you supported the idea of holding another session or sessions on this particular item during our next meeting. Thank you very much once again.

Mr. Secretary, do we have still another speaker on the list? No.

I have no other speaker on the list of speakers on this particular item. Is there any other delegation wishing to speak on it at this moment?

I see none.

Any observer wants to speak on this particular item?

I see none.

Ladies and gentlemen, I think we have, therefore, concluded our consideration of agenda item 11, Capacity-Building in Space Law. And as to the suggestion for the continuation of discussions on this item during the next session of our Subcommittee, I refer again to the discussion on the point items to be included in the next agenda of this Subcommittee.

General exchange of information on national legislation relevant to the peaceful exploration and use of outer space (agenda item 12)

Distinguished delegates, I would now like to continue our consideration of agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

And I have several speakers on my list of speakers on this item and the first among them is the distinguished representative of the Russian Federation.

Mr. V. Y. TITUSHKIN (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. Mr. Chairman, colleagues, let me report on some aspects of Russia's national legislation that regulates matters pertaining to peaceful uses of outer space and space exploration.

At present, Russia has enacted about 30 various legal instruments at different levels in the area of space activities. In the system of Russian legislation regulating space activities, the Federal Law of 1993 on Space Activities is the central instrument. It defines space activities as any type of activities related to work to explore and/or use outer space including the Moon

and other celestial bodies. The very first article of the Law stipulates that space activities are regulated both by national legislation and the principles and norms of international space law, international treaties to which the Russian Federation is a party.

The Law on Space Activities also enshrines the principle of strict State control over all participants in space activities at every stage. The Law says that space activities are under Federal jurisdiction of the Russian Federation, that of the Russian State. The Law stipulates that overall leadership in the area of space activities is carried out by the President of the Russian Federation. And the Government of the Russian Federation implements a State Policy in this area, coordinates matters pertaining to the international cooperation involving the Russian Federation and exercises control over the development and implementation of international space projects.

Direct management of space activities is carried out by a specially set up Federal agency, the Federal Space Agency, also known as ROSCOSMOS, set up by a special Decree of the Russian President. The Law on Space Activities gives pride of place to matters of control and jurisdiction over space objects. Specifically, it stipulates that the space objects of the Russian Federation are subject to a mandatory registration and have to be adequately marked in that regard.

The Russian Federation retains its jurisdiction and control over space objects registered in the Russian Federation throughout their mission, while they are on the ground, at any place of their space mission and after their return to the Earth. If a space object is designed jointly with another State or organization or an international organization, the matter of the registration of such an object is addressed on the basis of appropriate international treaties.

The Russian Federation has entrusted keeping the registry of launched space objects to ROSCOSMOS. The Law on Space Activities has appended to it a special regulatory instrument determined by ROSCOSMOS for overseeing the registry of space objects.

Under the Federal Law on Space Activities and the Federal Law on Licensing, space activities pursued by Russia's enterprises and businesses are subject to mandatory licensing. The licensing procedure is established by the Government of the Russian Federation. The main objective in considering documents submitted by potential licensees is to determine the feasibility of the project in question and

its compliance with the law of the Russian Federation, first and foremost with the Law on Space Activities.

Space technology developed in Russia, including space objects and space infrastructure items, are subject to mandatory certification and need to be checked for compliance with the established requirements.

The Law on Space Activities also enshrines the principle of safe and secure space activities and environmental protection. This principle is implemented through obligatory account of the level of permissible manmade impact on the environment and the near-Earth space in planning and implementation space activities.

With a view to protecting the interests of the workers employed in the space sector and third parties, the Law also envisages mandatory insurance to cover any harm to the life, health or property of such individuals. Space technology is insured on a voluntary basis.

The Law on Space Activities, in accordance with international law, envisages absolute liability for any harm done to Russian space objects in the territory of the Russian Federation or beyond it except for outer space. The procedure for compensating for damages is regulated by the Civil Code of the Russian Federation.

The long-term strategy of the Russian Federation in developing its rocket and space potential, the exploration and peaceful uses of outer space is outlined in the Federal Space Programme of the Russian Federation.

