

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

*Unedited transcript*

788th Meeting  
Wednesday, 25 March 2009, 3 p.m.  
Vienna

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

*The meeting was called to order at 3.18 p.m.*

**The CHAIRMAN.** Good afternoon, distinguished delegates, I now declare open the 788th 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 our consideration of agenda item 4, status and application of the five United Nations treaties on outer space and agenda item 5, information on the activities of international intergovernmental and non-governmental organizations relating to space law. We will also begin our consideration of agenda item 6 (a), the definition and delimitation of outer space and (b), the character and utilization of the geostationary orbit. Time permitting, we will also begin our consideration of agenda item 7, nuclear power sources. At the end of the afternoon's meeting we will have two working groups, the working group on agenda item 4 will hold its second meeting, under the chairmanship of Mr. Vassilis Cassapoglou of Greece and the working group on agenda item 6 (a) the definition and delimitation of outer space, under the chairmanship of Mr. José Monserrat Filho will hold its first meeting.

Are there any questions or comments on this proposed schedule?

I see none.

*It is adopted.*

I will now suggest that we continue, and then suspend, our consideration of item 4 on our agenda,

status and application of the five United Nations treaties on outer space. I have to explain that this will be the last substantive meeting on this particular point because then it will be suspended for the work of the working group on this subject. The full Subcommittee will be reconvened after, only for approval of the report of the working group 1. Those wishing to speak on status and application of the five United Nations treaties, at the level of the Subcommittee, have now the last opportunity to do so.

I have been saying it because you know I have in front of me the list of speakers which is empty, so once again, the last opportunity.

If not, we will now suspend our consideration of this item of our agenda and, pending the deliberations of the working group on this item, we will now continue our consideration of agenda item 5, information on the activities of international intergovernmental and non-governmental organizations relating to space law.

I have one delegation that applied for speaking and it is the distinguished representative of the United States of America.

**Mr. S. MCDONALD** (United States of America). Mr. Chairman, thank you very much for affording me this opportunity to present the United States views on this standing agenda item.

The activities of international organizations relating to space law are significant and have contributed much to the development of the field. Many space activities rely on regional or global

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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.

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cooperation and such cooperation has enhanced the abilities of individual States to improve and advance space activities and technologies. International organizations also have an important role to play in the strengthening of the legal framework applicable to space activities. They can consider steps they can take to encourage their members to adhere to the four core outer space treaties so as to bring the activities of the international organizations within the framework of the treaties.

The outer space treaties were drawn up in full awareness of the possibility of international organizations conducting space activities. Indeed, several of the treaties contain mechanisms to permit international intergovernmental organizations that conduct space activities to do so within the framework of the treaties. The Rescue and Return Agreement, the Liability Convention and the Registration Convention, each contain provisions specific to international intergovernmental organizations. Several extremely important international intergovernmental organizations are not operating within the treaties because not enough of their members have become Party to both the Outer Space Treaty and, respectively, to either the Rescue and Return Agreement, the Liability Convention or the Registration Convention.

As the framework established by the Rescue and Return Agreement, the Liability Convention and the Registration Agreement, is an important and beneficial one for the global conduct of space activities. It is desirable for international organizations to conduct their space activities under the coverage of these significant instruments. We hope that international intergovernmental organizations that conduct space activities will consider steps that they can take to bring their activities within the rubric of the Rescue and Return Agreement, the Liability Convention and the Registration Convention. We believe that doing so could produce a useful improvement in the coverage and effectiveness of the core outer space treaties. Thank you Mr. Chairman.

**The CHAIRMAN.** Thank you very much distinguished representative of the United States of America for your contribution on agenda item 5, information on the activities of international organizations.

Though this contribution has been relatively brief, it included a very important idea of perhaps repeating our invitation to international organizations to consider seriously their adherence to the international space law treaties that you enumerated because the participation in space activities by the

international organizations concerned is very essential for the development of international cooperation. I remember that, not many years ago perhaps one or two years ago, we addressed already and appealed to international organizations to consider the possibility of adhering to the United Nations space treaties. I believe that we might perhaps repeat this step somehow, in an appropriate forum, in order to remind the international organizations that have not adhered yet to the United Nations space treaties to consider this possibility in the near future.

