

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

Unedited transcript

808th Meeting

Wednesday, 24 March 2010, 3 p.m.

Vienna

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

The meeting was called to order at 3.14 p.m.

The CHAIRMAN: Good morning distinguished delegates, I now declare open the 808th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

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

We will continue and hopefully 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 and National Mechanisms Relating to Space Debris Measures.

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.

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.

Are there any questions or comments on this proposed schedule?

I see none.

Distinguished delegates, I have a request from several delegations to make a statement on agenda item 4, General Exchange of Views. With your permission, I would like to re-open our consideration of agenda item 4 to hear those statements.

General exchange of views (agenda item 4)

I now invite the first speaker on my list who is the distinguished delegate of South Africa. I give the floor to the distinguished representative of South Africa.

Mr. X MAJIIA (South Africa): Thank you Mr. Chair for allowing South Africa to take the floor on this issue.

The South African delegation would like to support the nomination of Tunisia as a member State in the COPUOS.

Thank you.

The CHAIRMAN: Thank you distinguished representative of South Africa for your statement.

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

Mr. A. LOUNI (Algeria) (*interpretation from French*): Thank you Chairman. Algeria is very satisfied that Tunisia has indeed presented its candidature to become a member of COPUOS and we would certainly like to support that request and we

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hope that COPUOS will be able to incorporate Tunisia between now and its next session.

Thank you.

The CHAIRMAN: Thank you distinguished representative of Algeria for your statement.

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

I give the floor to the distinguished representative of France.

Mr. L. SCOTTI (France) (*interpretation from French*): Thank you Chairman. My delegation is welcoming the Tunisian application for measurement for COPUOS.

Thank you.

The CHAIRMAN: Thank you so much distinguished representative of France.

I give the floor to the distinguished representative of Russia.

Mr. V. Y. TITUSHKIN (Russian Federation) (*interpretation from Russian*): Thank you very much Chairman. The Russian Federation delegation would like to endorse and support the candidature of Tunisia its application for membership in COPUOS. I believe that it is not only our delegation which was certainly very impressed by the Tunisian statements. We detected true sincere interest on the part of this State in joining the States involved in COPUOS and I believe that their candidature and their membership will certainly prove to be very valuable for all of us.

Thank you.

The CHAIRMAN: Thank you distinguished representative of Russia for your statement.

The next speaker is the distinguished representative of Saudi Arabia. I give the floor to the distinguished representative of Saudi Arabia.

Mr. M. A. TARABZOUNI (Saudi Arabia) (*interpretation from Arabic*): On behalf on God, the Clement and the All Merciful and in His Name, it is my true pleasure to congratulate you Chairman upon your election to the post that you are occupying. You are just sitting opposite me and I am very happy that we are able, in this fashion, to engage in such very

fruitful and close cooperation among all member States of this Committee.

The Saudi Arabian delegation would indeed press with its support for the favourable acceptance of this brother country, Tunisia, in our fold and we believe that the candidature of Tunisia will also serve to support and enhance the status of the Arabic language in our midst.

Thank you.

The CHAIRMAN: Thank you distinguished representative of Saudi Arabia for your statement.

The next speaker is the distinguished representative of Ecuador. I give the floor to the distinguished representative of Ecuador.

Mr. J. ROSENBERG (Ecuador) (*interpretation from Spanish*): Thank you Mr. Chairman. Since this is the first time that my delegation has taken the floor under your chairmanship, from my delegation and from myself personally, let me congratulate you on your nomination and wish you every success in your work in this position.

My delegation also supports the candidature of Tunisia. We were very interested to listen to the presentation made by Tunisia regarding progress accomplished in outer space-related activities and we would like to welcome this country and endorse this application.

Thank you.

The CHAIRMAN: Thank you distinguished representative of Ecuador for your statement.

The next speaker is the distinguished representative 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. Taking into account the lively space activities of Tunisia, my delegation supports for its session to this COPUOS party.

Thank you.

The CHAIRMAN: Thank you distinguished representative of Korea for your statement.

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

Mr. J. A. GLEDAN (Libyan Arab Jamahiriya) (*interpretation from Arabic*): Thank you Chairman. Thank you for having given me the floor once again under this agenda item. We have asked for the floor in order to express our hearty endorsement for the candidature of brother country, Tunisia. We believe that their membership will certainly significantly contribute to our work and we would like to support that candidacy.

Thank you.

The CHAIRMAN: Thank you distinguished representative of Libya for your statement.

The next speaker is the distinguished representative of China. I give the floor to the distinguished representative of China.

