

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

Unedited transcript

807th Meeting

Wednesday, 24 March 2010, 10 a.m.

Vienna

Chairman: Mr. A. Talebzadeh (Islamic Republic of Iran)

The meeting was called to order at 10.11 a.m.

The CHAIRMAN: Good morning distinguished delegates, ladies and gentlemen, I now declare open the 807th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

I would first like to inform you of our programme of work for this morning.

We will continue and hopefully conclude our consideration of agenda item 4, General Exchange of Views. We will continue our consideration of agenda item 5, Status and Application of the Five United Nations Treaties on Outer Space, and, of course, agenda item 6, Information on the Activities of International Intergovernmental and Non-governmental Organizations Relating to Space Law.

At the end of the Plenary, there will be one technical presentation by the representative of France on "France: Registration on Space Objects".

We will then adjourn the Plenary meeting so that the Working Group on Agenda Item 5 can hold its first meeting under the chairmanship of Mr. Jean-François Mayence of Belgium.

Are there any questions or comments on this proposed schedule?

I see none.

General exchange of views (agenda item 4)

Distinguished delegates, I would now suggest that we continue and hopefully conclude our consideration of item 4 on our agenda, General Exchange of Views.

The first speaker on my list is the distinguished delegate of Thailand. I give the floor to the distinguished representative of Thailand.

Mr. N. PETCHARATANA (Thailand): Mr. Chairman, distinguished delegates, ladies and gentlemen, it is my pleasure and honour to be here with this distinguished group of legal experts.

I would like to take this opportunity to express my great appreciation to you, Mr. Chairman, on your prestigious responsibility for the Bureau 2010-2011 as the Chairman of the Legal Subcommittee.

Thailand has adhered to the peaceful uses of outer space and apply the space technology for the development of the country in various aspects, from agriculture, meteorology, disaster to education.

Since the launching of the TIROS, Thailand's Earth Observation Satellite, the Geo-informatics and Space Technology Development Agency, GISTDA, as a national principle and implementing agency for satellite remote sensing and geo-informatics of Thailand, has been enhanced significantly to become a one-stop service provider of Earth observation satellite data. Moreover, GISTDA cooperates with a number of countries and international entities in space technology and geo-informatics in order to seek closer partnerships for GEOS data acquisition and distribution worldwide.

In its resolution 50/27 of 6 December 1995, the General Assembly endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that, beginning with its thirty-ninth session, the Committee would be provided with unedited transcripts in lieu of verbatim records. This record contains the texts of speeches delivered in English and interpretations of speeches delivered in the other languages as transcribed from taped recordings. The transcripts have not been edited or revised.

Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, within one week of the date of publication, to the Chief, Conference Management Service, Room D0771, United Nations Office at Vienna, P.O. Box 500, A-1400, Vienna, Austria. Corrections will be issued in a consolidated corrigendum.



Mr. Chairman, by expanding the applications of space technology, Thailand recognized the need to have guidelines and regulations on the matter. Recently, the Thai Government issued the recollation(?) of the Prime Minister's Office on space activities management. This recollation(?) is aimed at directing and fostering the Thai National Space Policy also as establishing the Committee on National Space Policy with the responsibility to study, prepare for and promote the development of national space technology and applications.

Furthermore, Thailand also promotes the peaceful uses of outer space together with the richest ration of space objects by issuing the Ministry of Defence announcement on permit-required weaponry and a Royal Decree on arms export control in 2008 and 2009 respectively. These laws prohibit the import, manufacture, possession and export of military satellites, except satellites for education, research or commercial purposes which have been registered with the United Nations Office for Outer Space Affairs. These laws fully reflect Thailand's objective to conform to international law and standards.

Mr. Chairman, I am pleased to report on the progress of the United Nations/Thailand Workshop on Space Law which will be held during 16-19 November 2010 in Bangkok. The purposes of the Workshop are to promote understanding and exchange of information on national space laws and policies and to consider legal aspects of commercialization of space activities.

Furthermore, the development of university-level studies and programmes in space law will be discussed in view of enhancing national expertise and capability in this field. These are the vital integrated steps to support the successful implementation and application of the international legal framework to efficiently govern the activities in the peaceful uses of outer space.

I take this opportunity to cordially invite all distinguished delegates to take part in this Workshop in Thailand this year.

Mr. Chairman, with regard to the registration of space objects, there are a number of legal issues in space law and problems that are unclear and needed to be clarified. For instance, the transfer of satellite ownership currently in orbit to the non-launching State, there is a high possibility due to the time constraints and limited budget. The satellite operators may lease or buy the on-orbit satellite of which the owner is facing financial difficulty and moved into its orbital

slot. If this business venture materialized, the many academic questions raised would become real problems. The questions regarding the change of registration, liability, jurisdiction and control will come into play. Moreover, there is a chance of collision with space debris during the delivery. Hence, these issues should be clarified by the Committee.

In addition, outer space technology has benefited various development purposes including disaster management and climate change through accurate satellite sensing. Currently there are many cooperative fora such as the United Nations Platform for Space-Based Information for Disaster Management and Emergency Response, or UNSPIDER, and the International Charter on Space and Major Disasters, and Sentinel-Asia. The principles relating to remote sensing of the Earth from space mentioned the duty to transmit data to States affected by natural disasters or likely to be affected by impending natural disasters. We would like to urge all parties concerned to further study and elaborate the legal regime of the duty, liability and expenses regarding the transfer of data under the unified international stage.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Thailand for a very good statement.

The next speaker on my list is the distinguished representative of the Islamic Republic of Iran. I give the floor to the distinguished representative of Iran.

Mr. N. SHIRAZI (Islamic Republic of Iran): Thank you Mr. Chairman. In the name of God, the Compassionate, the Merciful. Mr. Chairman, at the outset, I would like to express my delegation's congratulations upon your election as the Chairperson of the Legal Subcommittee of COPUOS for the period 2010-2011. We are so delighted to see our compatriot in this position. Mindful of your long relevant experience, both at national and international level, over the past two decades. As well as your long-standing contribution to the work of the COPUOS, we are confident that under your able guidance the Subcommittee will successfully accomplish its functions.

The delegation of the Islamic Republic of Iran would also like to extend its profound gratitude to Professor Vladimir Kopal of the Czech Republic for his outstanding leadership of the work of the Legal Subcommittee for the past two years.

Our appreciation also goes to the Director of the Office for Outer Space Affairs, Dr. Mazlan Othman, and her able colleagues for their efforts in promoting international cooperation on the peaceful uses of outer space.

Mr. Chairman, the Islamic Republic of Iran favourably(?) sticks to its international legal commitments in the field of space activities. Over the past two years, the Islamic Republic of Iran has made a remarkable progress in its space activities. The most significant ones in the past year was developing three new indigenously-made telecommunication and remote sensing satellites, namely MESBAH-2, it means "Lantern-2", TOLOO means "sunrise", Navid means "the promising(?) sign", which are hopefully supposed to be launched by a new satellite launch vehicle Simorgh.

Alongside with its prolific(?) scientific and technical programmes, the Islamic Republic of Iran plays the equal importance on plans and programmes to prove capacity-building in space law. In this context, I am pleased to inform the Committee that extensive intersectional efforts have been initiated in Iran to prepare a comprehensive national space-related Act. At the same time, the Islamic Republic of Iran attaches a great importance to common affairs at the international, regional and sub-regional levels.

Iran is fully convinced that further developments of the space programmes and activities should be built on a solid legal background. In this context, capacity-building measures in the field of space law are of great importance.

Given the above-mentioned facts, the Islamic Republic of Iran hosted a co-organized Workshop with the United Nations on Space Law on 8-11 November 2009 in Tehran. The Workshop addressed the role of international space law in the development and strengthening of international and regional cooperation in the peaceful exploration and use of outer space. The Workshop received a broad participation from Iran and abroad including the United Nations Office for Outer Space Affairs and some distinguished professors from Argentina, France, Germany, Greece, Italy, the Netherlands, the Republic of Korea, Ukraine and the United States, and some experts from Azerbaijan, Iraq, Turkey. The Iranian participants approximately 150, were mainly post-graduate students in the field of law and international relations and some post-graduate students in engineering and also some national officials and representatives of national space-related organizations. The outcome of the Workshop was appreciated by almost all participants.

We appreciate the United Nations Office for Outer Space Affairs for all its efforts for organizing this Workshop as well as for their excellent work that had been done in preparing the report contained in document A/AC.105/956, which covers all aspects of the Workshop including background, objective programme of work and attendance as well as conclusions and recommendations. My delegation is also grateful for the support extended by APSCO, the Asia-Pacific Space Cooperation Organization.

My delegation will make a brief video presentation, Mr. Chairman, on this Workshop when we are on the relevant agenda item.

The Workshop was followed by the second United Nations Expert Meeting on Promoting Education in Space Law organized to fully develop the curriculum, on 12 and 13 November 2009. We hope the result of such workshops help us further to effectively continue to the law-making process pertaining to the space activities at the international level.

Mr. Chairman, in conclusion, the delegation of the Islamic Republic of Iran would like once again to emphasize on the need to maintain outer space for peaceful purposes. Iran has already stated its position on this specific issue at various international fora. We believe that outer space as the common heritage of mankind must be used, explored and utilized for exclusively peaceful purposes and for the benefit and interest of all mankind in a spirit of cooperation and without discrimination. To that effect, all efforts should be done in order to secure the use of outer space solely for the purpose of the wellbeing and prosperity of all nations around the world.

I thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of the Islamic Republic of Iran for a very good statement. Thank you.

The next speaker on my list is the distinguished representative of South Africa. I give the floor to the distinguished representative of South Africa.

Ms. L. MAKAPELA (South Africa): Mr. Chairman, distinguished delegates, the South African delegation would like to take this opportunity to congratulate you, Mr. Chairman, on your appointment to lead the Legal Subcommittee. Our delegation is confident that substantive progress will be made on the

various agenda items under your able leadership and guidance and also through the efforts and cooperation of all the delegations.

My delegation also commends the work of the Office for Outer Space Affairs and other partners in supporting and carrying out the work of the Subcommittee, which, in turn, facilitates our consideration of issues of concern.

Mr. Chairman, the South African Government continues to recognize the country's reliance on space technology for every day needs as well as the huge development potential that can be built in space offers. Therefore, South Africa has identified space as an essential tool with which to achieve our national priorities of utilization of space system applications, to contribute to economic growth, reduction of poverty and the creation of knowledge.

The development of the space sector and space technologies in South Africa is aimed at enhancing the significant potential for social and economic benefits that it will offer the society. The space arena enjoys a high level of interest and ever-increasing commitment by our Government towards the achievement of these goals.

Mr. Chairman, our delegation wishes to emphasize the importance with which we regard the role of international space legislation to guide governments and other role players to use outer space responsibly. South Africa is committed to being a responsible user of the outer space environment and ensures that all public and private sectors activities are conducted in accordance with appropriate international best practices and relevant international treaties.

The Space Affairs Act strategically guides and regulates all space activities in the country. As such, the National Space Programme and any space activities undertaken by the public and private entities are subject to the provisions of this Act.

Mr. Chairman, South Africa is very pleased to announce to the Subcommittee that the Convention on International Liability for Damage Caused by Space Objects, and the Convention on Registration of Objects Launched into Outer Space, were approved by Parliament late last year and now awaiting a session by the President.

