

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

*Unedited transcript*

780<sup>th</sup> Meeting

Wednesday, 9 April 2008, 3 p.m.

Vienna

*Chairman: Mr. V. Kopal (Czech Republic)*

*The meeting was called to order at 3.27 p.m.*

**The CHAIRMAN:** Good afternoon distinguished delegates, I now declare the 780<sup>th</sup> 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 afternoon. We will continue and hopefully conclude 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.

*It is so adopted.*

**Proposals to the Committee for new agenda items  
(agenda item 13)**

Now consideration of proposals to the Committee for new agenda items, agenda item 13.

I do not have any speaker on my list of speakers but is there any delegation wishing still to make a statement or a contribution to the discussion on this particular item?

The distinguished representative of Chile has the floor.

**Mr.** \_\_\_\_\_(?) (Chile)  
*(interpretation from Spanish):* Thank you Mr.

Chairman. As regards the proposal made by Chile, it did not seem to me to be a lot of enthusiasm on the part of delegations. But I would like to see this proposal which is in 141 (g) be considered again as we suggested so that it is truly clear from the report that Chile did make a proposal even though it did not meet with consensus.

**The CHAIRMAN:** Thank you, have you finished? Yes, thank you very much distinguished representative of Chile for your proposal for your suggestion and request.

I now recognize the distinguished representative of Mexico.

**Mr.** \_\_\_\_\_(?) (Mexico)  
*(interpretation from Spanish):* Thank you Chair. Let me make a request to the Secretariat, with your permission. We would like to have an update of the non-paper including the new agenda items as amended by the Committee before we do a final adoption of the report of the Committee. This would include the Ukrainian/Italian proposals on debris and the \_\_\_\_\_(?) as well, the French proposal and so on.

**The CHAIRMAN:** Thank you very much. I only asked the Secretariat which French proposal was meant by your request and I was advised that it concerned this deletion of one of the subjects on the list of possible topics at the next session.

Very well, can the Secretariat meet this request? It means to prepare, can it do it as soon as

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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.



possible? Yes? Thank you. It has been arranged. Thank you very much.

Is there any other delegation wishing to speak on this item, item 13?

So let us return to the kind request of the distinguished representative of Chile. Does any delegation wish to make it quite clear what is its position in relation to this suggestion to this request made by the distinguished representative of Chile?

Was the result of the exchange of views on this point in the morning. Indeed, that there was not a consensus reached on this proposal.

Yes, I recognize the distinguished representative of the United States of America.

**Mr.** \_\_\_\_\_(?) (United States of America): Thank you Mr. Chairman. Our understanding is that there was no consensus reached on this agenda item and that Chile has suggested that this proposal be listed on that list (a) through (f) to add an additional item that had been proposed and we would not have an objection(?) to added to that list so that the record would reflect that the proposal was made. Thank you.

**The CHAIRMAN:** Thank you very much distinguished representative of the United States. This indeed was also my intention to submit to your consideration and decision. Would it be satisfactory for the distinguished representative of Chile?

**Mr.** \_\_\_\_\_(?) (Chile) (*interpretation from Spanish*): Yes, of course, Chairman, we would like to thank you for this approach to our proposal.

**The CHAIRMAN:** Thank you very much distinguished representative of Chile for your cooperation and willingness to reach our general agreement on this particular point. I think this also satisfies the delegation of the United States. I assume so.

*And it is so decided.*

Yes, and we have now still the proposal that was made this morning before the end of the meeting by the distinguished representative of Greece. He proposed it in French so I would read it once again in French and then I will read it in English as it was translated by the Secretariat for your benefit.

(*Continued in French*) It means to allow the equitable access and rational use, economic use of other certain terrestrial orbits taking into account needs of developing countries.

(*Continued in English*) In English it should read as follows. Yes, the Secretariat will read it.

**Mr. N. HEDMAN** (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. Yes, as far as the Secretariat has understood this proposal, it would read as follows in English.

“The means to ensure equitable access and rational and economic use of other Earth orbits taking duly into account the needs of developing countries.” Thank you Mr. Chairman.