I recognize the distinguished representative of Greece.

Thank you Mr. McDonald for your presentation on behalf of the United States.

Greece has the floor.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*). Mr. Chairman, regarding what you just said and following what was presented by our colleague from the United States, I would like to say that a couple of years ago we sent a letter but it was to the Foreign Affairs Ministry and this was sent by the Secretary-General. This was the proposal of my working group and we sent this to the ministries of foreign affairs of the member States of the UN. The idea, prompted in my mind by the US statement, was that we should possibly address a similar letter to intergovernmental international organizations undertaking outer space activities because the usual practice that we follow, the Declaration *per se*, is just at the level of the regional European international organizations, Eutelsat for example, Eumetsat and ESA but then there is IMSO as well. The former Marsat, the former Intelsat, etc. etc. etc. they should also not be lost sight of and we might be hearing from them this afternoon as well.

Since I have the microphone, I would just like to also add that I think it is very important to establish a connection between the contracts and other documents mentioned by our colleague from Italy. These are very important as well. It is very interesting and valuable for us to see the production, manufacture, launching contracts, which are worked up between various organizations, intergovernmental or not, to not only restrict ourselves to the interState dimension of such activities in outer space. If we have a more complete vision, we could collate international texts and get a better picture of the trends in outer space and how to monitor them.

**The CHAIRMAN.** Thank you very much representative of Greece for your contribution including also a suggestion what to do next in this respect.

Ladies and gentlemen, I do not have any other delegation applying for a statement, or simply a contribution, to the discussion on the agenda item 5, information on the activities of international intergovernmental and non-governmental organizations relating to space law.

May I assume that there is no delegation wishing to speak on this item now, in this afternoon's session of the Subcommittee?

I see none.

Therefore, I believe that we should give the opportunity to representatives of two non-governmental organizations. The first one would be Professor Maureen Williams on behalf of the International Law Association and particularly its Space Law Committee, the first part of which has been already presented this morning but, as you remember we had, because of time constraints, to ask for interruption of this presentation and Professor Williams is now ready to continue in the presentation of her report.

You have the floor Madam.

**Ms. M. WILLIAMS** (International Law Association). Thank you Mr. Chairman. Once again I shall resume this morning's presentation and, just to get back on track, we were speaking of one of the most important applications of Earth observation satellites, namely, the use of satellite data in international and national litigation.

I had mentioned a few cases decided by the International Court of Justice. I would like to add in this context that, for example, in Nigeria-Cameroon, Nigeria, as evidence, submitted digital maps to prove a point in their favour and when the expert was called upon to interpret, his conclusion was quite the contrary and this created some chaos.

In Qatar-Bahrain, when digital maps were produced very small islands, the existence of which was unknown so far, started to surface and so then they had the problem of seeing whether these islands were, or were not, islands in the sense of the Convention on the Law of the Sea.

These islands were on the waters over the continental shelf and, on the EEZs, the further problem was that whether they would have territorial sea as well. This is why Qatar-Bahrain took almost ten years to be decided by the International Court of Justice.

I also mentioned a few meetings of the Space Law Committee and some tentative conclusions reached on these issues. Referring you to page 13, paragraph 27, of document A/AC.105/C.2/L.275, in the interests of time.

I shall now move on to the next topic. I just want to say that the general opinion on satellite data and international litigation is that the control over all phases of data collection, from the very first stage of raw data to the moment the final product is made use of, is essential for the transparency of this technology.

The Space Law Committee report to the Rio conference also addressed registration and focused on the recently adopted United Nations General Assembly resolution on that matter on which the ILA Committee was called upon to give its opinion. It was agreed that the most important objective now is that the 1975 Registration Convention should gain more support from the international community.

Then, Mr. Chairman, we looked at space debris in a new light, in other words, in the light of the United Nations Guidelines on Space Debris Mitigation. Also, the ILA Space Law Committee had kept under permanent review the international instrument on the protection of the environment from damage caused by space debris, which was adopted at its international conference in 1994, in Buenos Aires. Thereafter, the ILA conference attention was drawn to the subject and the conclusion was that that instrument is still consistent with the present world scenario and the advances in science and technology.