Under the Law on Space Activities, the Federal Space Programme of the Russian Federation is a document that serves as the basis for formulating State orders for the development and use of space technologies for research and socio-economic purposes, these orders are certified by the Government of the Russian Federation. A programme is developed, taking into account the objectives and principles of space activities as defined in the Programme, the economic status of the country, the state-of-the-art of space science and industry, the interests of the consumers and the producers of space technology and space objects, the international space market, as well as the international obligations of the Russian Federation and the objectives of international cooperation.

The use of the radio frequencies for space activities is regulated by the Federal Law on Telecommunications of 2003. That Law establishes

the principle that the regulation of the use of radio frequencies is the exclusive prerogative of the Government and is strictly in compliance with the international treaties that the Russian Federation is party to.

On the basis of the Law on Space Activities and the legal and international obligations of the Russian Federation, the Government has developed a number of normative and regulatory instruments regulating other types of space activities, such as satellite navigation, satellite telecommunications or remote sensing.

Of course, in a short presentation like this, it would be impossible even in concise form, to address all of the various regulatory legal instruments that exist in the Russian Federation to cover the area of space activities. To cite but one more example, I could mention the Law on Environmental Protection of 1991 which bans jettisoning radioactive materials or debris into outer space. The development of space technology expanding the scope of the practical applications of the products of space activities called for the ongoing development and evolution of regulatory instruments. At present, we are working on a new draft law on the registration of space objects. Also a new set of sectoral standards aimed at the space debris mitigation and a number of other regulatory instruments. Thank you very much.

The CHAIRMAN (*interpretation from Russian*): I thank you distinguished representative of the Russian Federation for your detailed statement in which you have informed us of the legislative framework that exists in the Russian Federation in the area of space exploration.

You mentioned that the Russian Federation has about 30 various legislative instruments pertaining to various aspects of space activities. You emphasized the importance of the 1993 Law on Space Activities and highlighted the most important elements of this fundamental legal instrument.

You also informed us of the existence of the registry of launched space objects and the legal framework for the functioning of this registry which rests with ROSCOSMOS, that is the Federal Space Agency of the Russian Federation.

You also mentioned other laws and legal instruments, for example, a law that stipulates mandatory insurance of people employed in the space industry. You also informed us of the fact that the Law on Space Activities envisages absolute liability for

damage done to space objects of the Russian Federation.

You have further informed us of the Federal Space Programme of the Russian Federation. Matters pertaining to the use of radio frequencies are regulated in your country by the Federal Law on Telecommunications of 2003.

And finally you mentioned the existence of a Law on Environmental Protection enacted in 1991 which, among other things, bans the jettisoning of radioactive materials or debris in outer space with a view to their burial.

You also provided brief information on the work currently underway on a draft law on the registration of space objects. Thank you very much once again for your contribution to our discussion here and we are going to continue.

(*Continued in English*) The next speaker on my list of speakers is the distinguished representative of Korea.

Mr. J. LEE (Republic of Korea): Thank you Mr. Chairman. In order to implement the provisions of the United Nations treaties and principles on outer space at the national level, the Republic of Korea, as a member of the Outer Space Treaty, the Rescue Agreement, the Liability Convention, and the Registration Convention, enacted the Space Development Promotion Act in 2005 containing Korea's Space Development System, domestic registration procedure, full support for the rescue and safe return of astronauts as well as space objects, space accident investigation and so on.

In addition, there has been studies and discussions on the enactment of the domestic law dealing with liability for damages caused by space objects before a draft Bill was submitted to the National Assembly for deliberation in February 2007. The Bill named Space Liability and Compensation Act was reviewed and finally approved by the National Assembly in November 2007, waiting for coming into force in June this year.

The Law provides for the criteria and structure of space liability. According to the Law, the holder of a Launch Permit takes responsibility for damage caused by the launch and should it satisfy the insurance requirements listed in the Ordinance issued by the Ministry of Education, Science and Technology, considering the characteristics of a space object,

environmental launch site and domestic and international insurance market, etc.

The responsible party is not required to pay compensation of more than 200 billion Wan(?), equivalent to about US\$200 million. The Government may provide for the payment beyond the limitation on condition that it thinks it is necessary for achieving the proposal of this Law and the National Assembly approved it.