We believe that, as responsible users of outer space, it is necessary for our country to give effect to the rights and obligations provided by these treaties. In this regard, South Africa has commenced a process of

review of the Space Affairs Act which is the primary space legislative framework in South Africa for which the Ministry of Trade and Industry is responsible. The purpose of the review is to elaborate and align the Act with various space laws and policies in South Africa and incorporate the provisions of the United Nations treaties. This will ensure effective implementation and compliance of the United Nations treaties.

The establishment of a National Registry for Space Objects Launched into Outer Space is also under way.

Our delegation is also pleased with the progress of the establishment of the National Space Agency which implements the National Space Policy and the National Space Agency Act.

Mr. Chairman, the South African delegation wishes to express its appreciation for the seminar hosted yesterday by the International Institute of Space and the European Centre for Space Law on "National Legislation: Crafting Legal Engines for the Growth of Space Activities". The seminar provided valuable insight on the development of national legislation. We are looking forward to incorporating the crucial recommendations on our national laws.

Mr. Chairman, given the much(?) disciplinary and international nature of space activities, South Africa places great value in forging partnerships both regionally and internationally. The African Resource and Environmental Management Constellation Project is under way. The partners involved are Nigeria, Algeria, Kenya and South Africa. The respective parties reached an agreement during the Third African Leadership Conference on Space Science and Technology for Sustainable Development that was hosted by Algeria in December 2009 to take the project forward. The next step is the establishment of the Committees that will focus on the practical implementation of this project.

Mr. Chairman, my delegation is pleased to announce that South Africa will host the Africa Aerospace and Defence Show in Cape Town from 21-24 September this year. We welcome all interested parties and private sector organizations to participate in this event.

South Africa is also happy to announce that we will host the Second International Astronautical Congress in Cape Town in 2011. Preparations for the Congress are in place as we are formalizing the structures. In this regard, the Government has engaged

a number of stakeholders to ensure that the Congress is a success.

Mr. Chairman, space debris is an issue that concerns all countries, both space-faring and as well as non-space-faring countries. My delegation is committed to take appropriate and affordable steps to minimize the production of space debris and to implement the voluntary Guidelines on Space Debris Mitigation.

Mr. Chairman, South Africa has various organizations that play a considerable role in the study, exploration and utilization of outer space. However, although there are a number of players involved in space-related activities within the South African space area, there is, nevertheless, a limited skills-base existing in the country, more especially regarding space law. South Africa attaches great importance to the issue of capacity-building in space law and our country is committed to strengthen capacity in space law in order to enhance the legal framework in support of its citizens wellbeing. We look forward to sharing our views with other delegations during the consideration of this item.

In closing, we are looking forward to a fruitful consideration of the various agenda items before us.

Thank you Mr. Chairman and distinguished delegates for your attention.

The CHAIRMAN: I thank the distinguished representative of South Africa for a very good statement.

The next speaker on my list is the distinguished representative of Brazil. I give the floor to the distinguished representative of Brazil.

Mr. L. A. IANSEN DE SANT'ANA (Brazil): Mr. Chairman, we would like to join previous delegations in congratulating you for chairing the sessions of the Legal Subcommittee for the Peaceful Use of Outer Space and assure you of the full cooperation of Brazil.

We also associate ourselves to the statement delivered by Costa Rica on behalf of GRULAC.

The role of this Legal Subcommittee is instrumental in combining the adoption of instruments that allow fair and just opportunities for all nations to benefit from the access to space technologies for sustainable development. It is, therefore, our prerogative to constantly review the adequacy of the

instruments we have adopted, vis-à-vis, the needs of the nations in the twenty-first century.

The increased participation of the private sector in space activities which were the exclusive domain of States in the beginning of the Space Age have since evolved(?) require continued reflection by the Legal Subcommittee.

Brazil is committed to working within the forum(?) in order to refine and strengthen the legal framework so that it may continue to provide an ample and solid platform for international cooperation in the peaceful uses of outer space.

Mr. Chairman, the recognition of outer space as the province of humankind stands as a necessary condition on the basis of cooperative endeavours in its peaceful use and exploration for the benefit of all nations.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Brazil for a very good statement.

The next speaker on my list is the distinguished representative of Venezuela. I give the floor to the distinguished representative of Venezuela.

Mr. M. CASTILLO (Bolivarian Republic of Venezuela) (*interpretation from Spanish*): Thank you Mr. Chairman. On behalf of the delegation of the Bolivarian Republic of Venezuela, let me congratulate you, Sir, on your election as Chairman of the Subcommittee and also other members of the Bureau who will be in charge of this session of the Subcommittee. We wish them every success in this work.

Mr. Chairman, the national delegation of Venezuela would like to express its respect for the legal principles forming the basis for the exploration and use of outer space for peaceful purposes. In this context, since 1999, the Government of the Bolivarian Republic of Venezuela has acted with the greatest responsibility in terms of pursuing a public policy in space-related matters and the peaceful use of outer space, oriented towards strengthening social projects in strategic areas, building scientific and technological capacity, training and human resources on the basis of Articles 11 and 110 of our Constitution where the rights of the Republic are enshrined in the area of the peaceful uses of outer space as well as the promotion of science and technology. On this basis, the National Government has succeeded in institutionalizing space

activities in our country through the National Committee for the Exploration and Use of Outer Space for Peaceful Purposes 2004, the Presidential Commission of the _____(?) and for the peaceful uses of space in 2005, the Venezuelan Space Centre, CEV, in 2006, and the Bolivarian Agency for Space Activities in 2008.

In the same vein, we note with great satisfaction the creation by law of the Bolivarian Agency for Space Activities as of 1 January 2008, published in Official Gazette No. 38/796 of 25 October 2007. ABAE, the Bolivarian Agency for Space Activities is an autonomous institution, under the auspices of the Ministry for Science and Technology and Intermediary Industries, has the responsibility of providing guidelines for space activities as a public policy for development as an instrument for strengthening the political process with a view to ensuring social justice.

We have made firm advances as part of the VENESAT-1, or the Simon Bolivar Satellite National Programme, through developing and applying technologies for peaceful and social purposes. Its fundamental objective is to confer on the population of Venezuela telecommunications services, raising the quality of life of all citizens, particularly those who have been underserved in terms of communication services.

We will also contribute to promoting cultural values, education, health and sustainable development for our people through providing rural telephony services, access to the Internet, tele-health and education, and the dissemination of radio and television broadcasts throughout national territory favouring national technologies.

We should underscore that the footprint of this satellite covers the Caribbean and South America. This would promote closer ties with our neighbours beyond our frontiers and further integration of Latin America and the Caribbean region.

We are working on institutional projects in such areas as physical observation of the Earth, satellite technology and social programmes.

Under these guidelines, the Venezuelan Space Agency has carried out joint work with the Ministry of Foreign Relations, devised to review and update those international treaties that are relevant to our work, carrying out strategic analysis of the bilateral and multilateral instruments that exist in the area of outer space.

As part of this activity, we drafted and discussed with our counterparts, bilateral cooperation instruments with Russia and France in 2009, signed a Space Agreement with Brazil in 2008 and moved towards the implementation of cooperation programmes within framework instruments signed by China and India in 2005.

Mr. Chairman, moving on to other substantial matters before this Subcommittee, my delegation believes it is indispensable to step up interaction with the Scientific and Technical Subcommittee of COPUOS with a view to promoting the development of binding international norms in such critical areas as the use of nuclear power sources in outer space and space debris, among others. Taking into account that the principle responsibilities of the United Nations in the legal sphere, consist in promoting the progress development of international law and its regulation, in this case with regard to the environment and outer space.

Furthermore, it is necessary, in our view, to review, update and modify the five existing outer space treaties with a view to strengthening the guiding principles that underlie space activities of States, particularly its peaceful uses, to strengthen international cooperation and bring technology to the benefit of nations.

We would like to particularly dwell on the use of nuclear power sources in outer space. In view of the Safety Framework for the Use of Nuclear Power Sources in Outer Space, approved by COPUOS at its fifty-second session, my delegation urges this Subcommittee to review that document and to promote binding principles with a view to guaranteeing that all activity carried out in outer space be governed by the principles of the preservation of life and peace. Particularly it is necessary to give greater attention to legal issues associated to satellite platforms with nuclear power sources in terrestrial orbits in view of reported failures and the possibility of collisions which threaten the safety of humanity.

With regard to the Guidelines for Space Debris Mitigation, approved by the United Nations General Assembly in its resolution 62/217 of 22 December 2007, my delegation believes that we should continue improving and perfecting the existing guidelines for mitigating space debris. In particular, we need a legal analysis of these Guidelines which is within the competence of this Subcommittee.

Finally, with great optimism, my delegation urges all States to focus on the critical aspects which currently put at risk space activities. We must develop, update and modify international space law and continue progressively developing international law and its regulation.

Thank you very much Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Venezuela for a very good statement.

The next speaker on the list is the distinguished representative of Libya. I give the floor to the distinguished representative of Libya.

Mr. J. A. GLEDAN (Libyan Arab Jamahiriya) (*interpretation from Arabic*): Chairman, the delegation of the Libyan Jamahiriya would like to congratulate you upon your election to the Chair of the Legal Subcommittee of COPUOS. We are assured indeed to be successful in our endeavours since you are chairing this meeting.

The Libyan delegation would like to express our appreciation for the excellent work done by Mr. Kopal, the outgoing Chairman of the Legal Subcommittee, for the excellent way in which he has guided the work of this Subcommittee for the past two years.

We will also be turning to Dr. Othman, at the head of the Office for Outer Space Affairs, and thank her for the important role that the Office for Outer Space Affairs, under her indeed is playing under her capable leadership. Indeed, it is important for us to endeavour to strengthen the possibility of States conducting peaceful exploitation of space capabilities.

We do certainly appreciate the crucial role played by the United Nations in seeking to develop international rules to endeavour to regulate the peaceful use of outer space and to make that outer space of benefit and harness its capability and potential for the good of all the peoples of the world, especially for developing countries and its peoples.

We, in this context, would place stress on the importance of stepping up international cooperation and strengthening that sort of cooperation so that both national and international efforts indeed be strengthened at all levels in order to properly implement the United Nations treaties so that United Nations principles should be held to and observed so that there is proper implementation of all of the treaties in this field.

When we refer to resolutions, we specially would like to refer to the 1967 Treaty on Outer Space, as well as the Vienna Declaration on the Exploration and Use of Outer Space, indeed which was adopted by UNISPACE III.

Chairman, the adherence and ratification by Libya to United Nations outer space treaties and most recently we have ratified the Rescue and Return of Astronauts instrument, as well as the Registration of Objects Launched into Outer Space Convention. These efforts on our part is part and parcel of the efforts made at national level over several years. It is necessary indeed for us to draw upon the important contributions made by the United Nations over the last decades as they have been applied to the development of space law.

Chairman, the various experiences we have had with regard to international cooperation to try to respond to natural disasters, disaster control, environmental protection, have all served to demonstrate the need to step up coordination, international cooperation to enhance the effectiveness of the space services which are used in this context. Thus, the developing countries, which may acquire space services, which may exploit them, tap this resource in their national capacity which would be able to improve the training of their national staff and their qualifications, all of this would constitute a major contribution to the strengthening of international cooperation. So it is important indeed, it is incumbent upon us to stress the responsibility that we all have to pursue these efforts to improve the assistance that is afforded to developing countries, emerging countries, in this regard. And it is necessary indeed to encourage the use made of space technologies and applications in order to respond to the challenges of development to enable us to finally reach the Millennium Development Goals that had been set.