In the meantime, this ILA document on space debris began to gain support from the doctrine and to be quoted. It was also recommended as a useful tool when the time came to address space debris from a legal perspective and at governmental level. Even though the STSC had dealt with the subject in different work plans, on the legal front it found resistance over the years to work its way onto the Legal Subcommittee of COPUOS. The general opinion today concurs that space debris, as a threat to space, should be at the top of the list, followed by weaponization and NEOs, natural near-Earth objects, such as, asteroids, \_\_\_\_\_(?), for example, which might imply a serious risk of collision with planet Earth.

During 2007/2008, and with the Rio conference in mind, the ILA Space Law Committee directed its attention to the work of the Scientific and Technical Subcommittee of COPUOS particularly the Guidelines on Space Debris Mitigation, adopted by the UN Subcommittee at the end of its forty-fourth session in February 2007. In so doing, we had in mind the division in two categories of space debris mitigation measures, i.e. those that curtail the generation of potentially harmful space debris in the near term and, those that limit their generation over the long term.

Likewise, special attention was given to the seven guidelines adopted by the Scientific and Technical Subcommittee. The fact that those guidelines reached the state of UN Guidelines on Space Debris Mitigation following their adoption by General Assembly of these guidelines, plus the response given by a number of States concerning domestic measures taken in accordance with those guidelines, was a powerful indication that the topic would be finally included on the agenda of the Legal Subcommittee of COPUOS and, as we all know, the latest development in the field is precisely the inclusion by the Legal Subcommittee of this topic as a single item for discussion to be considered at this session, item 10.

In this context, the Space Law Committee of the ILA is giving serious consideration to the matter in the framework of the Committee's report to the 74th conference, Amsterdam, June 2010, with a view to assessing the development of State practice. This means analysing the various domestic mechanisms enacted by States under the UN Guidelines and a review of ILA international instruments to establish whether it is consistent with the present technological advances.

Together with space debris, the Space Law Committee began the study or research on the legal nature of natural near-Earth objects which are a real challenge, from the legal standpoint. This issue, as we know, has been discussed for some time now by the Scientific and Technical Subcommittee but not, so far, by the Legal Subcommittee. The information from the former will, no doubt, provide a sound basis in the quest for a more precise legal framework for space security. Even though the legal treatment NEOs is in its very incipient phases, the topic seems to be gaining a place on the agenda of various academic institutions dealing with international space law.

The ILA Committee, on the basis of a presentation from its Chair to the 51st Colloquium on the Law of Outer Space, Glasgow, 2008, considered the international responsibility vis-à-vis natural near-

Earth objects and the possible implications. This is now a basis of a questionnaire to be circulated by the ILA Chair to its members. Similarly, and pursuant to a request from OOSA for information on the topic, a paper on the legal aspects of NEOs within the ILA and its Space Law Committee was recently prepared for consideration of the Scientific and Technical Subcommittee at its forty-sixth session, in accordance with the work plan established for 2008-2010.

Just to mention a couple of tentative suggestions and conclusions on this matter, I shall mention that any possible guidelines on the legal side of NEOs should be general enough to survive the times and should follow a strict interdisciplinary approach. A number of provisions enshrined in the UN space treaties and related instruments are clearly applicable to NEOs and customary to national law is slowly growing as well. International cooperation is at the very root of a protection of mankind from risks implied by NEOs and, on this basis and in light of the threat posed by NEOs to planet Earth, some new law should also be developed.

In this context, pride of place should be given to issues of international responsibility of States and international organizations for failing to take quick action in case of serious threats. Similarly, rules on liability for damage caused in the course of deflecting operations should be considered. To this end, it is important to have in mind the humanitarian sides of the questions involved and the need to strike an appropriate balance between all converging interests with a view to protecting mankind from a nowadays unmanageable threat.

In the initial stages, it would be helpful to think in terms of an international instrument the nature of which, binding or not binding, could be defined later. Much further research requires to be done in view of the uncertainties surrounding the exact position and orbit of NEOs which may take several years to be tracked. In this context, one of the most crucial points is the decision-making process to establish at what time, if at all, to go ahead with deflecting operations and the most appropriate moment therefore. This question is outstanding, it is a major problem and a real obstacle for advancing on the preparation of any international instrument or guidelines on the matter.