Mr. Chairman, I am sure that the enactment of the national legislative norm will not only promote the development of Korean space activities but also contribute to enhance the effectiveness of the international space law. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of Korea for your contribution to the discussion on this particular item. You mentioned in your statement, particularly the Space Development Promotion Act of 2005 containing the Korean Space Development System, domestic registration procedure and other important elements of space activities.

You also mentioned the recent Space liability and Compensation Act that was approved by the National Assembly in November 2007 and is expected to enter into force in June this year.

Finally, you emphasized that the enactment of national legislative norms in our country will also contribute according to your expectations to enhance the effectiveness of international space law. Thank you very much.

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

Ms. S. SAKAMOTO (Japan): Thank you Chairman. Mr. Chairman, distinguished delegates, on behalf of the Japanese delegation to the Legal Subcommittee of COPUOS, I am honoured to present on the Japanese reservation concerning the peaceful exploration and the use of outer space.

Mr. Chairman, in 2003, Japan's reorganization with outer space activities, the Institute of Space and Astronautical Science, ISA, the National Space Development Agency, NASDA, and the National Aerospace Laboratory(?), NALU, were integrated into one organization called the Japan Aerospace Exploration Agency, JAXA. Since JAXA was established as a non-governmental entity, Page 5 in Article 6 of the Outer Space Treaty, the Japanese

Government is obligated to supervise JAXA's activities, as outlined in the JAXA Law of 2003, especially Article 24.

The Supervisory Authority of Japan currently consists of the Ministry of Education, Culture, Sport, Science and Technology, MECSST, and the Ministry of Internal Affairs and Communications emerged three.

JAXA conducts its launches in accordance with the guidelines entitled "Launch of Artificial Satellite Standards". These guidelines mandate a comprehensive safety in _____(?) of launch activities, authorized by MECSST, in accordance with Article 17, Paragraph 2 of JAXA law.

By launching operations for its H-IIA rocket, for transport(?) to be applied at the company last summer. Safety management and responsibilities for these launches remain under the control of JAXA since the launching is conducted in Panavashima(?) Space Centre, which JAXA owns.

Such a framework assures that the private launches of H-IIA are conducted in true conformity with the safety guidelines as outlined in JAXA law and related regulation which JAXA observes, thereby, adequately supervised by the Ministry of MECSST.

Finally, we would like to explain the current status of Japan's national legislation on space activities.

Last summer, members of the ruling coalition party submitted a Bill governing Japan's space activities to the House of Representatives. Substantial discussion about this Bill is to be conducted shortly.

Japan will continue to fulfil its obligations from space-related treaties and to exchange information with COPUOS members. Thank you Mr. Chairman and distinguished delegates for your kind attention.

The CHAIRMAN: Thank you distinguished representative of Japan for your contribution to our present discussions by which you informed us about the present Japanese legislation concerning the peaceful exploration and use of outer space. In particular you informed us about the present single organization called Japan Aerospace Exploration Agency, JAXA, which was created by merging of three foregoing organs and that represents a non-governmental entity which is specified in Article 6 of the Outer Space Treaty.

You also informed us that JAXA conducts its launches in accordance with the guidelines entitled "Launch of Artificial Satellite Standards". And then you also mentioned that while launching operations for the Japanese rockets was transferred to a private company last summer, safety management responsibility for these launchings remain under the control of JAXA.

Finally, you informed us about the current status and trends in Japan's national legislation on space activities. Thank you very much once again for your contribution.

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

Ms. _____(?) (South Africa): Chairperson, distinguished delegates, thank you for this opportunity to exchange information on our national legislation relevant to the peaceful exploration and use of outer space.

South Africa has a joint(?) State system of international law which means that it needs to incorporate its international trade(?) obligations into its domestic law.

South Africa is a party to the Outer Space Treaty and the key provisions of this treaty and cooperative treaties to the Space Affairs Act of 1993 which was amended in 1995. This is one of two principle legal instruments relating to space activities in South Africa.

In accordance with the requirements of the Outer Space Treaty, the Space Affairs Act is primarily a regulatory framework for the conduct of the space activities in and from South Africa. The space activities that are regulated are defined as the activities directly contributing to the launch of a spacecraft and the operation of such craft in outer space. The envisaged activities are further elaborated in the Act.

