

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

Unedited transcript

798th Meeting

Wednesday, 1 April 2009, 3 p.m.

Vienna

Chairman: Mr. V. Kopal (Czech Republic)

The meeting was called to order at 3.17 p.m.

The CHAIRMAN: Good afternoon distinguished delegates. I now declare open the 798th 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 12, Proposals to the Committee for New Agenda Items. At the end of the afternoon meeting, we will have one presentation pertaining to agenda item 11 by the representative of Japan entitled "Japan's Basic Space Law".

Thereafter, the Working Group on Agenda Item 11, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, will hold its fourth meeting.

Are there any questions or comments on this proposed schedule?

I see none.

**Proposals to the Committee for new agenda items
(agenda item 12)**

Distinguished delegates, we will now continue our consideration of agenda item 12, Proposals to the Committee for New Agenda Items.

The Secretariat will reflect the discussions that have taken place under this item in the report of

the Subcommittee. Unless any delegation wishes to take the floor at this stage to make an additional proposal for new agenda items, I would like to go back to the non-paper that was distributed yesterday to confirm the decisions that we have taken with regard to the provisional agenda of the Legal Subcommittee for its forty-ninth session in 2010.

First of all, the regular items, it means items one to six listed in the non-paper will continue to remain on the agenda of the Subcommittee in 2010.

Concerning the single issues/items for discussion, it means items seven to 10, we need to take a decision for each item to either retain or discontinue it.

So I will now read items seven through 10, one by one, and seek your approval of each of these items.

So first, single issue item for discussion number seven, point seven, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

Are there any comments? Are there any objections against retaining this item?

I see none.

Seven is approved.

Point eight, Examination and Review of the Developments Concerning the Draft Protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment.

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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Are there any comments? Any objections?

I see none.

Sub-paragraph eight is approved.

Nine, Capacity-Building in Space Law.

We have had a very useful discussion this year on this item.

So I do not see any objection against retaining this particular paragraph, Capacity-Building in Space Law.

It is approved.

Sub-paragraph 10, General Exchange of Information on National Mechanisms Relating to Space Debris Mitigation Measures.

Again, I believe there was a useful discussion this year.

Are there any objections to continuation of this discussion?

I have not seen any.

So 10 is also approved.

Yes, then, of course, we have an item considered under the Work Plan. It is sub-paragraph, or point 11. It will continue in line with the Work Plan that was decided at the session of the Legal Subcommittee and which is inserted in the document 891, paragraph 136. I think it is in accordance with the Plan so the continuation is quite evident.

And now we have under agenda item 12, continuation of the new agenda that has been included in here in our programme, it means Proposals to the Committee on the Peaceful Uses of Outer Space for New Items to be Considered by the Legal Subcommittee at its Fiftieth Session, it means at the next session.

We have had such an item in this year's agenda and it is practically the repetition of the same item but, of course, relating to the next year.

So I do not see any objections against the usefulness of this particular paragraph or sub-paragraph.

Next, ladies and gentlemen, on the opposite side, I would like to consider the list of proposals to be retained for possible discussion at subsequent sessions of the Subcommittee. Again, I will go sub-paragraph by one. I would first like to confirm the sub-paragraph (a), Review of the Principles Governing the Use of States of Artificial Earth Satellites for International Direct Television Broadcasting, General Assembly resolution 37/92, Annex, with a view to transforming the text into a treaty in the future, proposed by Greece.

I do not see the distinguished representative of Greece but are there any objections against it?

I see none. And, of course, we will inform the distinguished representative of Greece asking him if he is interested for retaining this problem(?) on our agenda as a possible agenda item.

(b) Review of Existing Norms of International Law Applicable to Space Debris, proposed by the Czech Republic and Greece.

I do not see any delegate of the Czech Republic here but I was informed during the lunch time that it should remain, if possible, if you agree, on the list of possible items to be discussed by the Subcommittee.

(c) Matters Relating to the Principles Relating to Remote Sensing of the Earth from Outer Space, General Assembly resolution 41/65, Annex, proposed by Chile and Colombia.