Chairman, my delegation would like to confirm, yet again, the importance of universalizing the treaties and conventions of the United Nations as well as confirming our commitment with regard to the principles and tenets underpinning international outer space instruments. We believe that cooperation within the United Nations system is very important indeed, indeed indispensable, for the purpose of the development of international space law and for the strengthening of international space law for the peaceful exploitation of outer space, to respond to challenges in order to meet the needs of present and future generations.

Thank you very much for your attention.

The CHAIRMAN: I thank the distinguished representative of Libya for a very good statement.

The next speaker on my list is the distinguished representative of Tunisia. I give the floor to the distinguished representative of Tunisia.

Mr. T. HRABI (Tunisia) (*interpretation from Arabic*): Thank you Mr. Chairman. In the name of God, ladies and gentlemen, distinguished delegates, it is with great pleasure that I am taking the floor this morning on behalf of Tunisia, speaking here before your honourable Committee as a guest of this forty-ninth session of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space.

I would like to take this opportunity to congratulate you, Mr. Chairman, on your election as Chair of the Legal Subcommittee. I wish you every success in your new position.

I would also like to express our appreciation to COPUOS for giving Tunisia this opportunity to get to know the work of the Committee and to see for itself the importance and the nobility of its objectives. It is this work that has contributed to the popularization of the role of COPUOS among the scientific and technological communities of my country and promoted the recommendations from the highest Tunisian authorities to initiate measures related to the adhesion of Tunisia to this Committee.

Mr. Chairman, delegates, ladies and gentlemen, I have the honour and the privilege to solemnly announce today the commitment of the Republic of Tunisia to officially join the United Nations Committee for the Peaceful Uses of Outer Space. By applying for membership in COPUOS, my country, Tunisia, emphasizes its profound commitment to work tirelessly to contribute towards the objectives of this forum through fruitful cooperation with member States.

I would like to express the hope that our application will be considered positively and that the needed support of States members might be achieved in due course.

Mr. Chairman, delegates, ladies and gentlemen, Tunisia has been interested in the peaceful use of space since the launch of the first satellite anyway in 1957. Various initiatives that were taken in this regard were always part of Tunisia's policies

which entailed the setting up of a National Outer Space Commission in 1984 and a National Mapping and Remote Sensing Centre in 1988, and, as a result and on that basis, we have developed many space applications. Tunisia has also played a considerable role in launching the ARABSAT satellite and benefited from the various telecommunications space networks put in place.

Furthermore, Tunisian diplomacy has ensured a constant and consistent presence at various international congresses of the United Nations and this is reflected in the ratification by Tunisia of three of the five outer space treaties of the United Nations.

Furthermore, the Tunisian scientific community has made, in spite of limited resources at its disposal, a remarkable contribution towards the activities of the International Astronautical Federation, the International Academy of Astronautics and the International Institute of Space Law. Tunisia has always taken part in debates on the development of distance learning, tele-health, telecommunications and various other space applications relevant to economic development.

Mr. Chairman, distinguished delegates, ladies and gentlemen, it is true that Tunisia's potential in the field of the peaceful uses of outer space remains modest. But we do have a real and legitimate ambition to rise to higher levels in the space field, be it in the area of research, information or space applications.

Mr. Chairman, distinguished delegates, ladies and gentlemen, I wish you a great success in your deliberations and I thank you warmly for your attention and be you blessed by God. Thank you.

The CHAIRMAN: I thank the distinguished representative of Tunisia for a very good statement.

The next speaker on my list is the distinguished representative of the International Organization of Space Communications, INTERSPUTNIK. I give the floor to the distinguished representative of the International Organization of Space Communications, INTERSPUTNIK.

Ms. E. L. ZAYTSEVA (International Organization of Space Communications): Thank you Mr. Chairman. First of all, let me congratulate you on the election to the office of Chairman of the Legal Subcommittee and thank you for the opportunity to inform the Legal Subcommittee on the activities of our Organization related to space law.

Distinguished Mr. Chairman, distinguished delegates, the International Organization of Space Communications was established in 1971. To date, the governments of 25 States are full members of INTERSPUTNIK. Member States had appointed from among national telecommunications organizations and administrations 21 INTERSPUTNIK signatories.

The face(?) privatization of INTERSPUTNIK is currently being carried out through the establishment of a group of companies that serve the purpose of business diversification and consist of ventures in three member States, Kurdistan, the Russian Federation and Kyrgyzstan, controlled by INTERSPUTNIK's wholly own subsidiary that was established in 2005. Apart from its economic role, INTERSPUTNIK Holding helps to expand its cooperation with countries where INTERSPUTNIK Holding's companies are present. In such countries, INTERSPUTNIK offers up-to-date telecommunications and broadcasting solutions on any scale to authorities, private companies and individuals.

INTERSPUTNIK has always participated in the international activities that are aimed at deepening and development, construction cooperation with other national, regional and international organizations in the field of space law and satellite communications.

INTERSPUTNIK representatives actively participate in the work of a number of commissions and working groups of the Regional Commonwealth in the field of Communications, RCC, that brings together the telecommunications and administration of the CIS Baltic, Central and Eastern European countries. One of the most important bodies of RCC is the Working Group for the Revision of RCC Constitutional Instruments.

INTERSPUTNIK's representatives also sit on the RCC Commission for International Cooperation Coordination. Its mission is to consolidate cooperation among RCC member States and make sure that the interests of those countries are reconciled with those other partners while creating an information and communications base to be integrated into the Global Information Infrastructure.

In addition, INTERSPUTNIK is a member of the RCC Commission for the electromagnetic compatibility of radio-electronic facilities which coordinates cooperation among the telecommunications administrations of the RCC member States in order to regulating the use of frequencies and ensuring the efficient use of the frequency spectrum and the compatibility of radio-electronic equipment.

Owing to its intergovernmental status, INTERSPUTNIK can act as a focal point for efficient cooperation between the public and private sectors worldwide. INTERSPUTNIK continues to implement programmes related to the use of frequency orbit resources and to analyze similar projects as part of its development strategy. In particular, INTERSPUTNIK continued implementing a project in cooperation with the Russian satellite system manufacturer and an Israeli satellite operator.

INTERSPUTNIK sees great potential in taking part in the establishment of a nation-wide satellite communication system in Turkmenistan, one of its member States. INTERSPUTNIK successfully implemented a new project aimed at upgrading an antenna system at the Caribe Satellite Communications Centre in Cuba. The project was launched under the resolution of the Russian-Cuban Intergovernmental Commission on Trade, Economics, Scientific and Technological Cooperation. That INTERSPUTNIK was chosen to implement the project demonstrates a high regard in which both Cuba and the Russian Federation hold its professional expertise.

In June 2009, the Ministry of Communications and Informatization of Belarus decided to choose(?) acting as the Notifying Administration of INTERSPUTNIK to ITU and asked INTERSPUTNIK to enter into an Agreement with a different Notifying Administration. Therefore, at their Joint Meeting in April 2009, the Board and the Operations Committee instructed the Director-General to hold consultations with interested Administrations of INTERSPUTNIK member States and sign an agreement with a new Notifying Administration. After those consultations, the Administration of the Russian Federation agreed to assume that function. To date, a draft Agreement between INTERSPUTNIK and the Telecommunications Administration of the Russian Federation is being reviewed by the Government. Once signed, it will have the status of an international treaty.

An important decision for governing bodies of INTERSPUTNIK was how to regulate the procedure of cooperation between INTERSPUTNIK, ITU and the Notifying Administration with respect to INTERSPUTNIK's orbit frequency resource. The Directorate drafted a new version of the Filing Procedures which was approved by the INTERSPUTNIK Operations Committee in November 2009. Once the new version of the Filing Procedures is approved by the INTERSPUTNIK Board in April 2010, the Filing Procedures will take effect and make it

possible for INTERSPUTNIK to benefit from a new level of international legal protection for its orbit frequency resource. The new Filing Procedures will also make its cooperation with ITU and the Notifying Administration much more efficient.

Thank you very much for your attention.

The CHAIRMAN: I thank the distinguished representative of the International Organization of Space Communications, INTERSPUTNIK, for a very good statement.

Are there any other speakers on the general exchange of views at this time?

I see none.

We have, therefore, concluded our consideration of agenda item 4, General Exchange of Views.

Status and application of the five United Nations treaties on outer space (agenda item 5)

Distinguished delegates, I would now like to continue our consideration of agenda item 5, Status and Application of the Five United Nations Treaties on Outer Space.

The first speaker on my list is the distinguished delegate of Austria. I give the floor to the distinguished delegate of Austria.

Mr. P. BITTNER (Austria): Thank you Mr. Chairman. Austria is one of the States having ratified all of the five United Nations treaties on outer space. While four of the treaties have a considerable number of parties, the Agreement Governing the Activities of States on the Moon and other Celestial Bodies is still lagging behind. Austria has felt a particular responsibility towards the Moon Agreement since our delegation was very much involved in drafting the Agreement and it was the ratification by Austria that brought the Moon Agreement into force.

Mr. Chairman, at its forty-seventh session, the Legal Subcommittee addressed under this agenda item the low number of ratifications of the Moon Agreement. In a joint statement, States Parties to this Agreement identified substantial benefits of adherence to the Agreement. At the forty-eighth session, the respective Working Group had a discussion with a view to identify the advantages of the Moon Agreement, to identify the rules governing activities on the Moon and with a view to assess whether these rules

adequately addressed activities on the Moon. We are looking forward to continuing the discussion on this topic.

I would like to take this opportunity to congratulate Mr. Jean-François Mayence for his chairmanship of the Working Group.

Furthermore, I would like to reiterate that Austria, as a party to the Moon Agreement, could consider adequate adjustments of the Moon Agreement while, at the same time, preserving the basic legal concept of this instrument. In our view, this could contribute to increasing adherence to the Agreement and thereby strengthen the system of the United Nations treaties on outer space and international space law as a whole.

Mr. Chairman, Austria already announced last year that it would organize a seminar to facilitate the discussions on the Moon Agreement in an informal setting. As it was already mentioned before, this seminar will now take place tomorrow on Thursday, 25 March, from 6.30 p.m. onwards in the Diplomatic Academy of Vienna. The purpose of this informal seminar is a frank and open discussion among experts on reasons for the low number of ratifications of the Moon Agreement and to collect ideas and identify possibilities to encourage States to become party to the Moon Agreement. The setting at the venue shall allow participants to openly address the benefits and prospects as well as different relevant aspects of the Moon Agreement. Ten presentations of highly esteemed and competent personalities will introduce different issues related to the Moon Agreement, such as the Global Exploration Strategy, the Common Heritage of Mankind Principle, and in particular the advantages and the potential of the Moon Agreement.

Since the seminar is intended to be interactive, sufficient time will be dedicated to discussion among participants.

The invitation of the programme was sent to all of COPUOS members and permanent observers. You are again warmly invited to attend the seminar and participate actively in the discussion.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Austria for a very good statement.

Are there any other delegations wishing to make a statement under this agenda item at this morning's meeting?

The next speaker on this agenda item is the distinguished representative of Brazil. I give the floor to the distinguished representative of Brazil.