Outer space is also defined in the Act as the space above the surface of the Earth from height at which it is in practice possible to operate an object in the orbit around the Earth.

Any space activities as defined by the Act can only take place once the licence is issued. The responsible statutory board for the issuing of licensing is the South African Council for Space Affairs which is established to implement the regulatory, monitoring and registration functions of the Act.

In addition, the Space Council is also mandated, among other things, to take care of the interests, the responsibilities and obligations of South Africa regarding space and space-related activities in compliance with international conventions, treaties and agreements entered into by South Africa.

The Space Council is furthermore responsible for implementing the South African Space Policy, and, as mentioned during our statement on the general exchange of views, that policy is currently being elaborated. The Policy intends to provide guidance and to promote improved coordination and cooperative governance in the South African space arena. One of the principles of the Policy is for South Africa to continue being a responsible user of the space environment and to utilize outer space for the peaceful purposes and for the benefit of all humankind.

In addition to establishing a licensing regime, the Space Affairs Act also advocately addresses the issues of registration and liability and has in place enforcement _____(?) provisions for non-compliance with the provisions of the Act.

Chairperson, the other principle piece of legislation relating to space activities is the imminent National Space Agency Bill. As we indicated in our statement under general exchange of views, this Bill is still being processed for approval and was only last month approved by the South African Cabinet. It must still be approved by Parliament before it can come into operation. However, we believe that the framework of the Bill is significantly well established at this stage to share its main elements with the Subcommittee.

The Bill provides for the establishment of a space agency as a new public entity which will coordinate and integrate national space science and technological programmes and conduct long-term planning for and implementation of space-related activities in South Africa for the benefit of all citizens.

The Bill sets out the primary objectives of the Space Agency as promoting peaceful uses of outer space, supporting the creation of an environment conducive to industrial development in space technologies, fostering the reception astronomy, Earth observation, communications, navigations and space physics, advance in scientific engineering and technological computerization capabilities, to human capital development in outreach programmes and fostering international cooperation in space-related activities.

It is hoped that the Bill will be approved during 2008's legislative programme and that the process of establishing and operationalizing the Space Agency can begin in 2009.

Chairperson, in addition to these two principle pieces of legislation, there are also other ancillary acts relevant to the corner(?) of space and space-related activities in our country. These include the Independent Communications Authority of South Africa Act of 2000 which establishes a regulatory body responsible for the allocation of sequences in compliance with the International Telecommunication Union.

The Special Data Infrastructure Act of 2003 which provides for a policy framework to facilitate the capture, management, maintenance, distribution and use of special information including data-sharing.

And last but not least, the Disaster Management Act which promotes the utilization of outer space data for management of disasters.

Chairperson, we have previously indicated that South Africa is currently in the process of right to find the applicable outer space treaties to which it is not a party, in particular, the Liability Convention and the Registration Convention.

As we develop our space programmes and activities, we are acutely aware of the need as a responsible user of outer space to adhere to these Conventions.

While we are of the view that our present legislative framework is adequate to address our current level of space activities, we are sensitive to the fact that this legal framework may have to be elaborated on and expanded in the future, especially once we have got to fight(?) (find?) the remaining space treaties.

The present exchange of information on legislative practices in this regard is helpful and we look forward to the further elaborative of this initiative and of the three other programme(s?). Thank you Chairperson and distinguished delegates for your attention.

The CHAIRMAN: Thank you distinguished representative of South Africa for your contribution on your legislative development in the field of space law. In particular, you mentioned the Space Affairs Act of 1993 which was amended in 1995. It is interesting that, I observed it, that this Act also includes the

definition of outer space as the space above the surface of the Earth from a height at which it is, in practice, possibly to operate an object in an orbit around the Earth.

You also mentioned the South African Council for Space Affairs which was established to implement the regulatory, monitoring and registration functions of your Space Affairs Act. You also informed us about the imminent consideration and hopefully adoption of a National Space Agency Bill. It must be, of course, still approved by your Parliament. This Bill provides for the establishment of a Space Agency as a new public entity and set the primary objectives of your space activities.