I do not see any representative of Chile for the time being but there is here the representative, is he really here? Yes, I recognize him, yes. Are you interested in retaining this sub-paragraph on our agenda of possible items?

Mr. J. H. OJEDA BUENO (Colombia): We are interested. Thank you.

The CHAIRMAN: Thank you very much.

Are there any comments on it?

I see none.

So it is approved.

Then, sub-paragraph (d), 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.

Again, I have not heard from the distinguished representative of Greece but we could still check later on whether he would be interested in keeping this item on the list of possible topics for discussion.

Are there any comments or objections?

I see none.

(e) the Appropriateness and Desirability of Drafting a Universal Comprehensive Convention on International Space Law, proposed by China, Greece, the Russian Federation and Ukraine.

Are there any comments either from sponsors of this item? Yes, I now recognize the distinguished representative of China.

Mr. Y. XU (China): Thank you Mr. Chairman. With your permission, we do hope that we can retain this item for the possible discussion in the future sessions of the Legal Subcommittee. Thank you Mr. Chairman.

The CHAIRMAN: Thank you very much distinguished representative of China.

And I have not heard from other sponsors but I suppose their position would be similar.

So this topic would be retained as a possible subject for further discussions.

(f) Legal Implications of Space Applications for Global Climate Change, proposed by Chile.

I do not recognize here the representative of Chile but he did not inform me that he would be interested in withdrawing this item so my interpretation would be that it should be retained as another possible item.

And, of course, we will have then still a new sub-paragraph (g). Mr. Secretary, could you read the present language of the title?

Mr. N. HEDMAN (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. Yes, there will be inserted a (g) and it is the proposal by the delegation of Saudi Arabia and it reads as follows.

“Regulation of Dissemination of Space Imaging Through the World Wide Web”.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Mr. Secretary for your helping me in this particular point. Yes, indeed, it reads now “Regulation of Dissemination of Space Imaging Through the World Wide Web”. So this should be inserted as sub-paragraph (g) in the list. And I was informed by the Secretary prior to the beginning of this meeting that the Secretariat intends to prepare the final text of this paper which so far has been only a non-paper but tomorrow it will be available for you as an official paper of the Subcommittee, as a Conference Room Paper.

Are there any other delegations wishing to make a statement under this agenda item at this time?

Yes, I recognize the distinguished representative of Colombia.

Mr. J. H. OJEDA BUENO (Colombia): Good afternoon Mr. Chairman. Thank you. We have the best intention of supporting the Greek proposals in matters as read by you, point (d) at the end. We regret that the representative of Greece is not there because we wanted to make sure that the point that we wanted to include in the agenda for the following sessions are indeed in the agenda. It is concerning the three events that I enumerated particular one-by-one yesterday. We are ready to support the Greek proposal but we would like to see them here also to see the will to retain it. So since I know that we were the only delegation opposing some resistance to the inclusion of this point, I think that we deserve a larger clarification by him, probably on a bilateral basis.

So I would like you please to keep it pending on point Regular Items, Number Six, to be enlarged or enriched. We, the three, with a view to the three events we are expecting the next three years, pending until we have a bilateral consultation with the Greek delegation. Thank you.

The CHAIRMAN: Yes, thank you very much distinguished representative of Colombia. Of course, I understand your request and I think there will be no problem to postpone the final approval of this particular sub-paragraph until tomorrow when you will get also the official document, CRP, because so far it is a non-paper. I agree with you, of course, and we will have plenty of time to consult it with the distinguished representative of Greece as soon as he appears again here, maybe later this afternoon or tomorrow morning.

But I would like to emphasize and bring to your attention that these items that are listed on Page 2 of the non-paper, starting from (a) through (f), are just proposals for possible discussions at the subsequent

session. So that it would not mean that all these items, all these titles, have been approved for the next session, it means for the subsequent session. Did you understand what I wanted to bring to your attention?