On dispute settlement, that is the fourth topic. The ILA keeps under permanent review its draft convention on the settlement of disputes related to space activities and, on this question, I draw your attention to article 10 of that draft, which envisages the possibility of private entities becoming Party to this

convention and, consequently, to avail themselves of these mechanisms.

The other question was the links between the ILA and the International Law Commission on the responsibility of international organizations. Cooperation between these bodies continued without interruption. A working session of the ILA study group on the matter was held in Rio, under the chairmanship of Dr. Valencia Ospina who is also a member of the ILC, with active participation of the Chair and the Rapporteur of the ILA Committee who, from different angles, had submitted the views of these questions. One was a view from the standpoint of general international law and the other one was a view from the optique of the Liability Convention, article 22, and the responsibility of international organizations.

In Rio attention was focused on the Sixth Committee on the topic by Professor Gaia, Special Rapporteur of the International Law Commission, submitted to its 60th session, 5 May, 6 June, and 7 July, 8 August 2008. The two draft articles proposed at its previous sessions and where the ILA Space Law Committee had a say, have been adopted without changes. These articles addressed international responsibility entailed by a serious breach by international organization of an obligation arising under a peremptory norm of general international law and the particular consequences of a serious breach of an obligation of the kind. On this point, reference is made to the presentation of the ILA to this Legal Subcommittee last year. The Gaia Sixth Report addressed the next draft articles concerning evocation of the responsibility of an international organization and countermeasures. We are now working on this together with the International Law Commission and expect to produce some final ideas for the next conference in June 2010, as I said before, in Amsterdam.

The last topic, fifth topic, addressed in the report and adopted at Rio, was national space legislation. It was noted that several issues underlying these topics were addressed by a number of national laws such as the proceedings for authorizing and licensing national space activities, liability, compensation procedures, insurance, intellectual property rights, the distribution of remote sensing data, registration of objects launched into outer space, the establishment of national registers, the safety requirements for the conduct of space activities and, the frameworks for national space agencies or other national entities responsible for carrying out authorization and supervision activities.

Reference was made to the usefulness of the UN database on national space legislation and multilateral/bilateral agreements related to the peaceful exploration and use of outer space and its website, [www.unoosa.org](http://www.unoosa.org), and examples were given of recent domestic laws enacted on the subject. The conclusion was that both topics, national space legislation and registration, were of major concern to the international community today.

Finally, another general opinion was that, with regard to national space legislation, there seemed to be a growing willingness of States to enter into more profound discussions. Therefore, the ILA Space Law Committee will seriously consider the drafting of a model law based on the building blocks adopted by this Committee and referred to in our previous presentations to this Legal Subcommittee in 2007 and 2008. Such model law would be a useful reference to States embarking on the process of drafting national space legislation.

On this note, Mr. Chairman, I am closing our presentation. Thank you very much for giving us the floor.

**The CHAIRMAN.** Thank you, Professor Maureen Williams, chairperson of the Space Law Committee of the International Law Association for your very substantive presentation in which you informed us about the many activities of your committee and their outcomes. Thank you once again.

My second speaker, amongst the observers to this Subcommittee, is the distinguished representative of Intersputnik, Ms. Elina Zaytseva, to whom I give the floor.

**Ms. E. ZAYTSEVA** (International Organization of Space Communications (Intersputnik)). Thank you Mr. Chairman. First of all I would like to take this opportunity to express our gratitude to the Office of Outer Space Affairs and, Ms. Mazlan Othman personally, and to thank the Secretariat for the excellent organization of the forty-eighth session of the Legal Subcommittee. We are convinced that under your professional leadership, the current session will be successful and wish all the delegations efficient and fruitful work.

Distinguished Mr. Chairman, distinguished delegates. Intersputnik International Organization of Space Communications was established under the international intergovernmental Agreement of November 1971 on the Establishment of the Intersputnik International System and Organization of

Space Communications and unites 25 States as its full members.

The \_\_\_\_ (?) of the Organization is currently embodied in the establishment of a group of companies that take care of the bulk of Intersputnik's core business that serves the purpose of \_\_\_\_ (?) diversification. \_\_\_\_ (?) CIS countries controlled by Intersputnik Holding Ltd., Intersputnik's wholly-owned subsidiary that actually started in business more than two years ago.