Mr. Y. XU (China) (*interpretation from Chinese*): Thank you Mr. Chairman. From the Scientific and Technical Subcommittee to the Legal Subcommittee, we have noticed the Tunisian delegation has done a lot of useful introductions regarding their country's space activities and regarding their successful experiences in terms of legislation-making in their country.

It is our belief Tunisia is eligible to be working at COPUOS and work together with other countries for the purpose of making peaceful use of outer space to make progress for the improvements of space law. I think Tunisia already have the capability and have the determination to be part of this Commission. We wish Tunisia will be quite successful in this application for the membership of COPUOS.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of China for your statement.

The next speaker is the distinguished representative of the Czech Republic.

Mr. V. KOPAL (Czech Republic): Thank you very much Mr. Chairman. My Chairman, my delegation too would like to support the application of Tunisia for becoming a member of the COPUOS of the Committee on the Peaceful Uses of Outer Space, for many reasons that have been already made clear here during the contributions of the foregoing speakers. I

would only like to join one more argument. It is an African country and we need to have Africa well represented in this Committee and Subcommittees.

Thank you very much.

The CHAIRMAN: Thank you distinguished representative of the Czech Republic for your statement.

On my list, the next speaker is the distinguished representative of Brazil. I give the floor to the distinguished representative of Brazil.

Mr. J. MONSERRAT FILHO (Brazil) (*interpretation from Spanish*): Thank you Mr. Chairman. It is with a sense of profound satisfaction that we add our voice to the movement that has clearly arisen here and firmly support Tunisia's application for membership in this Subcommittee, a member of COPUOS. We have no doubt that Tunisia meets all the requirements and will make a valuable contribution to the work of COPUOS.

Thank you very much.

The CHAIRMAN: Thank you distinguished representative of Brazil for your statement.

The next speaker is the distinguished representative of Burkina Faso. I give the floor to the distinguished representative of Burkina Faso.

Ms. A. BIBATA(?) (Burkina Faso) (*interpretation from French*): Thank you very much Chairman. Burkina Faso would just like to join all the other delegations expressing their views in support of the membership application of Tunisia. This is an African country. We would like to support its application. We believe they are going to be significantly contributing to the advancement of our work and Africa will also have its representativity advanced by its membership.

Thank you very much.

The CHAIRMAN: Thank you distinguished representative of Burkina Faso for your statement.

The next speaker is the distinguished representative of Cuba. I give the floor to the distinguished representative of Cuba.

Mr. M. FERNÁNDEZ RONDÓN (Cuba) (*interpretation from Spanish*): Thank you Mr. Chairman. This is the first time that my delegation has

taken floor in this session and we would like to congratulate you on your recent election as Chair of this Subcommittee and express our conviction that under your leadership our work will be successful.

We fully support the inclusion of Tunisia in the family of COPUOS member States. It is a sister country, a friendly country, and will contribute greatly to our work.

Thank you.

The CHAIRMAN: Thank you distinguished representative of Cuba for your statement.

The next speaker is the distinguished representative of Belgium. I give the floor to the distinguished representative of Belgium.

Mr. J.-F. MAYENCE (Belgium) (*interpretation from French*): Thank you very much Chairman. Belgium, in turn, is most satisfied to endorse and second the application of Tunisia. We have at various instances already witnessed the commitment of Tunisia and its delegation and their involvement in the work of the Committee. So it is certainly a good thing if they were to join our fold.

Just one purely procedural point if I might, possibly the Secretariat could help me with an answer here. Should the official application have to be presented to the Committee as a whole or the Subcommittee and when does this actually go into force?

Thank you.

The CHAIRMAN: Thank you so much distinguished representative of Belgium.

I give the floor to the distinguished representative of the Office for Outer Space Affairs Secretary.

Mr. N. HEDMAN (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. Yes, the Secretariat received the official application by Tunisia in August 2009 and that Note Verbale from Tunisia was sent out to all Permanent Missions of COPUOS member States in Vienna on 5 October. The Secretariat also made available this communication in a Conference Room Paper to the past Scientific and Technical Subcommittee and to this Legal Subcommittee. You will find the document I referred to in Conference Room Paper 6.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Mr. Hedman.

Are there any other delegations wishing to make a statement?

I give the floor to the distinguished representative of Tunisia.

Mr. T. HRABI (Tunisia) (*interpretation from Arabic*): Thank you very much Mr. Chairman. Please allow me to take this opportunity to convey to all delegations present here which have warmly supported our application for membership. Our hope that, of course, that the remaining delegations would join that support and make it possible for Tunisia to become a full-fledged member of the Committee.