You also mentioned other ancillary acts which are relevant in this connection and particularly among them the Disaster Management Act of 2002 which promotes utilization of outer space data for management of the disasters.

Finally, you informed us about the accession of South Africa to two United Nations space treaties, the Liability Convention and the Registration Convention and you indicated that you may, that the legal framework may have to be elaborated by consideration and eventual adoption of other United Nations space treaties.

Thank you very much for your contribution distinguished representative of South Africa and I now give the floor to the distinguished representative of China.

Mr. B. LI (China) (*interpretation from Chinese*): Mr. Chairman, first of all, I would like to express my appreciation to the previous delegations for giving us the updates of their national legislative activities. We believe that a full exchange of the relevant information in terms of the national legislation is not only in the interest of the legislative activities of all countries in terms of space development, it is also in the interest of promoting the supplementation and improvement of the international space law.

China would actively participate in a discussion of this item and we will step up our exchanges with the countries involved and share experiences.

Mr. Chairman, the relevant Chinese space laws are scattered in the different departments where we can see different regulations. While the special space regulations we only have two of them.

In February 2001, in order to step up the management of the national control of the State space activities and establish the space objects registration system and effectively fulfil the obligations as to parties to the Registration Convention, we formulated the management methods on space object registration. This method established the concept of space objects and launching States, provides that the State is responsible of instituting a national space object registration system and establish and keep the national space object registry.

Articles 7 and 8 of this method provides that in addition to the domestic registration done by the owner of the space object owner, the owners of the space objects to be launched within the territory of China, for example, when they are launching for other governments, legal entities, organizations or natural persons, the companies undertaking the international commercial launching services should be proceeding with the national registration.

In line with Article 12 of this management method, within 60 days after the completion of the space objects registration should be filed with the United Nations Secretariat.

China has already formulated another special space regulation for the purpose of regulating and managing the civil space launching projects, that is the interim management methods on the launching licenses for the civil space projects.

This method established the practice that the licensed system would be used to manage the launching the projects for civil space projects and also found the perspectives of the licensed applicants, application criteria, application documents, application approval and review from these perspectives, the approval and the application procedures were provided.

In addition to the regulations in terms of the contents, changes, cancellation, revocation of the licenses, the method also provides the licensees should buy the third party licence, a liability insurance and other related insurances for the launching space objects.

And also prior to the launch, the copies of the insurance policies be effective and relevant documents should be submitted to the competent authorities.

At last, the method clearly stipulates the legal liabilities should there be a violation of the above-mentioned management of methods.

Mr. Chairman, China is committed to the accelerated developments of the national space legislation. In addition to the above two regulations, we have already started the drafting of the management regulation for space activities. To step up the relevant legislative efforts is an important task in China's efforts to develop its space industry. This has already been written into the China Space Industry White Paper, published in 2006. The Eleventh Five-Year Plan for the Space Developments published in July last year made further provides even more explicitly that it is necessary to step up the formulation of the national space policies and regulations to guide and regulate the space activities. Thank you very much Mr. Chairman and the members of the delegations.

The CHAIRMAN: Thank you distinguished representative of China for your contribution to our discussion on this particular item. You informed us about the deep interest and commitment of your country in the development of national space legislation. You mentioned different existing regulations that are in force so far, particularly the regulation of 2001 which provided for a national system of registration of space objects and also declared the obligation to submit announcements about the launches of Chinese space objects in outer space.

You also mentioned another regulation dealing with civil space launching projects and which established also applications of procedural rules on these activities.

You also declared that China is now accelerating the development of its national regulations of space activities and you mentioned in particular the Eleventh Five-Year Plan that should govern the development of national space activities in China.

Thank you very much for your statement and in this way, the list of speakers for this item is exhausted but I would like to ask if there is any other delegation wishing to speak on this item this morning.

I see none.

Any observer wants to add something to this discussion?

I see none.

I think we will, therefore, continue our consideration of agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, this afternoon.

Distinguished delegates, I would now like to begin our consideration of agenda item 13, Proposals to the Committee for New Agenda Items, by recalling some of the decisions taken at last year's session of the Subcommittee.