Mr. J. MONSERRAT FILHO (Brazil) (*interpretation from Spanish*): Good morning Mr. Chairman and thank you.

I just wanted to take this opportunity and greet, on behalf of the Brazilian delegation, the initiative put forward by the delegation of Austria with regard to having a meeting and a discussion tomorrow on the Moon Agreement. It is a very relevant, very topical initiative in our view and we believe it will be widely supported.

Thank you very much.

The CHAIRMAN: I thank the distinguished representative of Brazil for a very good statement.

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

Of course, the distinguished delegate of the Czech floor, Professor Vladimir Kopal, I give the floor to you.

Mr. V. KOPAL (Czech Republic): Thank you very much Mr. Chairman. My delegation as well appreciates very much the initiative developed by the distinguished delegation of Austria. They promised to organize and hold an interdisciplinary seminar and they have kept this promise and indeed invited us to come to the renown institution of Vienna, it means to the Diplomatic Academy that has been known very well in all countries of Europe and in the world. I believe this will be indeed a good place for starting a meaningful discussion and I believe that we should try at least here in our Working Group now, chaired by our distinguished colleague, Jean-François Mayence from Belgium, and then, of course, perhaps more informally in the evening tomorrow. We should indeed concentrate on the essential points of the Moon Treaty. So far we have discussed this topic rather generally but we should try to pinpoint the main principles particularly those which have remained useful and which more or less have enjoyed the support of perhaps all countries or many countries at least because this is indeed essential to know what are the advantages of the Moon Treaty and why the number of countries that have joined this Agreement and became parties to this Agreement, why the number has remained so low. Perhaps we will come to the conclusions a little bit surprising that there are many

parts of the Moon Agreement that indeed belong to the principles that are acceptable if not to all countries to most of the countries and that indeed there is a very low number of points that arise discussion and even disputes.

So I once again welcome this initiative of Austria and I also congratulate to our friend, Dr. Mayence, whose election for this Working Group for this session and look forward with hope that we will make indeed good progress.

Thank you.

The CHAIRMAN: I thank the distinguished representative of the Czech Republic, Dr. Kopal, for your statement.

Are there any other delegations wishing to make a statement.

Of course, the distinguished representative of Colombia. I give the floor to the distinguished representative of Colombia.

Mr. J. OJEDA BUENO (Colombia) (*interpretation from Spanish*): Thank you Mr. Chairman and good morning and good morning to all and we thank everyone for having made these interesting presentations giving us an idea of the evolution that countries have gone through in the area of space law.

We would like to join the group of delegates who have expressed their gratitude to Austria for the initiative to hold a seminar on the Moon Agreement which a lot of us have signed and ratified and in the spirit of diplomacy prevalent here in Vienna, it would be a pleasure to take part in that event which has important legal connotations and, as the Austrian delegate pointed out, certain modifications might be suggested and this chimes with yesterday's thoughts that were expressed here regarding the way each country can and should consider making a sole contribution to these legal instruments. We know that different countries from different continents have already made a number of proposals and these are little seeds, little germs of ideas from which all of the treaties that exist today have grown, those to which we belong or would like to belong.

And in this vein, we think that each country, such as Tunisia, a future member of the Committee, have shown great curiosity, great interest and we are listening with great curiosity and passion to their progress made in the legal sphere because space law

should not be an exclusive subject for a club of experts to discuss or deal with. We believe that it is not only just about consumption or use, it is about the supply, the offer, the market, such subjects as safety and security, geo-strategic issues. Various actors have already entered the scene but we are talking about our common heritage, the heritage of all humanity and this Legal Subcommittee is to be commended for having opened up the spirit of these contributions, having encouraged all countries to contribute to research and also for establishing close cooperation between this Subcommittee and the Scientific and Technical Subcommittee. We believe that all scientific and technical advancements and breakthroughs must be reflected in the legal sphere and which is something we witnessed in the last session in February when we heard an interesting proposal from the delegation of France and we know the history and the background for that and it has to do with the sustainability of outer space activities in the long term. And this is something that has direct relevance for the work of this Subcommittee as well and we hope that in the course of our work, a contribution will be made by the Group on Long-Term Sustainability and maybe in the next session of this Legal Subcommittee in 2011.

The delegation of Colombia welcomes and supports these efforts so that we might eventually ratify those treaties that Colombia has not yet ratified. And this is the result of the lack of clearness and the lack of definitions in some areas. There are concepts that require definition, such as outer space itself, and this is something Colombia's always underscored when we talk about access to space. It seems to us a little strange that some countries have to buy, acquire or purchase or take on loan an outer space lot or slot, if you will, in which they can place their space objects or their satellites. They have to talk to other countries about using their space to be able to do that. Obviously this requires further clarity and further definition.

I have to say that there is one English word "equity" which I like very much and when we talk about financial negotiations, for example, equity means that there are shareholders or stakeholders who hold some equity or some part of certain assets. But "equity" in English also has a wider meaning and this is something that is important for this Subcommittee.

Anyway, we must work on these definitions further and certain Latin American delegations have been pioneers in, for example, such areas as international environmental law and have developed concepts that later met with the approval of everybody else, such as the carbon market, for example. There is now a market and there is also a market of space-based

services and countries that are engaged in activities that lead to contamination or pollution can buy so-called carbon credits. And vice-versa, countries that are affected by this pollution can also have access to these credits although there is nothing equivalent in the outer space area. There is no currency for such exchanges or for operating such a market as there is now, for example, in the area of environmental law. And distinguished delegates, distinguished members of the Bureau, what I am trying to do is invite everyone to start thinking about these things. Maybe there are countries that are not interested in space activities, just not interested, and there are others that, yes, could be using these resources that certain countries may not be interested in because these are limited resources that can be used and if they have the capability, they can and should be able to use those resources.

To clarify a little bit, the countries that have the right capability should be able to acquire or take on loan the rights of those who do not have that capability. It is sort of like the carbon market. This is just by way of exchanging views, opinions, Mr. Chairman, in terms of definitions, in terms of ways to improve cooperation.

Thank you very much for your attention.

The CHAIRMAN: I thank the distinguished representative of Colombia for your statement.

The next speaker on my list is the Republic of Korea. I give the floor to the distinguished representative of the Republic of Korea.

Mr. J. H. CHO (Republic of Korea): Thank you Mr. Chairman. We would like to appreciate together with other delegations the initiative taken by the Austrian delegation in organizing these informal talks on the Moon Agreement. When it comes to the Moon Agreement, I think it is more or less a cumbersome subject. This is why the number of parties to the Moon Agreement is so low, despite the resolution encouraging all State Parties to be a member, to be a party to the Moon Agreement.

We say that there advantages of becoming parties to the Moon Agreement. However, because of this lower number of parties to the Moon Agreement, there must be some problems but it is cumbersome to talk about why States are not adhering to the Moon Agreement. It is because of this reason, it is very timely for the Austrian delegation to organize these informal talks where we can talk with all the frankness the reasons why this low number of the Moon Agreement.

What I am going to suggest in this regard is that with these in-depths talks in an informal way tomorrow night, the Austrian delegation may report on the result of our discussions tomorrow night. It may help this Legal Subcommittee meeting very much.

Thank you.

The CHAIRMAN: I thank the distinguished representative of the Republic of Korea for his statement.

Of course, the next speaker is the distinguished representative of China. I give the floor to the distinguished representative of China.

Mr. Y. XU (China): Thank you Mr. Chairman. Thank you for giving me the floor once again under this agenda item.

As we said yesterday during our deliberations on this agenda item, China do support the Austrian initiative holding this seminar on the Moon Agreement and we are definitely more than happy to participate in this seminar.

Today my interest(?) is on the schedule of the work of this session. I read very carefully of the provisional agenda which was adopted at the beginning of this week. It seemed to me that we will close deliberation under item 5 today. It means that the seminar was schedule tomorrow. So I am wondering whether we can make a slight adjustment to this schedule of work. It means that it is possible for Friday or early next week we can go back on that agenda item under the Working Group schedule chaired by our Belgian colleague or even during the plenary session to have some deliberations on the outcome of the seminar. It will make this seminar more helpful for this session.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of China for your statement and, of course, we agree to continue accordingly the Chairman of the Belgian delegation this agenda item.

Are there any other delegations wishing to make a statement on this agenda item?

I see none.

We will, therefore, continue and hopefully suspend our consideration of agenda item 5, Status and

Application of the Five United Nations Treaties on Outer Space, this afternoon, pending deliberations of the Working Group on this item.

Information on the activities of international intergovernmental and non-governmental organizations relating to space law (agenda item 6)

Distinguished delegates, I would now like to continue our consideration of agenda item 6, Information on the Activities of International Intergovernmental and Non-governmental Organizations Relating to Space Law.

The first speaker on my list is the distinguished delegate of the International Law Association. I give the floor the distinguished representative of the International Law Association.

Ms. M. WILLIAMS (International Law Association): Thank you Mr. Chairman. A good number of distinguished delegates to this Legal Subcommittee, I think that, by now, are quite familiar with the work of the International Law Association. If I look around the room, some are experts of renown in the field and are part of the Space Law Committee of the International Law Association.

This year's delegation to the Legal Subcommittee is privileged to have as representatives, Professor Arnel Kerrest from France, Professor Stephan Hobe from Germany, who, in addition, is the General Rapporteur of the Committee, and we also have the session reported conferences of the ILA Space Law Committee.

From all of us, Mr. Chairman, our warm congratulations. We wish you well in your new commitments and challenges and we are honoured to be able to cooperate to your work.

So I shall simply recall now that the International Law Association was set up way back in 1873 in Brussels and its Headquarters are presently in London. Its focal point is the work of the international committees which communicate and work permanently in between biennial conferences of which 73 to date have been held. The International Law Association regrets to announce the loss of its Head, Lord Slove-Hadley, last April, who, for 20 years, pursued the objectives of the ILA indefatigably. He has been succeeded and elected unanimously in November last by the Executive Council by Lord Manse, Justice of the Supreme Court of the United Kingdom, as it is now called.

The ILA Space Law Committee was set up 52 years ago at its New York Conference. Since the early 1990s, it is proud to be a permanent observer to COPUOS and both its Legal Subcommittees.

Now, Mr. Chairman, a quick word on the activities of the ILA in the recent month. Our practice includes cooperation with other international organizations, public and private. In the first place, COPUOS, within the framework of the Legal Subcommittee, the ILA committee members contribute to the Directory relating to the education curriculum on space law and form part of the Group of Experts on Promoting Education in Space Law. Likewise, the International Law Association contributes and works in parallel with the International Law Commission of the United Nations on the Responsibility of International Organizations via its Study Group on this matter.

Also, members of our Space Law Committee are now involved in work with the Permanent Court of Arbitration at The Hague on the topic of dispute settlement and the possible drafting of rules for dispute settlement for private entities engaged in activities in outer space.

At the last session of the Legal Subcommittee in 2009, the ILA Space Law Committee made a written presentation also an oral presentation and in November 2009, members of this Committee were invited to take part in the Workshop organized by the United Nations and the Islamic Republic of Iran in 8-11 November 2009.

A few comments on this event will be included in the ILA report for the forthcoming World Conference to be held in August 2010.