Many thanks once again for all the support and I wish you every success in your deliberations. Thank you.

The CHAIRMAN: Thank you distinguished representative of Tunisia and my congratulations to you.

Therefore, we do not have any statements now.

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 and hopefully suspend our consideration of agenda item 5, Status and Application of the Five United Nations Treaties on Outer Space.

We do not have a speaker on the list. Are there any delegations wishing to make a statement under this agenda item?

The distinguished representative 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. My understanding is that we are still discussing the agenda item number 5, am I right? Thank you.

Our delegation listened very attentively to the wonderful presentation made by the French delegation in the morning session. In that presentation, I could find out that there are about 20 per cent of space objects not registered yet. My question is, maybe I would like to ask the Secretariat, through you, Mr. Chairman, about the data, the very recent available data about the percentage of non-registration of space objects. And secondly, how many satellites are active for the moment.

Thank you.

The CHAIRMAN: Thank you distinguished representative of the Republic of Korea for your statement and questions.

I give the floor to the Secretariat, Dr. Hedman.

Mr. N. HEDMAN (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. Yes, the Office for Outer Space Affairs, as delegations are aware, is maintaining the Central Registry of Objects Launched into Outer Space, under the Registration Convention and resolution 1721(B). We have put together some data. We are regularly monitoring the status of the Register and as follows I can give you some figures here.

There have been approximately 6,240 functional objects launched into outer space since 1957. Of that number, about 5,833 objects have been registered under the Registration Convention or General Assembly resolution 1721(B).

Consequently, the number of unregistered functional objects is approximately 407 which gives an unregistered percentage of 6.5 per cent.

Now using a metrical(?) functional objects and upper stages would give about 20 per cent unregistered objects.

Delegations heard the presentation by the distinguished delegate of France this morning. Using a metrical(?) functional and all non-functional objects including, as we call, space debris, would give around 40 per cent unregistered objects.

In summary, using these statistics that we base on in the Register, these statistics are based on the type of objects registered by all States and international intergovernmental organizations, functional objects that are unregistered percentage is approximately seven per cent.

So it is a matter of course what you include in your baseline for these statistics but we are registering here and as I have just now pointed out, the functional objects launched into outer space since 1957.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Dr. Hedman for your explanation.

We have, therefore, suspended our consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space, 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 and hopefully conclude 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 United States. I give the floor to the distinguished representative of the United States.

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

The activities of the international organizations relating to space law are significant and have contributed much to the development of the field. Many space activities rely on regional or global cooperation and such cooperation has enhanced the abilities of individual States to improve and advance space activities and technologies.

International organizations also have an important role to play in the strengthening of the legal framework applicable to space activities. They can consider steps they can take to encourage their members to adhere to the four core outer space treaties so as to bring the activities of the international organizations within the framework of the treaties.

The outer space treaties were drawn up in full awareness of the possibility of international organizations conducting space activities. Indeed, several of the treaties contain mechanisms to permit

international intergovernmental organizations that conduct space activities to do so within the framework of the treaties, the Rescue and Return Agreement, the Liability Convention, and the Registration Convention. Each contain provisions specific to international intergovernmental organizations.

Several extremely important international intergovernmental organizations are not operating within the treaties because not enough of their members have become party to both the Outer Space Treaty, and respectively, to the Rescue and Return Agreement, the Liability Convention or the Registration Convention. As the framework established by the Rescue and Return Agreement, the Liability Convention and the Registration Convention is an important and beneficial one for the global conduct of space activities. It is desirable for international organizations to conduct their space activities under the coverage of these significant instruments.

We hope that international intergovernmental organizations that conduct space activities will consider steps they can take to bring their activities within the rubric of the Rescue and Return Agreement, the Liability Convention and the Registration Convention. We believe that doing so could produce a useful improvement in the coverage and effectiveness of the core outer space treaties.

Thank you Mr. Chairman.

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

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

Mr. B. BASELEY-WALKER (Secure World Foundation): Mr. Chairman, many thanks. Mr. Chairman, distinguished delegates, Secure World Foundation would like to elaborate further on our upcoming events, Space Law and Policy 2010, which will take place on 11 May and is being held in conjunction with the ILA(?), the IISL, ESPE and Ariane-Space. The event will comprise of three panels, the first focused on the legal challenges facing the United States space industry currently. The second analyzing the development of the international legal regime for space and its sufficiency. And lastly, a panel on space law in the United States Government(?) daily life.