**The CHAIRMAN:** You're welcome. So this has been the text of the proposal made by our distinguished colleague from Greece. Unfortunately he is no longer here. If he had been here, he definitely would add some additional words about it, explaining it in greater detail, but he did so already yesterday when he mentioned for the first time this text.

The discussion is open.

The distinguished representative of Canada has the floor.

**Ms.** \_\_\_\_\_(?) (Canada): Thank you Mr. Chairman. Canada's position is the International Telecommunication Union is the international organization responsible for setting the regulatory framework allowing States to have equitable access to the radiofrequency spectrum and associated orbits. Canada considers that safe in international organizations should ensure that their activities do not infringe upon the jurisdiction of the ITU. Given that this proposal cites directly from the ITU Constitution, our concern is that this proposed new agenda item of 6(b) (c?) would directly infringe on the ITU's jurisdiction and, therefore, we are opposed to the addition of this item to the agenda. Thank you.

**The CHAIRMAN:** Thank you very much distinguished representative of Canada for your statement.

Is there any other delegation?

I now recognize the distinguished representative of the United States.

**Mr.** \_\_\_\_\_(?) (United States of America): Thank you Mr. Chairman. The United States shares Canada's concerns and in addition, as we had noted at the very end of the morning session, there are also concerns about the sort of delicate balance that led to the formulation that appears currently in agenda item 6, both 6(a) and 6(b). And we do think that the issues regarding the geostationary orbit are very different in nature from the kind that appear in the proposal made by our colleague from Greece. So we also would not be in a position to support the proposal. Thank you.

**The CHAIRMAN:** Thank you very much distinguished representative of the United States. I think it was self-explanatory. It is not necessary to sum up again.

And I now give the floor to the distinguished representative of Colombia.

**Mr.** \_\_\_\_\_(?) (Colombia) (*interpretation from Spanish*): Thank you Chair. Chair, I also agree with that idea. The wording of this particular item was the product of a kind of a balance struck, a symmetry of the two elements that we want to retain here. We think the Greek proposal was well-intentioned. Perhaps we should only maintain small (a) and (b) here.

**The CHAIRMAN:** \_\_\_\_\_(?) the last sentence?

**Mr.** \_\_\_\_\_(?) (Colombia) (*interpretation from Spanish*): Yes Sir. If we were to maintain this text as it were without including the small (c), introducing that new element here under item 6.

In conclusion Chair, we do not support the Greek proposal.

**The CHAIRMAN:** Thank you very much distinguished representative of Colombia for your contribution. I think you made yourself abundantly clear in this respect and certainly this proposal remains for our colleagues(?) (*not clear*) and perhaps in the future we can return back but not now.

Is there any other view on this particular question?

I see none so I think it is abundantly clear that a consensus did not appear and, therefore, I think this question has been decided.

Ladies and gentlemen, yes, you have something to say now?

Thank you very much.

Distinguished delegates, excuse for me consulting but it was in favour of moot proceeding and I have, the following suggestion for you.

We would need a break of about 20 minutes for preparing a paper that was kindly requested by the distinguished representative Mexico. But in order to use this time, we might also touch another point. It is not on our agenda but it is closely connected to our work for the next year. I would like to inform you that the study the distinguished leader of the delegation of Austria approached me and proposed that perhaps it might appoint the Chairperson for the Working Group on the agenda item dealing with the general exchange of views on national legislation for the next year. And also another delegation supported such an idea to do it already at this session and I consulted this question before the beginning of this afternoon's session with the Secretariat and the Secretariat as well supported this idea because they would very probably need some advice on the preparatory work for the second session of the Subcommittee dealing with this item on national legislation and, therefore, that it would be useful perhaps to agree already on the Chair of the Working Group now at this session.