The Tehran meeting reflected a cross-section which was most important for the development of the law in this domain and agreed on a number of recommendations and conclusions. The general opinion indicated that there was more technology and space activity than the man in the street was aware of and that there was less legal knowledge than desirable(?).

Hence, capacity-building and international cooperation was seen once again as pillars in the field. The perception is being transmitted to the ILA International Committee on the Teaching of International Law who will be reporting as well to the seventy-fourth Conference at The Hague in August.

Members of the ILA Committee also took part in the second United Nations Expert Meeting on

Promoting Education in Space Law, Tehran, Islamic Republic of Iran, in November. A word will also be appearing on the matter in the ILA report to its next Conference as said above.

That said, Mr. Chairman, the central point of this presentation is the fourth report of the ILA Space Law Committee to the seventy-fourth Conference in August.

The latest report was submitted to Rio in 2008, the title "Legal Aspects of the Privatization and Commercialization of Space Activities" and this included remote sensing, national space legislation, registration issues, space debris and dispute settlement.

It was agreed that a fairly advanced fourth report be submitted to the ILA seventy-fourth Conference with a view to presenting a final report to the seventy-fifth Conference to be organized in Sofia, Bulgaria, in 2012.

In this spirit, shortly after the Rio Conference, the Committee Chair and the General Rapporteur were involved in the preparation of the fourth report on the above topics for submission to the next Conference. The draft report will be circulated to members in early 2010 for further comments, ideas and additions and it will be up on the website early June, www.ila-hq.org. What follows is, therefore, a summary of the topics addressed and revisited by the ILA Space Law Committee throughout 2009 to date.

Mr. Chairman, as customary in the working method of this Committee, the General Rapporteur continues the analysis of national space legislation and is currently drafting a Model Agreement on the subject based on a deep study of domestic laws in the field in various countries, both industrialized and developing.

With your leave, Mr. Chairman, I would like to give the floor to the General-Rapporteur, Professor Stephan Hobe, to speak about this topic which is entirely in his hands and then I will briefly resume to streamline therefore.

Mr. S. HOBE (International Law Association): Thank you Mr. Chairman for giving me the floor and, of course, it comes from me as well, congratulations to you as leading this session.

May I just briefly introduce some of the ideas just in a very general sense the kind of model legislation that we feel could be a constructive component of our work. In the term that we are working at since 2004 when we got the mandate from

our Berlin Conference to work about the more concerning the commercialization of outer space. There, of course, after a thorough study of national legislation that has so far been enacted, the General Rapporteur now is issuing a kind of model legislation that still has to go to delegates and then shall maybe up for adoption at the 2010 Conference at The Hague or in 2012 in Sofia.

The main contents that shall be very briefly summarized is that there will be provisions on the modalities of issuing a licence, on the modalities of the transfer of a licence, on the problems of insurance, of problems on registration, of the modalities on supervision, on a mandatory environmental impact assessment, on indemnification and finally on the settlement of disputes. This is a very brief overview on the type of model legislation we want to make and thank you very much for the possibility to say these few words here. Thank you very much indeed.

Now I think our President will continue.

Ms. M. WILLIAMS (International Law Association): Thank you very much.

Remote sensing, a word on this. The Committee is currently addressing the state-of-the-art and legal issues underlying remote sensing activities in light of the 1986 United Nations Principles. The idea is to establish if they still consistent in the new international and regional scenarios. The main objective is to be realistic but the levity of the Principles and evaluate whether, in fact, some of them are reflecting customary international law or rather to state this in reverse, whether State practice reveals that the Principles are being observed.

[We have somehow left behind the initial controversies surrounding Principle 12 on the right of access. Nowadays, both industrialized and developing countries take part in space activities so those States who, in the initial times, were sense(?) States and objected and claimed access to information collected over their territory from a third State should be made available immediately to them. Nowadays, Sense(?) States have also become sensing States so this controversy has lost intensity and given way to other questions.

Special reference, therefore, is made in one of the chapters of our report on Remote Sensing to the yet unresolved issue of satellite data and international and national litigation and its value as evidence in court, especially where the sensitive issues involving sovereignty are concerned, such as boundary disputes.

The ILA Committee considers that solutions are needed as the current situation runs counter to the use of satellite imagery in court, particularly, as I said before, in boundary disputes. Varying examples are, for example, the cases decided by the ICT in the 1990s concerning Qatar, Bahrain, Botswana, Namibia, Nigeria, Cameroon and international arbitration such as Yemen and Eritrea, *inter alia*.

It is essential to have in mind that, even though we have enormous, infinite precision in satellite imagery, the margin allowed to the expert who interprets these images is very wide as well. This is an essential practical issue involving practitioners and academics as well. We thought at the Rio Conference that we should agree on some kind of solution to avoid the space technologies and not being used for fear of misinterpretations and modification of the images which, unlike aerial photography, cannot be detected at a later stage. It is not merely to see whether the procedural codes of the different countries allow this as evidence, satellite imagery, but it is more of a substantial problem, the possibility of faking images which is a fact.

The main conclusion is that training the legal sector is crucial for the development of these remote sensing technologies. There is still, however, a lack of awareness, knowledge and understanding in the legal field as to what technology can offer and what are its limitations. It is thus essential to have more cross-disciplinary cooperation so that future technologies have a greater ability to meet the legal users needs. Once again, there is here a need to encourage capacity-building, a recurrent note in the 2009 Tehran Workshop mentioned above.

The prevailing opinion is that control of all the phases of data collection from the very first stage of raw data to the moment the final product is made available in the market and it is indispensable to have transparency of this technology.

Now the question of space debris, and we consider, we entitled this chapter "Space Debris Revisited". The Committee is further examining the legal aspects of space debris, a topic kept under permanent review by the ILA Committee since the adoption of the 1994 instrument on the "Protection of the Atmosphere from Damage Caused by Space Debris", which was adopted by the ILA at its sixty-sixth Conference in Buenos Aires and which more than once has been referred to within this Legal Subcommittee. We are reviewing it, we want to establish whether it is still consistent in the present international context. Mainly

the idea is to revise Article 1 on Definitions which, obviously, as technology advances tend to change.

The general concern is that space debris is a threat to space and should be at the top of the list followed by weaponization and next by natural Earth orbits which are a threat in some cases of collision with planet Earth. In this sense, asteroid Apophis seems to be in the limelight and gaining momentum so we are trying to embark on that topic as well.

Space debris, therefore, is being reviewed in a new light by the Committee, having in mind that finally it was included on the agenda of the Legal Subcommittee as a single item for discussion. Furthermore, the United Nations Guidelines on Space Debris Mitigation, under response of States to the directives contained therein, are added elements of importance in the context of a fourth report of the ILA to the forthcoming Conference. The fact that the United Nations Guidelines were developed within the Scientific and Technical Subcommittee with no intervention of the Legal Subcommittee in their drafting, it is a matter of some concern within the ILA Space Law Committee. The implementation of these Guidelines depends exclusively on the goodwill of States and even though the recent inclusion of space debris on the agenda of the Legal Subcommittee is indeed an enormous step forwards towards clearer regulation. The discussion is limited so far to a general exchange of information on national mechanisms related to space debris mitigation measures.

Mr. Chairman, the ILA Committee is very aware of this question and the outstanding issues will be analyzed in light of responses submitted to this Legal Subcommittee by States of the measures taken to mitigate space debris.

Registration, we did work on registration and at the moment we are following closely the impact of United Nations General Assembly resolution 101 of 2007, the main objective of which was to encourage registration on the part of States. We are sort of following progress in this field.

Then on dispute settlement, and, Mr. Chairman, we keep this subject under permanent review on the basis of the 1998 Revised ILA Convention on the Settlement of Dispute Related to Space Activities, having in mind particularly that Article 10 of this draft Convention envisages the participation of private entities in space activities and opens the doors for these entities to avail themselves of the mechanisms laid down by the ILA draft.

Additionally, our new task within the Permanent Court of Arbitration concerning dispute settlement in space law, with a mandate to ascertain the need for optional rules for arbitration of disputes relating to space law, and subsequently the elaboration will be of unquestionable assistance to view this matter from a variety of standpoints. And in the future we may possibly re-visit the Moon following a proposal made by Professor Kopal to the Rio Conference in his comments thereto.

New topics to be addressed by the Committee as from The Hague in August. The ILA Committee intends embarking in a study of the legal aspects of near-Earth objects, the question strongly linked to space debris and under discussion for some time now by the Scientific and Technical Subcommittee. However, so far, as we know it is not on the agenda of the Legal Subcommittee and even though the legal treatment of NEOs is in its very incipient phases, in its stormy infancy, the topic seems to be gaining a place on the agenda of various academic institutions dealing with international space law.

Following a recent trend, the Chair, the Rapporteur and members of the ILA Committee were invited to form a part of the International Advisory Board of a project on Legal Aspects of a NEO Threat: Response and Related International Issues undertaken by the University of Nebraska at Lincoln. On this point, one of the members of this project, Professor Freeland from Australia, made a presentation to the Legal (Scientific and Technical?) Subcommittee on 15 February last.

Similarly, the ILA Committee made a contribution to the Legal Subcommittee in February 2009 on this point.

Other matters. International cooperation and capacity-building, as a common denominator in all our meetings, has encouraged the preparation of a book in the Spanish language where the current legal framework governing outer space activities is discussed and analyzed and to which a number of specialists of renown from all over the world are contributing. It should go to the printers shortly.

Mr. Chairman, our perceptions and suggestions on the topics addressed over the last year, enlightened by the discussions taking place during the meeting of this Legal Subcommittee, shall be included as part of the ILA Space Law Report to the seventy-fourth Conference next August, to which we look forward very much to welcoming many of you at this Conference.

I am most grateful for your attention and very much look forward to this. Thank you.

The CHAIRMAN: I thank the distinguished representative of the International Law Association, Professor Williams, for a very good statement.

The next speaker on my list is the distinguished representative of the European Space Agency and the European Centre for Space Law. I give the floor to the distinguished representative of the European Space Agency and the European Centre for Space Law.

Ms. U. BOHLMANN (European Space Agency): Thank you very much Mr. Chairman. Let me first join the previous speakers in congratulating you on your election as Chair of the Legal Subcommittee and in also congratulating Dr. Othman on her and her staff's achievement in the work of the Office for Outer Space Affairs. ESA is convinced that under your able guidance, the Legal Subcommittee, assisted by the Office for Outer Space Affairs, will continue to achieve excellent results.

Furthermore, I would also like to express our deep gratitude to Professor Kopal for the experienced leadership he provided to the Subcommittee during the previous years.

Thank you very much Mr. Chairman for giving us the opportunity to submit to the Legal Subcommittee a summary report on the general activities of the European Space Agency relating to space law.

In 2009, representatives of ESA continued to publish legal studies on various aspects of space law. Special mention should be made of the participation of some representatives of ESA's Legal Department in the undertakings of the Cologne Commentary on Space Law, which is a joint project of the Institute of Air and Space Law of the University of Cologne and the German Aerospace Centre, and also of the contributions to the collection of articles on various aspects of space law, edited by the Institute du Droit L'espace et de la telecommunications, IDES, at Barrios(?) University.

Furthermore, representatives of ESA's Legal Department continued to lecture, *inter alia*, at the regular ISU and the ISU Summer Session Programme and the Masters Degree Programme of the University Paris-XI Sud and the Faculty of Law of the University of Leuven in Belgium.