First of all, the Subcommittee in 2007 agreed to invite IISL, the International Institute of Space Law, and ECSL, the European Centre for Space Law, to organize a symposium with the theme "Legal Implications of Space Applications for Global Climate Change", to be organized during the afternoon meeting on the first and second days of this forty-seventh session. The agreement by the Subcommittee was made with the aim of possibly including it as a single issue item of the agenda of the forty-eighth session in 2009.

The Subcommittee in 2007 noted that the sponsors of the following proposals for new items to be included on its agenda intended to retain their proposals for possible discussion at its subsequent session:

- (a) Review of the principles governing the use by States of artificial Earth satellites for international direct television broadcasting, with a view to transforming the text into a treaty in the future. This item was proposed by Greece;
- (b) Review of existing norms of international law applicable to space debris, proposed by the Czech Republic and Greece;
- (c) Matters relating to the principles relating to remote sensing of the Earth from outer space, proposed by Chile and Colombia;
- (d) Space debris, proposed by France and supported by member and cooperating States of the European Space Agency;
- (e) Review of the principles relating to remote sensing of the Earth from outer space with a view to transforming them into a treaty in the future, proposed by Greece;
- (f) The appropriateness and desirability of drafting a universal comprehensive convention on international space law, proposed by China, Greece, the Russian Federation and Ukraine.

All these proposals have been listed in the report of the Subcommittee from its last session.

Now, suggestions or proposals made at the current session.

Proposals for new agenda items received under the general exchange of views at this session.

Exchange of information about national rules for space debris mitigation and measures for the voluntary implementation of the COPUOS Guidelines.

Distinguished delegates, this is a list of up-to-date proposals or suggestions made during the last session of the Subcommittee in 2007 and at the current session of the Subcommittee and it is now up to you to discuss all these proposals.

Mr. Secretary, do we have any speaker on my list?

I have no speaker inscribed on the list of speakers on this particular item for this morning's meeting.

Is there any delegation wishing to speak on this item?

Yes, I recognize the distinguished representative of South Africa.

Ms. _____(?) (South Africa): Thank you Chairperson. We would just like to clarify in the enumeration of the items that you have listed whether the issue of capacity-building to remain on the agenda as a single item issue. Should it not be also included here as you indicated earlier this morning? Thank you Chairperson.

The CHAIRMAN: Thank you very much distinguished representative of South Africa for your support of the continuation of the consideration of the item capacity-building in space law.

Any other delegation wishing to speak?

I see none.

So we will continue our consideration of agenda item 13, Proposals to the Committee for New Agenda Items, this afternoon.

I think that my brief introduction and list of all items suggested so far might be useful for your thinking about this particular problem and we will,

therefore, continue on it, a discussion on it this afternoon.

I recognize the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Mr. Chairman. Mr. Chairman, on this last item, I would like to suggest, based on what we did last year, that we might set up a small group under your kind leadership to give this matter some thought to try and move ahead in our negotiations regarding this last agenda item. I think it would be very useful if we proceeded in the same manner we did last year but, of course, the decision is up to you Mr. Chairman.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative of Greece for his suggestion. If I understood you correctly, your idea is to establish a group for consultations, let us say.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): I did not actually mean a group as such. What I meant in formal consultations among ourselves, during the coffee break, for example, or somewhat extended coffee break, let us say, because that is what we did last year and that was very successful. Thank you.

The CHAIRMAN (*interpretation from French*): Thank you distinguished representative of Greece but when you spoke for the first time I did hear the word "group" actually. Now you are saying it is more about informal consultations. Obviously I am prepared to help you if you need my help but I think that you can undertake this effort on your own and talk to other delegations and I will be open to any suggestions that come out of these consultations.

(*Continued in English*) Once again, as I said, the delegations have the opportunity to discuss this particular item amongst themselves and come perhaps in the afternoon with the results of such an informal consultation that might be developed during the lunch break and we then may consider the eventuality of establishing an informal group that would continue in these discussions and we may also establish a Moderator of such a group in order to come to reasonable conclusions. Thank you very much for your suggestion.

I now recognize the distinguished representative of Colombia.