Mr. J. H. OJEDA BUENO (Colombia): Yes, Mr. Chairman, thank you very much. We know that it is also pending and our understanding of drafting international law is of an evolving nature so we do think it is necessary to talk about also the possible topics from now on. Thank you.

The CHAIRMAN: Thank you very much distinguished representative of Colombia.

Is there any other delegation wishing to speak on this non-paper still during this afternoon's session of the Subcommittee?

I see none.

We will, therefore, continue and hopefully conclude our consideration of agenda item 12, Proposals to the Committee for New Agenda Items, tomorrow morning.

Distinguished delegates, I would like now to turn to our presentation. I give the floor to Ambassador Komizo of Japan who will make a presentation entitled "Japan's Basic Space Law".

You have the floor Excellency.

Mr. Y. KOMIZO (Japan): Thank you very much Mr. Chairman. It is my pleasure to brief you on the addition to your promulgate basic space law of Japan.

Japan's national activities in outer space have been conducted only by government entities so far and, therefore, Japan has been able to fulfil its international responsibility for its activities in outer space as stipulated in Article 6 of the Outer Space Treaty of 1966, without(?) specific domestic laws on outer space.

In the face of the rapid development of outer space activities by commercial entities, for example, in the world, and seen these countries(?) widening scope of such activities, however, the need for promulgation of domestic laws on space-related activities keenly felt. Against such background, basic space law was enacted in May 2008, last year, and entered into force on 27 August 2008.

Today, I would like to briefly introduce to you the main features of the basic space law, through(?)

with the implementation of this law to the extent that relevant actions have been completed.

First, I think probably I will just show you everything. As you can see in this slide, focusing on concrete actions provided for in the basic space law, they can be summarized in four basic areas of activities. The first one in the second column is the establishment of the Strategic Headquarters. This is the centre of _____(?) units moving forward all the activities, headed by the Prime Minister.

And then secondly, formulation of the Basic Space Plan on the right hand column. And then, third, legislation on space activities, on the left hand column, upper one. And then the fourth one is the structuring(destructuring/restructuring?) of space-related omulgations(?). There are about 11 such omulgations(?) and we are planning to focus and destructure (restructure(?)) them.

After briefly talking about the main features of the basic space law, I would like to look at the Strategic Headquarters and then the formulation of the Basic Space Plan. At present, only the vision, if you look on the right hand column, there is a vision part and a plan, a detailed plan part, and so far, at present, only the vision is completed and, therefore, my presentation only touches upon this aspect.

Now I think we are just talking about, I would like to talk about the basic space law itself before moving to the next slide. In a sense, in a conventional manner, this basic space law contains 35 articles in five chapters and four supplementary provisions.

In Chapter 1, the general provisions provides for the purpose of the law in Article 1. It also includes the establishment of the Strategic Headquarters. And it also provides basic principles in Articles 2 to 7 and obligations of central and local governments in Articles 8 to 12.

And then Chapter 2 is about the basic measures to implement such basic principles that stipulates in Articles 13 to 23.

And Chapter 3 contains a single article, Article 24, that specifies basic contents and procedures to formulate the Basic Space Plan so this has a guideline to promulgate the Basic Space Plan.

And Chapter 4 provides for the laws and _____gation(?) functions of the Strategic Headquarters, that is in Articles 25 to 34.

In Chapter 5, again a single article, this provides for the enactment of legislation on space activities. That means actually the basic space law does not go into the details of the control or alluding(?) of the space activities. And this legislation on space activities are going to deal with all those specifics.

And Articles 3 and 4 of the supplementary visions provide for the destructuring(restructuring?) of space-related omulgations(?).

As you can see, therefore, this basic space law lay out the foundations and trigger the process of establishing the legal and policy frameworks governing space-related activities and we are in the middle of the ongoing process right now.

Now, let us move on to the contents of basic space law. We are grouped into three categories for the ease of understanding and comprehension. I think as lawyers you understand why I started from the very conventional way of briefly explaining the composition of the basic law. It is cumbersome but at the same time I think I just tried to give you some sense of an overview. But now we are focusing on the action-oriented main features of the basic laws.