Presentations were also given at the Annual Conference of the International Bar Association, at a NASA-sponsored Symposium on the Peaceful Uses of Outer Space in Washington D.C., at McGill University in Montreal on Space Governance and on Space Debris.

Lectures and presentations focused in particular on the legal implications of the following topics: human space flight, including a project for space tourism; satellite navigation; topology and practice of international space agreements; international and European space institutions with a special emphasis on the institutional aspects of European space activities; commercial activities in space; national space legislations; and data policy for Earth observation satellites.

With regard to the activities of the European Centre for Space Law, created and supported by ESA, with your permission, Mr. Chairman, I would like to invite my colleague, Raphaël Milchbert, Executive Secretary of ECSL, to provide the Legal Subcommittee with a short report on ECSL's activities in 2009 and to give some prospects for activities in 2010.

Mr. R. MILCHBERT (European Centre for Space Law): Thank you very much Mr. Chairman for giving us the opportunity to provide to the Legal Subcommittee a summary report on the general activities of the European Centre for Space Law, ECSL.

First of all, let me provide you with some background information about ECSL. The European Centre for Space Law was established in 1989 at the initiative and under the auspices of the European Space Agency with the support of a number of pioneers in the field. It functions under our Charter and last October findings its mission, structure and objectives. The current Chairman of ECSL is Professor Sergio Marchisio.

And what concerns the objectives and organization? The ECSL's main objective is to build up and strengthen Europe elsewhere and an understanding of the legal framework relevant to space activities.

Information exchange among interested stakeholders, along with improvement and promotion of the teaching of space law, are the two major tools to reach that goal.

The ECSL has a flexible and open structure. The Centre brings together many professionals, lawyers, academics and students and encourages interdisciplinary exchanges.

The ECSL has international membership and a network with national points of contact. To facilitate its contact with members, ECSL has encouraged the establishment of national points of contact that act as an interface between ECSL and its members. Thus points of contacts have been already set up in more than 10 ESA member States.

Now, Mr. Chairman, let me provide a short summary of past activities.

The eighteenth edition of the ECSL Summer Course on Space Law and Policy was organized in September 2009 by ECSL and the University of Lisbon, Portugal. There were 35 students coming from 15 countries of different parts of the world. The students followed lectures on space law and policy, given by speakers who were either academicians or practitioners specialized in the space field.

The Manfred Lachs Space Law Moot Court Competition. The European Round of the Manfred Lachs Space Law Moot Court Competition took place at the Faculty of Law of the University of Athens, Greece, in April 2009. The students solved a hypothetical dispute entitled "Case Concerning the Deployment and Use of Low-Earth Orbit" which sought to explore international law considerations and the various outer space treaties.

The University of Strathclyde, Scotland, U.K., winner of the European Round, represented Europe in the World Final of the Competition which took place during the sixtieth International Astronautical Federation Congress in Daejeon, Republic of Korea, in October 2009.

The National Law School of India University won the Final, which was judged by three members of the International Court of Justice.

Colloquiums, conferences and international cooperation. The International Institute of Space Law, IISL, and ECSL organized in March 2009, a Symposium during the forty-eighth session of the COPUOS Legal Subcommittee. This event was coordinated by Mrs. Tanja Masson-Zwaan from the IISL and Professor Marchisio, the ECSL Chairman. Presentations and details can be found on the Office for Outer Space Affairs website.

UNIDROIT. The second meeting of the UNIDROIT Steering Committee was held in Paris, France, under the auspices of the ECSL in May 2009. After an opening of the session by Mr. Peter Hulsroj, Director of Legal Affairs and External Relations of ESA, the meeting was chaired by Professor Marchisio.

Documentation and publications. The booklet "Space Law Teaching in Europe" is an initiative first issued in 1991. This booklet includes a list of space law teaching institutions, universities and educational centres at the European level. The last edition of "Space Law Teaching in Europe" was published in 2009 and has been distributed free of charge to institutions and academics interested in the teaching of space law as well as to students.

The ECSL Newsletter features articles on legal issues and other topics of interest to the space community. The latest in our Newsletter are available on the ECSL website and the next newsletter will be published in April.

To finish, I will give you some information about major events and projects planned for 2010.

The ECSL and IISL Symposium, as you will certainly know, was held on Monday, 22 March 2010, during the forty-ninth session of the Legal Subcommittee and focused on national space legislation: crafting engines for the growth of space activities.

The European Regional Round of the nineteenth Manfred Lachs Space Law Moot Court Competition will be held on 22-23 April 2010 at the University of Győr, Hungary. The World Semi-Finals and Finals of the Moot Court Competition will take place in Prague, Czech Republic, in September 2010, during the sixty-first International Astronautical Federation Congress.

Summer Course on Space Law and Policy. The nineteenth edition will be held in September 2010, the dates and place to be decided soon.

The Annual Practitioners Forum was held on 19 March 2010 at ESA Headquarters in Paris, France, and focused on the theme "Galileo: Current Legal Issues". It was a great success with a large participation.

Thank you Mr. Chairman.

The CHAIRMAN: I thank you distinguished representative of the European Space Agency and the

European Centre for Space Law for a very good statement.

The next speaker on my list is the distinguished representative EUTELSAT. I give the floor to the distinguished representative of EUTELSAT.

Mr. C. ROISSE (European Telecommunications Satellite Organization) (*interpretation from French*): Thank you Mr. Chairman, distinguished delegates, members of the Subcommittee, thank you for giving me this opportunity to make a presentation on the work of EUTELSAT, an intergovernmental organization.

I would like to recall that it was created in 1977 on an interim basis for the purpose of providing Europe with a satellite infrastructure for a wide range of telecommunications services. In September 1985, the EUTELSAT Convention was opened for signature and EUTELSAT became a permanent organization. Fifteen years later, by which time the Organization had become one of the world's leading satellite operators, EUTELSAT's path(?) was decided by consensus in May 1999(?) to transform the Organization and agreed on relevant procedures for this. This resulted in a transfer of all the assets, operational activities and related liabilities and commitments of the intergovernmental organization EUTELSAT to EUTELSAT-SA, a cooperation established for this purpose and based in Paris. The original EUTELSAT Convention was amended with the agreement of member States and the amendments came into force on a definitive basis in November 2002.

At present, 49 European States are parties to the EUTELSAT Convention. The last member to join the Organization is Montenegro which joined in November 2009. Since 2001, the EUTELSAT Intergovernmental Organization has a two-fold role. It maintains the rights to use radio frequencies and orbital locations which were signed collectively to member States of the ITU before the 2001 restructuring and its second role, the second function is to monitor the operations of the cooperation, EUTELSAT-SA, in particular to ensure that the basic principles are observed in accordance with Article 3A of the amended Convention.

EUTELSAT Intergovernmental Organization has the status of International Organization Operating Satellite Systems, IOOSS, in three sectors of the ITU which enables the Executive Secretary to participate in ITU activities of relevance to the Organization. Since

June 2008, EUTELSAT-IGO has permanent observer status with COPUOS as well.

Now I am going to briefly cover the activities of EUTELSAT-IGO in 2009. At the thirty-sixth meeting of the Assembly of Parties which took place on 13 and 14 May 2009 in Paris, the mandate of the Executive Secretary was renewed for a period of four years from July to 2009. It was agreed that the representatives of the parties for France, Luxembourg, Poland, Portugal, Spain and Switzerland would participate in the Advisory Committee until the next Ordinary Meeting of the Assembly.

Throughout the last year, EUTELSAT-IGO maintained its activities with regard to regulatory changes in countries in which the company operates. Particular attention was given to development of the French legal framework for space operations and its impact upon society. The Space Operations Act was adopted by the French Parliament and published on 4 June 2008. Decrees specifying the Authorization Framework for the implementation of the Space Operations Act were published on 9 June 2009 and the Official Journal of the French Republic. And finally, technical regulations supplementing this legal framework were finalized in the recent weeks. The objective here is for all of these new legislative and regulatory instruments to enter into force towards the end of this year, that is, around 10 December 2010.

In accordance with the decision of the Assembly of the Parties, the Executive Secretary will continue to monitor developments in the French legal framework up until its completion and entry into force.

The impact of this law on EUTELSAT-SA will be considered one year after the implementation of the legislation as part of the Organization's analysis of the company's compliance with its obligations, vis-à-vis, the basic principles. Furthermore, EUTELSAT continues to monitor regulatory developments in the European Union and especially those relating to a future role of universal services for the telecommunications sector. The Organization also continues to follow the transfer into national law of the order of visual media services without frontier directive in those countries where it operates.

My ISO counterpart already mentioned yesterday the tripartite meetings within the Executive Secretary of EUTELSAT, the Director of IMSO and myself are regularly organized and a tripartite Memorandum of Understanding with IMSO and IPSO was signed on 2 December 2009.

Now, I am going to dwell on a different subject which seems to me of some interest to the Subcommittee. This is matters pertaining to interference with broadcasting of TV and radio programmes. On 23 February 2010, I wrote to all parties of the EUTELSAT Convention to inform them and request their cooperation about a subject of major importance which may be especially harmful to the satellite operator EUTELSAT-SA, over which EUTELSAT, my Organization, has a supervisory role. Generally speaking, it could affect the credibility of satellites in general by posing a threat to the secure transmission of programmes.

Since May 2009, repeated interference and maybe deliberately generated interference was experienced on several radio and television channels broadcast by EUTELSAT satellites. A number of complaints were lodged with both the ITU and the Administration at the origin of this interference, complaints that were not successfully. In early February 2010, this jamming increased where it became persistent. EUTELSAT-IGO forwarded to the French Administration, the so-called French National Frequency Agency, information about this jamming activity which has been occurring on frequencies used by EUTELSAT-SA, for which the rights are maintained by EUTELSAT-IGO. The French National Frequency Agency, acting as Notifying Administration, officially notified the Radiocommunications Bureau of the ITU of the situation that I have just described. In accordance with the Radio Regulations, EUTELSAT-IGO, via the French National Frequency Agency, has formally requested that this matter be considered at the next meeting of the Radio Regulation Board, to be held, in fact it is being held this week, from 22-26 March 2010. At the request of the Executive Secretary, association letters from 28 member States of EUTELSAT-IGO have been received and will be used to support this action.

This matter, I believe, is of interest to members of COPUOS' Legal Subcommittee because the activities of this Subcommittee and of the Committee as a whole, are directly related to the peaceful uses of outer space with due consideration to the relevant provisions contained in the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space. I am referring to the 1967 Treaty, as you all know.

Earlier this morning, the distinguished representative of South Africa mentioned the contamination of outer space with space debris. I understand that your Subcommittee has, for years now,

been considering these issues and in the future these things will also be considered within the framework of a programme entitled "Long Term Sustainability of Outer Space Activities" to which the distinguished representative of Colombia referred a few minutes ago. In my opinion, the matter of jamming or deliberate, repeated jamming in particular, is part of that set of issues because such jamming has an impact on the long-term sustainability of satellite operators and their activities.

I will leave it up to the collective wisdom of the distinguished participants in this Subcommittee's session to decide whether or not this Subcommittee should consider, in principle, a general statement condemning deliberate jamming or interference.

As Executive Secretary of EUTELSAT, obviously I would like this sensitive issue to be resolved as soon as possible. I thank you for your attention and I would like to let you know that a copy of my presentation will be made available here in this room in English and in French.