Apart from making a purely economic contribution, Intersputnik Holding helps our Organization to step up and expand its cooperation with countries where Intersputnik Holding's companies are present in the marketplace. In such countries, Intersputnik turns into an all-purpose partner able to offer telecommunications or broadcasting solutions with any magnitude, being responsible for the whole workload aimed at providing \_\_\_\_ (?) private companies and individuals with up-to-date telecommunications services. Thus, such experience of Intersputnik Holding will be used to launch similar businesses in other Intersputnik member countries which showed interest in the activity of that group of companies.

Intersputnik has always been engaged in international activities which are, in the first place, aimed at deepening and developing constructive cooperation with other international, regional and national organizations in the field of space law and satellite communications.

I would like to mention just some of these organizations in which Intersputnik is a plenipotentiary member or permanent observer. The UN Committee on the Peaceful Uses of Outer Space, ITU Radiocommunication Sector, UNESCO, Asia-Pacific Satellite Communications Council, Global VSAT Forum, International Institute of Space Law, International Law Association, International Telecommunications Academy, National Satellite Communications Assembly, Federation of Cosmonautics, National Association of TV and Radio Broadcasters and some others. In this context, it is important that, in 2007, our Organization acceded to the Regional Commonwealth in the Field of Communication that unites telecommunications administration of the CIS, Baltic, Central and Eastern European countries. Intersputnik representatives \_\_\_\_ (?) in the work of a number of RCC commissions and working groups.

First of all, the working group for the revision of RCC constitutional instruments that is entrusted with the elaboration of documents to establish an international organization called Regional Communications Commonwealth on the basis of the RCC association which is the present legal entity under Russian law. Today the RCC is officially recognized by the international community and represented by the International Telecommunication Union and the Universal Postal Union \_\_\_\_ (?) specialized agencies. Still, when the RCC becomes an international organization, they will make the interaction among \_\_\_\_ (?) administration of the RCC member States. Legal \_\_\_\_ (?) such interaction to a high international level. In September 2008 and in March 2009, the first and the second meetings of the working group elaborated a concept for the establishment of the RCC international organization and drafted an agreement on the international organization that would serve as a basis for its formation. Based on its huge managerial concept of technological and legal experience, Intersputnik is determined to continue assisting the RCC in establishing a new specialized international organization.

Also I would like to mention that last time Intersputnik started working together with the International Centre of Space Law and the Koretsky Institute of State and Law of the International Academy of Sciences. In 2008, Intersputnik and the International Centre of Space Law signed a general agreement on long-term cooperation for the purpose of development and legally supporting space projects and programmes.

Moving to intergovernmental status. Intersputnik represents a quite convenient meeting point for efficient cooperation between public and private sectors worldwide. For example, in 2008 \_\_\_\_ (?) finalized a major international satellite project involving one of Russia's largest manufacture of satellite systems, Intersputnik and the Israeli-based satellite operator. The three parties jointly launched a project to put into geostationary orbit and operate a telecommunication satellite. Under this project, Intersputnik acted as a connecting link correlating the interest of the Parties and the interference of different systems of law.

Another important aspect of Intersputnik's cooperation with satellite operators stems from the scarcity of frequency resource in the geostationary orbit intended for new telecommunication satellites. You will recall that when assessing the present condition and prospects of the further use of frequency orbit resource, one should take into account that more

countries that have never been members of the space club are now willing to have their own satellite communication systems, based on their own satellites. \_\_\_\_ (?), this tendency will, in the near future, result in the growing number of geostationary spacecraft and, in its turn, in the growing pressure on the orbit. In this context, it is noteworthy that it is those \_\_\_\_ (?) notified paper satellites that quite often occupy the geostationary orbit. In most cases, the communication administrations and operators prepare their ITU filings in a way allowing them to be as free as possible in configuring their spacecraft. Filing global search areas and full scale frequency bands they block the frequency resource and prevent new satellite systems from being brought into use, although the actual operational satellites mostly use either part of a frequency band or cover a limited area.