First, this contains basic concepts and measures of space development, that is Chapters 1 and 2. And in this slide and the next slide, I summarized the basic concepts of the law in the pink letters and there are altogether six points and the corresponding measures related to these concepts are shown in white letters.

The first concept is the peaceful use of space and promotion of space development and utilization following international agreements on space activities and on the peaceful purposes. That is the first principle. It is promulgated in Article 2 of the basic space law.

And then the second one is improvement of citizens lives and so on. That is in Article 3. And we are now talking about utilization of satellites in the improvement of citizens lives and international and national safety and security. That is the second main concept.

And the third one is the promotion of space-related industries. That is now, I think, it is more and more important of the entities, commercial and other entities other than governments. So in Article 4, we are putting this principle and ensuring autonomous launches of satellites, promotion of private businesses in space development and utilization and maintenance

and improvement with desirability of technologies in space development and utilization. Those are the components.

And then the fourth concept in Article 5 is advancement of values for humankind. But why and for what purpose are we engaged in space activities? We consider that this should be for the advancement of the values for humankind as a whole. And so for that purpose, we promote the space sciences.

And the fifth concept is in Article 6 and is promotion of international cooperation, promotion of international cooperation in the field of space development and utilization. And this is actually, as one of the advanced space-faring countries, we feel obliged, we are cooperating, coordinating with other countries to raise and to make sure that those findings are useful for a wider circle.

And the sixth point is consideration of environmental preservation, Article 7. And those activities need to be taken fully into account all the needs to preserve the environment. That is also the very important elements which Japan changes, and trying to focus on.

Those are the six principles.

And now I would like to move on to the second group of these things. This features the establishment of Headquarters for Space Policy and this is stipulated in Article 1 and all the articles in Chapter 4. And according to Article 28, the Headquarters established under the Cabinet should be headed by the Prime Minister. And then Article 29 talks about the Chief Cabinet Secretary and the Minister of State for Space Policy serves as the Vice Director-General supporting the Prime Minister. And all the members of the Cabinet are the members of these Headquarters.

Actually those phases may change over time but anyway I should not talk about this one anyway.

The _____(?) or the Prime Minister is heading and Mr. Takao(?) Kamra(?) is the Chief Cabinet Secretary and Miss Seiko Moda(?) is the Minister for Space Policy. And there is one, not close, but some gender balance is considered.

And then if you look at the right hand side of the column, it is the Secretariat of the Strategic Headquarters. This is the implementation helping arms of the Strategic Headquarters.

And on the left hand side is the advisory ones and a Special Committee on Space Policy advises the Strategic Headquarters. And under the Special Committee two Working Groups have been set up. One is a Working Group for Destructuring (Restructuring?) of Space-Related Organizations(?), and another is a Working Group for Legislation on Space-Related Activities.

The Special Committee consists of experts in various fields related to space activities and those include top leaders of the business community or eminent scholars in space law or experts in international relationships and astronauts, among others, and those are the ones to provide advice for the work to be conducted.

And then I would like to move on to the review of space-related organizations but I am not only talking about the organization(?) but I think I also under this sub-item would like to talk about agendas of the Headquarters.

The review of space-related organizations are provided for in general terms in Article 12 of the basic space law and more specifically, Article 3 of the supplementary provisions provides for the review of the roles and function of JAXA, that is currently the most important executing arm of our space activities, and other agencies involved in space exploration and use.

In Article 4 of the supplementary provisions provides for the review of the related executive organs in order to promote measures in the field of space exploration and use in a comprehensive and integrated manner. So this goes beyond the agencies directly involved in space activities so in order to make sure that the structures are suitable for the comprehensive activities.

And now I would like to talk about Strategic Headquarters agendas. There are basically three basic agendas they are working with right now.