Thank you very much Mr. Chairman. Thank you for your attention.

The CHAIRMAN: I thank the distinguished representative of EUTELSAT for a very good statement.

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

I see none.

We will, therefore, continue and hopefully conclude our consideration of agenda item 6, Information on the Activities of International Intergovernmental and Non-governmental Organizations Relating to Space Law, in the afternoon.

Technical presentation

I would now like to proceed with the technical presentation. The presenters are kindly reminded that the technical presentations should be limited to 20 minutes or less.

I now give the floor to Mr. Mario Hucteau of France who will make the presentation on "France: Registration of Space Objects".

Mr. M. HUCTEAU (France) (*interpretation from French*): Thank you very much Chair. My statement is within the agenda item on the application

of the five treaties and, in particular, of course, on the registration of space objects.

I will be engaging in a brief preambular introduction. I will be expatiating upon the Convention on Registration. I will be presenting the French Law in this regard 2008, the Decrees of 2009 and I will be referring to the fact that the CNES is the French body which is now officially in charge of our National Registry. And I will be also referring to the French National Registry, the way it is run, its status and I will be zooming in particular onto the year 2009. I will then proceed to concluding and referring to some of the issues which arise which do present some challenges in this regard.

And with the introduction, I would say that we have ever so many space objects in orbit. The oldest is the VANGUARD-1 which is still in orbit. It was launched in 1958. You see that 52 years later we have just launched ECHOSTAR-14 and you see the difference in mass, instead of VANGUARD's 1.4 kilos, you have 6.3 tons and letters B and C correspond to the stages of the launching devices in orbit.

Do you have idea how many space orbits are actually up in orbit over the span of 52 years? It is really difficult actually to respond to this question. We will be reverting to this when I refer my concluding comments.

Back to France now. Here is our little ASTERIX satellite. This was the first French satellite. It was launched in November 1965 and this enabled France to be the third State with independent access to outer space at the time. This was launched by the Diamant Launcher, is in low-Earth orbit, it is still up there spinning around in orbit and it is still going to keep going strong for several centuries. The satellite is also in orbit and that is in the National Registry in France.

Now some brief comments quickly on the Registration Convention. You know that this was opened to signature in 1975. It entered into force in 1976 and since then, CNES has always indeed managed this Registry. Next year, you know that CNES is going to be celebrating its fiftieth birthday. To date, we have 60 States organizations signatories.

Now some important points which we will be expanding upon. The concept of space object. I think that we should realize that when we refer to a space object, we are not talking necessarily satellites. We have to refer to all of the launching stages that remain in operation once they have separated away from the

launched object. Also the carrying structure which allows for a double launch to take place which remain in orbit for a considerable duration of time. And indeed the concept of the State of launching, something you are familiar with, that is the State that launches or procures the launching of the space object, as well as a State from whose territory or facility a space object is launched. And the State of Registration is a launching State on whose Registry a space object is carried.

Now as concerns France, for several years now, we have worked on national legislation. We have a Bill which was voted in Parliament, voted through in Parliament in 2008, then there were Application Decrees which followed which were executed, these were proved in June 2009. This was followed and complemented by various technical regulations and recommendations. These have already been produced and others are still in the pipeline. They are almost ready to go under validation in 2010. As Mr. Christian Roisse has already indicated, the total execution and implemented phase will be effected as from the end of this year, 2010. My legal colleague is coming indeed late this afternoon so the major presentation will be Friday, 26 March.

What is important for the registration is that we have officialized the fact that it is indeed the CNES which is going to be officially in charge of managing this National Registry. This is something that we have informally been doing since CNES is in charge of outer space activities for France but now because of this Application Decree we have gone institutional and officialized this informal state of matters. So in the GEO of France, the Official Journal of the French Republic, this was published in an article which is being screened here so it is quite official that it is the CNES which is going to be managing this quite officially.

This is the Application Decree of June 2009. It is very small print, I know, but what is important is the fact that all of these articles and sub-articles of Article 14 indeed present the information which must needs be presented and must be transmitted to the United Nations Organization as well.

Another important point is the fact that there is public access to this Registry. The public can have access to this information. The information is not directly made available on a 24-hour basis but requests can be presented and information will be made available upon the proper processing of this request.

Now this is the flowchart that I wanted to refer to. I have already referred to the concepts of

launching State and the Registry State, now I would like to speak about the launching State and its operations.

To date, the launching State, which has a launching operator who wants to launch a satellite, will be given a licence and then a launching authorization. This licence will be issued by the French State. And the launching operations, up until the point where there is actual take-off of the launcher, will be under the authority of the French Government and under the auspices of the CNES directly. And this launch operator, of course, has satellite customers or clients, there are various scenarios which can arise here. The satellite can belong to State X and then we can proceed on the assumption that State X is aware of the fact that there is a satellite operator operating on its territory. Now, is the launching State which becomes State of Registry, actually managing a registry or not? It depends on whether or not it has adhered to the Registry Convention. We will talk later about the problems that this may spin off. The information about this operation certainly has to be transmitted to the Office for Outer Space Affairs.

In France we launch, and as a European device, we have a special agreement with ESA, the European Space Agency. We are soon going to be launching SOYUZ from French Guyana and here we have an intergovernmental agreement between the Government of France and the Government of Russia. And we are also going to be launching VEGA and this is a European launch. It is scheduled for the beginning of 2011. So these components for a launching State, of course, there can be launching stages that remain in orbit for over a span of several years, and these launching components are integrated and incorporated into the National Registry, they are folded into the information that is comprised. There are various kinds of information here that dates back from 1965. Remember I referred to the first ASTERIX satellite and it spans to the end of 2009.

So you have all the figures here. You have the registered launchers, 169, and among those 169, most of these launchers are going to re-entering the atmospheric layers of Earth. We hope that they do not fall on our heads. We should also realize that of these launching components, many of them are going to be remaining in orbit for an awfully long time and some of them are not going to be in an Earth orbit because we must remember that we sometimes have launches which are from Point Légrange so the stages that separate from the Point Légrange are going to be going to orbit so far off that they are never going to be re-entering Earth orbit.

Now the State of Registry. In France we have governmental satellites and there, I would say, it is irrespective of the fact whether these satellites are launched from French territory or from abroad. For example, I could refer to the JASON satellites which are subject to Cooperation Agreements between France and the United States of America and this, pursuant to the Agreement that we have with the United States, we have a Registry of the satellites. But we also are a State of Registry and here I coming back to the other laws that we have on space operations, we have satellite operators. Of course, the most important and significant, as Christian Roisse said, was the EUTELSAT 2001 facility. They have Headquarters in Paris and they are part of this general agreement. So irrespective of where the site of launching is, because EUTELSAT has decided to use a European launcher as well as other launchers, so irrespective of where these such devices are launched from, whether it is from within French territory or from abroad, they are under French jurisdiction because they are controlled from France and this is why this falls within the concept of the State of Registry so they are registered with us in our National Registry.

Here you have the figure of 62 satellites advanced. This is the present figure of satellites in our National Registry. So out of these 62, of course, there are going to be low-Earth orbits. There are going to be GTO. There is going to be GSO orbits involved, and out of this total 62, only roughly some 34 at present are operational. It does not matter for the National Registry purposes whether they are in operation or not. What matters is the fact that they are out there in orbit.

I have also indicated for the National Registry, the EUTELSAT Intergovernmental Organization objects, as Christian Roisse has already indicated today, there are 19 satellites which are in geostationary orbit. So for thousands of years to come they will be in that status. Ten of them are at present operational and they are operated by EUTELSAT-SA and thus there is an Agreement between EUTELSAT and the Ministry of Foreign Affairs of France to take into due account the registry of these satellites in our National Registry up until that point of time when EUTELSAT is going to be shouldering the responsibility of the registration of such satellites as an intergovernmental organization. For the time being, these are part and parcel of the French National Registry, these 19 satellites which gives a grand total of 250 space objects at present figuring in our National Registry. Now what is the atmospheric return or fallout? Satellites can re-enter, that certainly is the point with the rules that we have on IADC for 25 years.

That is something that we have done very recently with the SPOT-2 satellite. We have an end-of-life satellite of which we have lowered the perigee so as to refer to the natural measurements of its orbit and to make it go into non-controlled orbit in less than 25 years time. So we have modified and tampered with its original orbit. And this is also something that has been factored into the National Registry these atmospheric re-entries or returns. And all this information is regularly communicated to the Office for Outer Space Affairs here in Vienna depending on the state of play of our information as registered.

Now 2009, some more almost invisible figures are being screened here. It is a zoom for the year 2009. You have the again launch for the end of 2009, you have the satellites and the launching components which remain in orbit listed. This is the information that is communicated and transmitted to the Office for Outer Space Affairs. You have the column on your right which shows information indicating what is really France and separating and making a distinction between what is really France and what we believe should be the true State of Registry. This is (not?) information that we shunt over, as it were, indicating to the Office for Outer Space Affairs that actually these States should register these objects as see it. For example, if we take the case of the ESA, there was the Herschel-Planck launch from the Point Légrange and this should be ESA indeed. ESA has accepted the rights and obligations of registry in that regard so that is why we put ESA.

Two other satellites are rather more of a problem, for example, identifying which State is behind the satellite. If I take the first satellite right on top of the list, satellite NSS-9. I have put this under Luxembourg but there are questions arising as the world skies at Luxembourg, is it the Netherlands, is it the United Kingdom, is it the United States, it is difficult to really determine the State of Registry here. It is sort of fuzzy.

Two more comments for 2009. For France, we considered that the 18 space objects for France registered, six satellites, 12 launching components, there you have the carrier structures for the launchers, and for 2009, we had two satellites launched from Baikonour for the EUTELSAT-SA company, there are seven Ariane launchers and of those seven Ariane launchers, there are eight States or organizations for 10 satellites. There you have in parenthesis Luxembourg with a question mark, ESA, United States, Japan, Australia, Spain, Germany and Norway.

Luxembourg is actually not a Signatory State to the Registry Convention so the States which are considered as States of Registration normally be supplying this information to the Office for Outer Space Affairs themselves.

Now my conclusion we are getting to and various questions arising. As we have already indicated, there are ever so many space objects which are not registered. I have put 20 per cent but actually what I think is the figure is much higher than that, much higher than 20 per cent. So this is a question mark that I have put there.

The identification of a State of Registry is my next bullet. Not obvious, it is not obvious to identify. With Headquarters which maybe in places which are difficult to identify, then the next bullet is the transfer of registration as I have already said, this may be a problem when there is a transfer of operations of satellite control which are under the competence or jurisdiction of another State, what happens? Another question.

The following bullet, definition of what constitutes an element of space debris. Is it a fragment? Is it a fragment which is generated by collisions or explosions of orbiting stages or satellites? Is it a launching component? Is it a non-active or inactive satellite? Is it an operational satellite which is not being manoeuvred? It may be operational but it may not be subject to manoeuvrability operations so we have to be very careful about this, vigilant on that.

Next bullet, the link between the establishment of national legislation. This is something that is very important to establish this link with the launching operators, the satellite operators. And another further important point is when you run a Cooperation Agreement with a State for the operation of the joint satellite, you have to have the proper Memoranda of Understanding saying who is to actually proceed to registering that object. So these are the topical points that I wanted to refer to.