In this situation, the only way out for telecommunication administrations and operators planning to launch a satellite is to analyse compatibility proceeding from the action parameters of adjusting networks rather than from those existing on paper. This is a very complicated task. Sometime ago, Intersputnik found out that specialized tools available on the market were not quite fit for this purpose. That was why Intersputnik's technical and legal services first elaborated methods to determine satellite networks compatibility and then develop our proprietary software successfully using these methods in our own interest, in the interest of our member countries and in the interest of international satellite operators which cooperate with our organization. Thank you for your attention.

**The CHAIRMAN.** Thank you distinguished observer for the international organization, Intersputnik, Ms. Elina Zaytseva and we have thus exhausted the list of speakers on agenda item 5.

Is there any other speaker wishing to say something about this particular item, item 5, information on the activities of intergovernmental organizations and non-governmental organizations relating to outer space?

I see none.

We will therefore continue our consideration of agenda item 5, information on the activities of international intergovernmental and non-governmental organizations relating to space law, tomorrow morning.

Distinguished delegates, we would now like to begin our consideration of agenda item 6 (a) the

definition and delimitation of outer space and (b) the character and utilization of the geostationary orbit.

Delegations are reminded that the following documents are before you for your consideration of this item. First, questionnaire on possible legal issues with regard to outer space objects: replies received from member States, contained in addendum 17 to the document A/AC.105/635. Second, national legislation and practice relating to definition and delimitation of outer space, contained in addendum 4 to the document A/AC.105/865. Third, questions on the definition and delimitation of outer space: replies from member States, contained in addenda 2 and 3 to the document A/AC.105/889.

We have just one speaker so far on the list of speakers, namely, the distinguished representative of Greece.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*). Thank you very much Mr. Chairman. On this item of the agenda I would like to make a general comment, a preliminary one. It has been a long time now since we have been talking about (a) the issue of the delimitation of outer space. This is an issue which is of concern to us but it has never given birth to any practical results because the approach that we have gone in for in order to work up this delimitation has not proved to be, how could I put it, let us say, functional, because from the cosmological and astrophysical standpoints, you cannot even delimit the airspace around our tiny little Earth. In other words, going in for a *ratione loci* sort of approach is a bit difficult especially after the extraordinary way in which aviation technology has developed and the way in which astronautics has developed as well. So, I believe that a possible approach to facilitate things would be a functional one so that there would not be any fragmentation of outer space law.

It is some 50 years now, a whole half century, that we have recognized that the principle of \_\_\_\_ (?) of ancient Rome came to an end on 4 October 1957. Whether we like it or not it is over, done with, gone. What is important to allow space transportation systems to fall into place and not just the smaller issues within it. Given the pace of aeronautical development, what we have to do is to decide, as things come along, as to the mission of flying objects. This is what I could put as a plea and as a request, on the part of the countries that have space activities.

In two or three years down the road the shuttle operations are going to be wound down, I think that the very last shuttle is scheduled for 2010 or 2012 at the

outside, this is something that I saw recently. I am not really up-to-date on the most recent developments in the NASA programme but I think that all of these space shuttle operations are going to be coming to an end two or three years down the road. So, of course, we have to rethink things and this in terms of the *ratione functionis* and not *ratione loci*, in other words, the functional angle of our approach here.

Now, if I might go on to (b). As regards the geostationary satellite orbit, we have spoken about this at considerable length and sufficiently, certainly for a long time since January 1977, that accounts for roughly 40 years practically. This regime has come to a halt practically, there is no point dealing with this in this forum. It is *gratia dei* that we could possibly accept to continue consideration of this language because it is not just the geostationary orbit of the satellite here, the issue at hand is much broader, much more significant because it is the orbits, plural of that, whether it be the geo or the others, the leo, etc. etc. There is a problem here which, I believe, is the most significant one, which has to do with the trajectory of the civil international space station. Is there any appropriation of the trajectory that this SIS would be located on? and which label does this appropriation bear? Which name is on it? Are we going to be locating it close to our planet or further away?

There is a very difficult question that must be considered here. We already have the example of what happened in Berlin, 1903, and here you see that what I am getting at is the management of frequencies. It was necessary to draw inspiration from the selfsame system, you cannot say that *ad infinitum* the space station or its successors or yet other future space stations are going to be reserving a trajectory *ad infinitum*. We have to start thinking in terms of a similar regime, the one that was conceived when frequencies were being attributed and allocated. ITU, at that time, had more or less an international mandate to do that and they are working on the basis of an international mandate, on behalf of all humankind. It is allocating, appropriating, distributing, these frequencies for the good of humankind, not to States *per se*. It is the States which, pursuant to this international act, implement, monitor, control, manage etc. etc. This is a possible constructive discussion that we could broach quite usefully rather than say that the geo has a *sui generis* legal regime, etc. etc.