The first one is a formulation of a space basic plan, as I have already talked about, and they are, maybe can be summarized in three basic ideas. First, the changed approach from a sees-oriented to a needs-oriented space policy. In other words, I think we are trying to shift a gear from the technology pushed to the result-based or needs-oriented approach.

And also we are planning to promote the space-related industries and increase their competitiveness.

And the third one is the contribution to the world community by utilization of the Japanese-based space technologies, such as environmental monitoring.

And the second agenda is the destructuring(restructuring?) of space-related organizations(?) and actually the first ones and second ones are written in Article 26 of the basic space law, and we have already talked about that and we will skip it.

And then the third one is legislation on space-related activities which is now still in the preparation stage so I am not able to go into the details of the contents on our plans of the last one but this one is actually written in Article 35 of the basic space law. The basic space law obliges the Government to prepare those legislation on space-related activities and that is now under the process of discussions.

And now I have spoken with about the formulation of the Basic Space Plan and at this point we only completed the vision which was released in December last year and the detail plan part is expected to be finalized in May this year, quite soon.

And the basic plan has two components. The first one is a basic strategy and the second one is a five players(pillars?) of space policy to implement it.

I would like to first talk about the basic strategy, the second point. I think I am probably repeating but I have said already. The first one is changing the priority from, in a different expression, but R&D on rockets- and satellites-oriented to enhancing the utilization of space. So from the technology push(?) to the result-oriented. And that does not mean that we are going away from the development but we are trying to focus on the results and to use technology development and R&D for those purposes. So we still deal with the importance of technology development but the kind of direction, the mindset is going to be changed.

And the second one is the conducting projects is in accordance with the comprehensive space policy of the Headquarters. So we are trying to mobilize various existing and going to be developed resources in a comprehensive manner to focus aims and results we would like to achieve.

And the third one is the objectives contributing to the international community for the improvement of culture-wide(?).

And now we are going to turn on the pillars (*not clear*) and those pillars(?) are the actions needed to fulfil the objectives for the contribution to the international community.

And the first pillar(?) is improving the welfare and safety of daily life. That is the most important one. Whatever high objective we have, the real change, the real thing, the real objective is in the daily life and the persons, the individual persons welfare and that is the main focus.

So contributing projects that continuously satisfy current demands and investigating the climate change and the possibility of creation of new businesses and though some of these things, examples.

And second here is strengthening the international security by applying the space technology, the examination on the possible application of space technology for the commercial and international security including Japan's own, of course, within the framework of the specific principles of the Constitution of Japan and strengthening and improving the capability of gathering information from space. Those are the second ones.

And then the third draft is performing constructive international laws through space technology, through using space technology actively and strategically, like SENTINEL-ASIA is one example, to promote international cooperation. That very clearly identified our goals and directions and the playing leadership roles as one of the other balanced(?) space-faring country among the international community and contributing to sustainable development of the international community. Those are the third pillars(?)

And the fourth pillar() is developing the private sector and the strategic industry in the twenty-first century, to strengthen the international competitiveness and developing the infrastructure and conducting a cutting-edge around and improving capabilities in basic technology in cooperation with the academic and private sectors.

And then the last one is also equally important. I think, I put my personal things, now we are going through the global change and so many things are happening and also the economic and financial difficulties. At the same time, we are going through a period where we can probably create a new regime and a new world order and something needs to be borne from these hardships. And clearly the space is one of the areas where you can probably work, not

only for the, also deep in your mind, if you look at from the outer space, the Earth, then you may have maybe some different viewpoints about global problems. I think it is very important inspiring people, and especially young ones, to doing and investing in the future. That is a very, very important function of the space exploration, I think. And those are the fifth pillars(?) we are thinking about.

That is about what I would like to present to you. Thank you very much.

The CHAIRMAN: Thank you Excellency, Ambassador of Japan for the outstanding presentation of your report on Japan's basic space law.

Are there any questions or comments?

I see none. Yes, Colombia has the floor.