To conclude, I would like to screen a short video which has nothing to do with registry but I really wanted to share this with you in the Legal Subcommittee. I thought that it would be interesting for you to benefit from this. This is a short three-minute video which was prepared to celebrate the thirtieth anniversary of the first launch of Ariane.

So if we could now switch to this video. Thank you.

Video

(Interpreter: Interpreters do not work during videos, sorry)

End of video

The CHAIRMAN: Thank you Mr. Hucteau for a very good presentation.

Are there any questions?

I give the floor to the distinguished representative of Belgium.

Mr. J.-F. MAYENCE (Belgium) *(interpretation from French):* Thank you very much Chairman. I would like to thank my colleagues and friends from the French delegation for this fascinating presentation especially everything that they said about the actual work that needs to be performed by States as concerns France in particular as a launching State as well as a State which is responsible for the actual load carried.

Two brief comments if I might. Firstly, on this concept of space debris. I would like to say just as Mario Hucteau has very well explained, we can gauge the limits of the concept of space debris. We hear a lot said about space debris in the Subcommittee. For me, the only concept that I have is that of space object. I think that the concept of space debris is a technical concept. I think that we are switching the question around actually. It is not what is this space debris, it is rather what is a space object that we should asking. I do not see anything in the treaties that would rule out the latter.

Now, second comment. France explained when it came to, prudently termed, the possibility transfer of registration from the French State towards the intergovernmental organization State. I have already spoken to Mr. Boste(?) (Roisse?) from EUTELSAT a couple of years ago about such a transfer and I said how could this sort of transfer work given the present status of the treaties? And I would like to come back to this point because it illustrates another nexus of issues which we are confronted with very often in Belgium which is registration by

intergovernmental organizations. In fact, we know that there are two types of registration even if we know there is one kind of operation, it is registration under Article 8 of the Space Treaty, and registration under the meaning of the 1975 treaty. It is not the same sort of registrations these two because the purposes being pursued are not quite the same. Under the meaning of the Space Treaty, registration is not registration which is mandatory *per se*, it is just that the State of Registry has to extend its jurisdiction and control over the space object in question. Under the 1975 Convention, it is an obligation encumbered upon States Parties and the major difference is that the Space Treaty, unlike the other, is not open to acceptance by intergovernmental organizations. And this is a hitch, it is a problem because the only place where a State of Registry can extend its registration control is in the 1967 Treaty on the basis of 1975. So we have to decide what State of Registration State. I am saying that EUTELSAT, or EUTELSAT is going to becoming the latter, if we interpret the Treaty as lending itself to that sort of interpretation and then it can indeed extend its control, then what is an organization such as EUTELSAT? We know that we have a definition which is based on legal specificity and responsibility of a given organization. So what competences are extended to or afforded them by a given treaty? I am not sure that in the case of an intergovernmental organization, you can actually thus proceed to usefully address of all the issues of control and registration and operation on the basis of this concept.

I believe that we really have a lot of food for thought here in this field because you have to see to what extent registration by an intergovernmental organization should not be underpinned by a State Registry. For example, let us take Belgium. Once a satellite is registered by an intergovernmental organization, a State can no longer register it because the treaties do not provide for that scenario, for that possibility. And yet there may be very good grounds to extend what I would call complete jurisdiction, entire jurisdiction as per now only belongs to States to intergovernmental organizations which can make use thereof.

So I would like to extend a hearty thanks to the French delegation which has presented this point and I would just indicate that I am not at the end of our work here. We still have a long haul ahead of us when it comes to thinking through the registration of space objects to come within this Legal Subcommittee of COPUOS.

Thank you very much for your attention.

The CHAIRMAN: Thank you very much distinguished representative of Belgium for a very good comment.

I give the floor to the distinguished representative of Colombia for the questions.

Mr. J. OJEDA BUENO (Colombia): Thank you very much Mr. Chairman. I apologize to the Spanish-speaking group for speaking English but it is just for the sake of time and understanding.

Thanks to the distinguished delegate and colleague and friend, Mario Hucteau, for his rich presentation on the advances and the progresses made by France as well as the interests of France in this area. We admire all what France has done and being the third space-faring nation, we are aware that there are many other countries that want to follow their path and many other countries want to have that access free and secure in the future. That is why I will make some remarks concerning what you pointed out in your presentation. For example, the ASTERIX satellite, with a nice name and we all love Asterix, and we have had a small discussion on this because one of your points of your last Scientific and Technical Subcommittee was that probably no more access should be given to small satellites. And as you just witnessed, the first development of France was with small satellites, so we should not become now an obelisks league, that we should not allow small or non-technology-related activities to space. And we know how much you tried very hard to respect the time given of 10 minutes for the presentation even if it was quite longer. It is not a matter of changing the rules, of course, it is just a matter of presenting what is interesting for all of us. That is why the whole international community is very vigilant on these developments. I think that we have opened the door to the private sector in this Commission and its Subcommittees. It does not mean that the States are giving up the role of drafting and drawing international law because we have special concerns in it and we will stake on it.

The private sector is welcome but I think and I quote the comment made by my friend, Jean-François Mayence, just a few minutes ago, about our responsibility in being very watchful in these developments even if we welcome the private sector on board. They are already on board and we are happy to have them on board because actually, as I mentioned this morning, landing back on the Earth, the space technologies is a matter for all of us, it is our responsibility and it must be very much in conjunction with development for the developing countries,

sustainable development and the Millennium Goals that the Scientific and Technical Subcommittee just took on board two months ago. Let us not forget that. Let us not forget that we are committed to sustainable development without forgetting business, of course, and in this forum as well as in many other United Nations forums, we have to responsabilize also to give some share of responsibility to the private sector on sustainable development. And that is why we have needed that point in that plan, initial preliminary plan of work. So let us not forget what we just took on board already. Let us not forget that we also at the line, how it broke, down(?) broke(?) plan of work. There was a commitment by the Group on Sustainability to report to the Subcommittee next year. So I thank the distinguished delegate from EUTELSAT that said that it would take more than three years or something like that what for us is quite unacceptable because I do not see any obstacle for the Group on Sustainability to report to this and to all Subcommittees of this Commission.

And I would like to remind to the EUTELSAT, the distinguished EUTELSAT representative, that it is the States and the member States who decide at what point a certain Working Group has to report to this Subcommittee or to the other one and it has been established already, let us not forget about that.

We come back to the question of equity and when we see the long list of French satellites, some of them transferred to EUTELSAT or to any other entities, we also pose the same question of equity, where does equity belong? Where does it remain? And that is something that we think that the Group on Sustainability should have to work on. I do not want to make it any longer as I think it is lunchtime and we are all hungry and we will take it further on as we have two weeks.

Thank you very much.

The CHAIRMAN: I thank the distinguished representative of Colombia.

The distinguished representative of France, do you have any comments?

Mr. M. HUCTEAU (France) (*interpretation from French*): Thank you Mr. Chairman. Very briefly, to follow up on these comments.

First, from Jean-François Mayence, I fully agree with the concept of space debris. I was not coming up with a new definition. All of space objects

are part of the problem here. I just wanted to raise the level of attention given to the term “space debris”.

As regards the transfer of registration, I am little surprised here. The European Space Agency is an intergovernmental organization and has declared its acceptance of the rights and obligations under the Registration Convention. Obviously it has registered many satellites. And the first launch of VEGA, for example, will be an act that would be considered a qualifying launch for the purposes of registration. INTERSAT, of course, is also an intergovernmental organization and the text of the Agreement says that the majority of member States need to accept a treaty and a majority are Signatory States to both the Outer Space Treaty and the Registration Convention and, given that, there is no reason why it would not apply to the 19 geo-satellites that I mentioned.

As Christian Roisse mentioned, today EUTELSAT includes 48 or 49 States and there is no majority there as yet to allow such a transfer.

Now, a brief word regarding the comments made by our friend from Colombia. First of all, thank you on behalf of ASTERISK, but also let me point something out. I never said, maybe I was misinterpreted at the time of the Scientific and Technical Subcommittee session in February, I did (not?) mention the launch of small satellites. Nano-satellites are very interesting, it is an interesting area and they are the future but a small satellite, non-maneuvrable, launched into an excessively high orbit will stay in orbit for a very long time, more than 25 years. In fact, they are still being discussed in terms of rules that apply here but one has to be vigilant. Today we can launch small satellites without an engine, without the possibility of moving or manoeuvring in orbit or re-entering or being piloted in any way. So it is important to take into account that these should be launched at a relative low orbit, not too high. If the altitude is too high, we truly enhance the risk of space debris.

Thank you very much.

The CHAIRMAN: Thank you so much to Mr. Hucteau for a very good presentation and good recommendation.

I think the distinguished representative of EUTELSAT has another question.

Mr. C. ROISSE (European Telecommunications Satellite Organization) (*interpretation from French*): Yes thank you Mr.

Chairman. I just wanted to thank the distinguished representative of France for the explanations provided. I also wanted to thank the distinguished representative of Colombia for the interest he has shown in this information regarding my Organization.

I want to be very clear and very precise, as Mario said, my Organization so far does not have the required number of Agreements by States to have a majority that would enable it to demand that the rights and duties under the Registration Convention be accepted. Again, as Mario said, hypothetically speaking, 19 satellites that were launched before, the restructuring of EUTELSAT, and it was France entirely, the registration country for EUTELSAT satellites, for EUTELSAT-SA, the corporation. But previously, prior to restructuring and the setting up of the corporation, this was an intergovernmental organization in its entirety and there was an Agreement between France and the Organization, the registration procedures were already in place, whereby satellites were registered by France, in a temporary or provisional manner, in the name of and on the account of the international organization EUTELSAT. And it was indicated during the registration that the majority rule had been met at that time and thus the rights and obligations under the Registration Convention applied.

Last point, these days EUTELSAT no longer has operational activities but the satellites continue to exist in orbit, in space, but as an intergovernmental organization, EUTELSAT has transferred its operational responsibilities to an operational corporation in 2001 and it is still logical to assume that there is an alignment between the rights and obligations prescribed by the Registration Convention and the organization that has assumed operational responsibility for these satellites after 2001.

Thank you.

The CHAIRMAN: I thank the distinguished representative of EUTELSAT for very good comments.

Distinguished delegates, I will shortly adjourn this meeting. Before doing so, I would like to remind delegates of our schedule of work for this afternoon.

We will meet promptly at 3.00 p.m. At that time, we will continue and hopefully suspend our consideration of agenda item 5, Status and Application of the Five United Nations Treaties on Outer Space. We will continue and hopefully conclude our consideration of agenda item 6, Information on the Activities of International Intergovernmental and Non-

governmental Organizations Relating to Space Law. We will begin our consideration of agenda item 11, General Exchange of Information on National Mechanisms Relating to Space Debris Mitigation.

At the end of the afternoon's meeting, we will have the first meeting of the Working Group on Agenda Item 5.

Immediately after the plenary at 6.00 p.m., all delegates are invited to attend a reception in the Mozart Room of the VIC Restaurant, hosted by Japan on the occasion of the forty-ninth session of the Legal Subcommittee. The invitations to the reception have already been distributed to delegations in the pigeonholes.

Are there any questions or comments on this proposed schedule?

I see none.

This meeting is adjourned until 3.00 p.m.

Thank you very much for your attention. We will see you at 3.00 p.m.

The meeting adjourned at 1.09 p.m.