There are a fair amount of problems which have been spun off over the past years. Last year I came out with a proposal which was not favourably received because I had to leave two days before the end of our previous session of the Subcommittee. My proposal

had been to add a (c) under this item of the agenda relating to other orbits and, I would reiterate that proposal before you now, I feel that it is very important for all countries, whether they be space-faring or non-space-faring, to also have an idea or an approach which is regulatory and not institutional. A regulatory approach to the exploitation and the uses made of other orbits otherwise we are headed for chaos and collisions because with each launch, whether it be a successful one or not, generates potential space debris and all of this is happening because we do not have a UN specialized agency for space. A specialized institution because, if that institution were to exist, it would be extremely easy to have on the one hand the constitutional acts and on the other we would have the regulatory aspect and we would have a simpler, easier, life and we would also have really and truly proper international cooperation. We would have international cooperation that would truly be in the service of humankind.

So much for my comments, Mr. Chairman, that is what I had to say under item 6 and please do note that my proposal has been reiterated, add a (c) under 6, otherwise I would have considerable difficulty, to put it mildly, in accepting 6 (b). Thank you.

**The CHAIRMAN.** Thank you very much. That contribution certainly did present a very important initiative that involved inclusion of a (c) under this item of the agenda which could have the following language regulatory approach relating to other orbits. Possibly you have language that is handy already and maybe even written up and that certainly could be inserted into the report and could be handled in upcoming discussions. Thank you very much.

I have on my list of speakers on this item, item 6, the distinguished representative of Colombia.

**Mr. J. OJEDA BUENO** (Colombia) (*interpretation from Spanish*) Thank you Mr. Chairman, good afternoon. We would like to thank the distinguished delegate from Greece for their contribution in a field which has been of concern for us for some time now, that is, monitoring the implementation of regulations, not just ITU's but other additional ones from the UN. Perhaps this is one of the institutions of the UN that does not have a body to ensure compliance and implementation as we would have for compliance and liability, that panel.

It is really time that the international space community, we could say, come to grips with the idea of the need for this kind of a body that would supervise the compliance of so many norms and, even in the



Scientific and Technical Subcommittee, we could use the metaphor of vehicular traffic. Some people say, the more vehicles, the more risk of accident, and we do consider this risk is increasing but we do not have any traffic signals in space, we do not have any traffic cops in space to regulate the traffic here.

So Colombia approves the proposal and strongly supports the proposal to set up an intergovernmental panel for compliance and liability along the lines that were just expressed by the distinguished representative of Greece. Those who wish to adhere to this proposal, in their missions here in Vienna, could begin work.

First, the distinguished French delegation has also made proposals in the past on how we can ensure that this kind of regime is being complied with. We need some kind of panel to monitor compliance here. The permanent mission of Colombia would be very pleased to receive the support from other regions to begin working with the Secretariat on the possibility of setting up this kind of a panel, as I said, to monitor compliance. Thank you.

**The CHAIRMAN.** Thank you very much distinguished representative of Colombia for your contribution to the discussion, including again your suggestion to establish an intergovernmental panel to monitor compliance with all relevant rules and norms. Perhaps it would be wise if you could again draft your suggestion in short text and submit it to the Secretariat for the sake of drafting the report from this Subcommittee on item 6 and also for the sake of assisting our further discussion. Thank you.

Any other speaker on agenda item 6?

Well, I do not see any other speaker for the time being and therefore I believe that we could now suspend the discussion in the Subcommittee and we will continue on this item tomorrow morning.

For this purpose it would be good to have your proposals in a brief text.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*) Thank you Chairman. We could, how could I put this, possibly work on the proposal made by my colleague from Colombia, as well as on mine, when we have our group discussion, if ever the working group does meet.

Is there a problem? I see, there is an institutional problem, you are quite right Chairman, sorry I take that all back. It is just (a), sorry I take that all back.