Mr. J. H. OJEDA BUENO (Colombia): Thank you Mr. Chairman. Thank you Your Excellency, the Ambassador, for the very illustrative presentation. I am tempted to highlight the reflection of the Millennium Goals that the Ambassador has presented in his very interested proposal. I identified, you might correct, a gender balance. I identified the improving of livelihoods, identified combating climate change. I identified also probably all of them and that is what we were missing. I sometimes missed in other presentations is how we relate or connected to the activities that other agencies or ourselves, as member States, are doing through the United Nations agencies, how is the connection between space law and international law in other matters. But you see there is a thinking behind it and there is a thinking of the Colombian delegation on the proposal that we submitted yesterday, is on the idea of the former Secretary-General, Kofi Annan on the United Nations delivering as one is the topic of cohesion and coherence in the United Nations systems and I think we are playing the same game, I hope.

Some times when you listen to some other presentations, you feel like are we are drafting some business law, like the UNCITRAL on trade law or are we really between member States. Because as a matter of fact, and a big concern of Colombia, is to find a balance between the action of private actors and States-operated or State-controlled or State-monitored activities, because I think we are still within an environment of member States. Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of Colombia for your contribution and assessment of this particular paper.

Are there any other comments? Yes, I recognize the distinguished representative of India.

Mr. V. GOPALAKRISHNAN (India): Thank you Mr. Chairman. May I request Mr. Komizo, the Ambassador, could you give us some details about how the JAXA is linked to the Strategic Headquarters? Are there any other agencies other than JAXA coming under this purview?

The CHAIRMAN: Thank you. Excellency, would you like to provide a report to this question?

Mr. Y. KOMIZO (Japan): If we need to look at it. You may remember the Secretariat for the Headquarters, that includes the Minister of Education and Health, the Minister of Economy and also the Minister of Foreign Affairs, all those agencies who maybe a user of the space technology are all included, not only the provider of the technology but also the users of the technology and also the Cabinet Office who is a responsible centre of planning, but overall planning. So not only JAXA but many government agencies are involved. And also, as I said, in the Headquarters itself, all the Ministers are members. Thank you.

The CHAIRMAN: Thank you Excellency for your reply to the question that was raised by the distinguished representative of India.

I now recognize the distinguished representative of China.

Mr. Y. XU (China): Thank you Mr. Chairman. The Chinese delegation would also like to congratulate His Excellency, the Japanese Ambassador, for the informative presentation he shared with us, and in particular for the sharing with us his vision we are thinking about the welcome(?) of space science.

In the Ambassador's presentation, one pillar(?) which was of interest by our delegation, that is the application of the space technology for the promotion of international security. As we know, and also reflected in our general exchange of views statement, we hope that we can achieve the harmony of the space. So in that sense, we have a very strong interest in this pillar which was presented by the Ambassador. We hope in the future that there is more information provided to us for our to think about call to

apply the special technology for the promotion of international security. We hope that in the future sessions the distinguished delegates of Japan will share more information on that. Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of China for your contribution to this discussion.

Is there any other delegation wishing to put a question or comment?

I see none.

Therefore, once again, I thank the distinguished Ambassador of Japan for the presentation of the report.

Distinguished delegates, I would now like to adjourn this meeting so that the Working Group on Agenda Item 11 can hold its fourth meeting under the guidance of our colleague, Madam Marboe. But before doing so, I would like to remind delegates of our schedule of work for tomorrow morning.

We will meet promptly at 10.00 a.m. At that time, we will continue and hopefully conclude our consideration of agenda item 12, Proposals to the Committee for New Agenda Items.

If the draft report of the Working Group on Agenda Item 6(a), the Definition and Delimitation of Outer Space, is available, in all languages, tomorrow morning, we will proceed with the adoption of the report on this agenda item.

At the end of the morning, the Working Group on Agenda Item 11 will hold its fifth meeting under the Chairperson, Madam Marboe.

Are there any questions or comments on this proposed schedule?

I see none.

So this meeting is now adjourned until 10.00 a.m. tomorrow. Thank you.

The meeting closed at 4.06 p.m.