And since we now have some time so I would like to inform you that I received the nomination for this Working Group from the delegations of Austria and Germany and also in informal talks but only informal talks outside the session of the Subcommittee from other people taking part in our work here and this nomination concerns the distinguished member of the delegation of Austria, Professor Marboe and for your benefit in order to know her, that you all know here. Irmgard Marboe, is the pronunciation of her name right? Marboe, very good. So I believe that it is a German name but it looks like an English name. Marboe, very good. So Professor Irmgard Marboe is a Professor at the Department of International and Comparative Law at the Law Faculty at the University of Vienna since 1 October 2007. She studied law and languages at the University of Vienna, Austria, and at the Universität Complutensa(?), Madrid, Spain. After her Doctorate in European Community Law in 1994, she focused on international law and more particularly on international investment law. In her post-Doctorate thesis \_\_\_\_\_ation(?), 2007, she analyzed the concept of compensation and damages under international law in the practice of international courts and tribunals. Her publications on the topics resulted

in numerous invitations abroad, including London, United Kingdom, Singapore, Singapore, Houston, Texas, United States of America, and Mexico City, Mexico. Her post-Doctorate thesis will be published by Peter Lang, Frankfurt, Germany, and in an English version by Oxford University Press, Oxford, United Kingdom, in 2008.

Another area of research represented the dialogue of civilizations where she participated in the pioneer research project of the Vienna International Christian Islamic Roundtable. Various articles analyzed the relationship between Islamic Law and tradition. She recently been nominated as Director of the Vienna International Christian Islam Summer University hosted by the University of Vienna in 2008. Her interest in space law dates back to 2005 when Professor Brünner(?), the Head of the National Point of Contact of the ECSL, European Centre for Space Law, at the University of Graz, encouraged her to establish a sub-point space law at the University of Vienna. Since then, Ms. Marboe has participated in and contributed to a number of conferences and initiatives on space law. Among them is the Conference on National Space Legislation, Development in Europe/Challenges for Small Countries.

Of September 2006, where she chaired one session and contributed a paper on the European Perspective. The contributions to the Conference will be published in English by Brau(?), Vienna(?), Köln(?), Graz in 2008. Other publications in the area of space deal with telecommunications and the new European Space Policy. Her current teaching activities include general policies on international law, international economic law, international courts and tribunals and space law. The \_\_\_\_\_(?) you heard was an optional course entitled "The Legal Issues of the Use of Outer Space Technologies". Ms. Marboe speaks German, English, French, Italian and Spanish.

So this is the end of her CV. I think you have heard enough about her. I think all these aspects that are included in this paper are very favourable for her nomination to the Chair of the Working Group on the agenda item dealing with the general exchange of view on national legislations.

Would you be ready to elect her, to appoint her for being the Chairperson of this Working Group for the next year and beyond?

I see no objection. I assume it is so decided.

*It is so decided.*

My congratulations, Dr. Marboe, for your election and I am looking forward to our mutual cooperation during the next session of the Legal Subcommittee. I think it is also very good that a woman once again is elected or appointed for the role of leading a working group, before it was the distinguished Ambassador of Algeria which was already once Chairperson, so you are the second Chairperson, a woman Chairperson, that has been elected for this position. Thank you very much once again.

Well, gentlemen, in this way we have filled our time and I think we still have to wait a little bit so if you allow me, to be patient a little bit, the text hopefully will be ready in about 15 minutes. Thank you very much.

*Break*

*Meeting is resumed at 4.06 p.m.*

**The CHAIRMAN:** Distinguished delegates, we will continue in our work. Does every delegation have the text of the non-paper on informal consultations on new agenda items?

I see no delegations missing this particular text and, therefore, we can discuss it.

Distinguished delegates, you know have it at your disposal. You can check whether all items that have been approved and which we reached full consensus has been included there and whether everything is alright. I would like then ask you to approve this agreement.

I will leave you still a few minutes if you wish for studying this text then we will continue.

Is the delegation ready for the approval of this text? I would like to advise you that under the point 1, there will be a minor amendment. The words "election of the Chairman" should be deleted because there is no need for the election of the Chairman as the full Chairman was already elected at this session.

So, would you agree with this text to be included in the draft report at the appropriate places?

Yes, I see no objection.

*It is so decided.*

Distinguished delegates, I would now like to adjourn this meeting but before doing so, I will kindly ask our Deputy Secretary, Ms. Natascia Rodrigues, to inform us about the state of preparations of the draft report of the Subcommittee that we should, of course, then discuss probably tomorrow or maybe still today, I do not know. It depends on her information.