Mr. _____(?) (Colombia) (*interpretation from Spanish*): Thank you Chair. It seems to me that the distinguished delegate of Greece was quite right in making the suggestion but to do this we need to do two things. We need to have a document or Conference Paper to provide a basis for discussion during the informal consultations. This "document" would reflect the new proposals and what in general we have on these items on our agenda. And we also need to have a room or a premises for these consultations to be carried out perhaps this afternoon so that through your intermediary we could ask the Secretariat to ensure that some room be reserved.

The CHAIRMAN: Thank you very much distinguished representative of Colombia for your useful suggestions. I believe this would be a really practical step, how to handle this particular item and perhaps we could ask the Secretariat to prepare such a paper, it means on the basis of what I have already said here this morning, it means practically to take it from the note that you already gave me in the beginning of our meeting and also it would be good to have a meeting room for starting these quite informal discussions on the basis of such a list here.

Thank you very much.

The distinguished representative of the United States.

Mr. _____(?) (United States of America): Thank you Mr. Chairman and good morning. In our view, along the lines of the Chairman's original reaction, it may be a bit premature to actually break into informal consultations other than around coffee because there has not yet been a single intervention under this agenda item. So perhaps delegates can give some reflection to this agenda item on future agenda items during the lunch break but we think that making plans for actually having rooms, etc., may be a bit premature, given that there has not been any discussion yet in this room. And we do have the report of last year which we understand is available in all languages and which the Chairman summarized and which has the discussion of all the pending agenda items and then in addition to our South African delegate's addition of the capacity-building item. Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of the United States. I would like to say that we have, of course, this agenda item on the agenda of the Subcommittee for this afternoon and also perhaps for tomorrow so there will be plenty of time for discussing here at the level of the Subcommittee.

And as to the initiative of the distinguished delegations of Greece and Colombia, this may be affected at a later stage, after the exhaustion of this discussion at the level of the Subcommittee.

Would it satisfy your delegation?

Yes, I understand so.

The distinguished representative of Colombia has the floor.

Mr. _____(?) (Colombia) (*interpretation from Spanish*): Indeed, we are not talking about a specific time schedule to be followed here. This can be something that is dealt with later. What we wanted to emphasize here was having this paper, this document to work on because if we refer to last year's report, that does not include, as you quite rightly mentioned, topics and themes that were brought up during this session and we want to have them for a more general, more compact view of all these.

The CHAIRMAN: Thank you distinguished representative of Colombia for your contribution and I have the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece): Thank you Mr. Chairman. I consider it was self-evident that my suggestion was after having heard to the various proposals and other suggestions so thank you very much.

The CHAIRMAN: Thank you distinguished representative of Greece for your contribution and I believe that we now have probably a consensus about how to proceed with this particular item, item 13, it means that we will first continue in the discussion at the level of our Subcommittee and then later at an appropriate time we may decide to establish some kind of informal consultations. This is a procedure that was already applied last year and that led to the agreement on the present agenda of the Subcommittee so perhaps we could continue along these lines but we will first exhaust the discussion at the level of the Subcommittee.

Is there any other delegation wishing to speak?

I see none.

So this is now the end of the discussion on proposals to the Committee for new agenda items for this morning and we will continue in discussing this point this afternoon.

Distinguished delegates, I would now like to adjourn this meeting but before doing so, I would like to remind delegates of our schedule of work for this afternoon.

We will meet promptly at 3.00 p.m. At that time, we will continue our consideration of agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, and agenda item 13, Proposals to the Committee for New Agenda Items.

Finally, I would like to inform delegates that at 6.00 p.m. today, there will be a Reception on the occasion of the forty-seventh session of the Legal Session of the Committee on the Peaceful Uses of Outer Space, hosted by the United States of America, in the Vienna International Centre Restaurant.

Are there any questions or comments on this proposed schedule?

I see none.

This meeting is adjourned until 3.00 p.m.

Sorry, I will re-open. I asked whether there is some delegation and you did not reply but you have the floor.

Mr. V. CASSAPOGLOU (Greece): ... come back in the afternoon.

The CHAIRMAN: Yes, in the afternoon. Thank you very much.

The meeting adjourned at 11.32 a.m.