Space impacts the United States economy, national defence, international relations and the advancement of science, playing an ever-growing role in the day-to-day lives of citizens around the world. Secure World Foundation believes, therefore, that understanding how current regulations governing actors in space at both the national and international levels is crucial. As space becomes increasingly ubiquitous, there will be a need to refine the space regulatory environment. Building understanding amongst policy makers at the national level as to what systems are currently in place and how we may need to amend it in the future to suit changing United States and global needs is key.

We believe that our event and our other activities on space law will assist in this process.

Secure World Foundation plans to continue to promote space law knowledge and space law activities in both the United States in the international context. In this vein, we stand ready to assist the work of the Subcommittee in any way we can on these matters.

Mr. Chairman, many thanks.

The CHAIRMAN: Thank you distinguished representative of Secure World Foundation for your statement.

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

I see none.

We have, therefore, concluded our consideration of agenda item 6, Information on the Activities of International Intergovernmental and Non-governmental Organizations Relating to Space Law.

General exchange of information on national mechanisms relating to space debris mitigation measures (agenda item 11)

Distinguished delegates, I would now like to begin our consideration on agenda item 11, General Exchange of Information on National Mechanisms Relating to Space Debris Mitigation Measures.

There are no speakers on my list.

Is there any distinguished representative?

The distinguished delegation from Brazil, I give you the floor.

Mr. J. MONSERRAT FILHO (Brazil)(*interpretation from Spanish*): Thank you Mr. Chairman. I just wanted to seek clarification. We are moving from item 6 to item 11 or 12. What happened to items 7, 8 and 9? Are we not proceeding in order of the agenda?

The CHAIRMAN: Thank you distinguished representative of Brazil. I give the floor to Dr. Hedman from the Secretariat.

Mr. N. HEDMAN (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. The reason why we have to jump in this case to agenda item 11 and use the agenda when we are scheduling the agenda and use maximum flexibilities because we have pressure in the second week to have the report ready for adoption on Thursday. Remember that we have one day less this year of the Legal Subcommittee. Agenda items 7 (a) and (b) will be taken up tomorrow, Thursday, in the morning and in the afternoon and on Friday in the morning and in the afternoon. Agenda item 8 and agenda item 9 will be taken up next week, starting on Monday. I refer delegations to the provisional agenda and the schedule in document L.277.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Dr. Hedman for your explanation.

Are there any delegations wishing to make a statement?

I see none.

We will, therefore, continue our consideration of agenda item 11, General Exchange of Information on National Mechanisms Relating to Space Debris Mitigation Measures, tomorrow morning.

Distinguished delegates, I will shortly adjourn this meeting so that the Working Group on Agenda Item 5 can hold its first meeting. Before doing so, I would like to remind delegates of our schedule of work for tomorrow morning.

We will meet promptly at 10.00 a.m. We will then begin our consideration of agenda item 7, (a) the Definition and Delimitation of Outer Space, and (b) the Character and Utilization of the Geostationary Orbit, Including Consideration of Ways and Means to Ensure the Rational and Equitable Use of the Geostationary

Orbit Without Prejudice to the Role of the International Telecommunication Union.

We will also begin our consideration of agenda item 10, Capacity-Building in Space Law, and continue our consideration of agenda item 11, General Exchange of Information on National Mechanisms Relating to Space Debris Mitigation Measures.

At the end of the morning's meeting, we will have the second meeting of the Working Group on Agenda Item 5. The Working Group of Agenda Item 7 will have its first meeting under the chairmanship of Mr. José Monserrat Filho of Brazil.

Are there any questions or comments on this proposed schedule?

I see none.

I would like to remind delegations to provide the Secretariat with possible corrections to the provisional list of participants which was distributed as Conference Room Paper 2 so that the Secretariat can finalize the list of participants. Any corrections should be submitted in writing by Tuesday, 30 March, in the afternoon.

I now invite Mr. Jean-François Mayence of Belgium to chair the first meeting of the Working Group on Agenda Item 5.

The meeting is adjourned until 10.00 a.m. tomorrow.

Thank you very much for your attention.

I give the floor to the distinguished representative of the Czech Republic, Mr. Kopal, please.

Mr. V. KOPAL (Czech Republic): Thank you very much Mr. Chairman for your giving me the floor. My intervention was because you have not finished, so far as I watched it, the consideration of point 11. There was no application at this point particularly because you announced that there would be now the discussion on point 11 of the agenda but you have not closed this discussion at all.

I do not object against starting the Working Group 5, I welcome it, but this is just my question.

The CHAIRMAN: Of course, we do not have a speaker on my list, therefore, the list is empty,

but we will continue our discussion tomorrow morning.
This is the reason that we close agenda item 11.

The meeting closed at 3.51 p.m.