**Ms. N. RODRIGUES** (Deputy Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. I just would like to inform you on the status of our draft report. The draft report for the Working Group on the Definition and Delimitation of Outer Space will be available tomorrow morning as well as the first part of the report which includes the introduction, general exchange of views and, I think, correct me if I am wrong, the status of the treaties, OUTER73/Add.1, which is the second part of the report will also be ready tomorrow morning for distribution at 9.00 a.m. So we could potentially start with our adoption tomorrow morning and then not have a session in the afternoon because the rest of the document will not be available as 2 and 3 will only be available on Friday morning. We are not able to produce it tomorrow afternoon. So it is up to the Subcommittee, Mr. Chairman, or yourself to decide whether we do this in the morning or whether we do it in the afternoon. We are ready to distribute the documents tomorrow morning at 9.00 a.m.

**The CHAIRMAN:** Thank you very much Ms. Deputy Secretary for your information. As you may see, distinguished delegates, we wish to proceed in the most economic way in order to use all the time available but to use it really economically, it means to not to keep you here when we should wait for the other part of the report and, therefore, I, myself, would allocate for adoption of this procedure as suggested by our Deputy Secretary.

Are you in agreement with this procedure? Is there any objection against it?

Yes, the distinguished representative of The Netherlands. Yes, I wanted to inform the Subcommittee but you can do it yourself, distinguished representative of The Netherlands.

**Mr. \_\_\_\_\_** (?) (Netherlands): Thank you Mr. Chairman. I was asking for a clarification as to exactly what procedure we are following that we would have a session in the morning, tomorrow, rather than in the afternoon? And that relates to the promise that I made last week during the general exchange of views that The Netherlands would

make a presentation on its National Space Act and I approached the Secretariat earlier this week to inform them that we would only be able to do that on Thursday because my colleague will come over from The Hague to make the presentation. And she will arrive tonight and would prefer to make the presentation during the morning session as she will be leaving again late in the afternoon. Thank you.

**The CHAIRMAN:** Thank you very much distinguished representative of The Netherlands for your reminding us about your announcement that you made already during the consideration of the general exchange of views. And, of course, such a presentation is most welcome because The Netherlands is probably one of the recent countries, or if not the most recent country, that has adopted its national legislation on space law and I believe that such a presentation would be welcome. And we have a general rule of our proceedings that we would act in a very flexible way and, therefore, I would suggest to accept this suggestion made by the distinguished representative of The Netherlands and we will include this presentation in the agenda of the next morning's meeting.

I see no objection.

*It is so decided.*

Distinguished delegates, I would like to still to remind you of our schedule of work for tomorrow morning. We will meet promptly at 10.00 a.m. We will listen to the presentation by the distinguished delegate of The Netherlands or expert of The Netherlands on the national legislation and, as advised a few minutes ago by the delegation of The Netherlands. And then there will be the Working Group on the Definition and Delimitation of Outer Space which will meet in order to adopt its report. As you probably know, and as you may observe the Chairman of the Working Group, Professor José Monserrat Filho, has left and but he asked me to chair the last meeting of the Working Group and conduct the adoption of his report that was prepared still with him. With your permission, I will do so.

We will then resume our plenary meeting and continue and conclude our consideration of agenda item 8(a), the Definition and Delimitation of Outer Space, with a view to endorsing the report of the Working Group under this agenda item. I will, thus, present the report of the Working Group on the Definition and Delimitation of Outer Space on behalf of the Chairman of the Working Group.

Finally, I would like to remind delegates that at 7.30 p.m. today, there will be a Reception hosted by the European Space Policy Institute, ESPI, in Schwarzenbergplatz 6, here in Vienna. I already explained the name of the street and the entrance to this building in the morning session. I hope that everybody took note of it.

Are there any questions or comments on this proposed schedule?

There are none.

So I would now adjourn the meeting but I wish to repeat that tomorrow we will start consideration, we will consider the report of the Working Group and starting from 9.00 a.m. some parts of the draft report of the Subcommittee should be available I understand in all language versions. And, of course, the remaining part because this still has to be prepared will be considered by you on Friday morning and it is my intention to handle the discussion so that unless some unexpected circumstances occur, we would be able to finish by noon on Friday. This is for your travel purposes.

Thank you very much and this meeting is adjourned.

*The meeting closed at 4.18 p.m.*