**The CHAIRMAN.** Well you can certainly put your heads together with Colombia and work up a joint proposal possibly.

I believe that we will now proceed with agenda item 7, nuclear power sources. On this item I have one name inscribed in the list of speakers and it is the distinguished representative of Canada but, prior to giving him the floor, I would like to remind you that we will have in front of us one document, namely, Safety framework for nuclear power sources applications in outer space, which is contained in A/AC.105/C.1/L.292/Rev.4.

I would like to provide delegates with a brief background on the document that I have just mentioned. At its last session in February 2009, the Scientific and Technical Subcommittee adopted the safety framework for NPS applications in outer space. The safety framework was adopted through joint cooperation between the Scientific and Technical Subcommittee and IAEA. Following the adoption, the document was submitted to the IAEA Commission on Safety Standards for its endorsement which will take place in April 2009, it means that it is still probably under consideration. Upon endorsement of the safety framework by IAEA it will be published as A/AC.105/934 and as an IAEA publication.

Now, I would like to begin our consideration of agenda item 7, nuclear power sources, and I already advised you that the first, and so far the only, speaker on this item is the distinguished representative of Canada.

**Mr. M. BOURBONNIERE** (Canada) Mr. Chairman, the Canadian delegation is grateful for the opportunity to share its views on this important subject with the Legal Subcommittee.

Mr. Chairman, Canada possesses a unique point of view on this issue as it remains the only State ever to have been impacted by a space object employing a nuclear power source. Canada strongly supports the principles relevant to the use of nuclear power sources in outer space, adopted by the UN General Assembly in December of 1992. These principles have served, and continue to serve, the international community well. Any revision of these principles should await the conclusions of the working group on the use of nuclear power sources in outer space convened under the Scientific and Technical Subcommittee.

Mr. Chairman, Canada notes with great appreciation the fine work that has been done in the joint expert group of the Scientific and Technical

Subcommittee on the development of the safety framework for nuclear power source applications in outer space. This draft safety framework is an important endeavour which seeks to promote the safe use of nuclear power sources in the exploration and use of outer space. It is designed to complement existing national and international safety guidelines and standards. Canada is pleased to have the opportunity to provide comments on the draft safety framework and will continue to follow the work of the joint expert group with great interest. We also wish to note that the development of the draft safety framework is an excellent example of collaboration between UN bodies, in this case the Scientific and Technical Subcommittee of COPUOS and the International Atomic Energy Agency and this on issues of importance to both of these entities. Thank you very much Mr. Chairman.

**The CHAIRMAN.** Thank you distinguished representative of Canada for your contribution on item 7, review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space which included, in my reading, two important ideas.

One, that Canada welcomes the results of the joint work of the expert group that was established by the Scientific and Technical Subcommittee and IAEA and that you consider it a major result for further consideration of these issues. At the same time, you very much appreciated the development of this draft framework as an excellent example of collaboration between two different United Nations bodies.

The second idea that I also recorded, that Canada has always supported the principles relevant to the use of nuclear power sources adopted in 1992 and these principles served well the international community and that any revision of these principles should await the conclusions of the working group on NPS under the Scientific and Technical Subcommittee. Thank you very much.

Any other speaker wants to speak on agenda item 7, at this moment?

No delegation? No observer?

I see none.

Therefore we will continue our consideration of agenda item 7, nuclear power sources, tomorrow morning.

Distinguished delegates, I intend shortly to adjourn this meeting so that the working group on

agenda item 4, status and application of the five United Nations treaties on outer space can convene its second meeting and the working group on agenda item 6 (a) the definition and delimitation of outer space, can hold its first meeting.

Before doing so I would like to remind delegates of our schedule of work for tomorrow morning. We will meet promptly at 10 a.m. At that time we will continue and conclude our consideration of agenda item 5, information on the activities of international intergovernmental and non-governmental organizations relating to space law. We will also continue our consideration of agenda item 6, the definition and delimitation of outer space and the character and utilization of the geostationary orbit and will continue consideration of agenda item 7, nuclear power sources.

Are there any questions or comments on this proposed schedule.

I see none.

This meeting of the Subcommittee is adjourned until 10 a.m. tomorrow and it will be now followed by the meetings of the two working groups. Thank you very much.

*The meeting closed at 4.30 p.m.*