

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

*Unedited transcript*

822<sup>nd</sup> Meeting

Tuesday, 29 March 2011, 10 a.m.

Vienna

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

*The meeting was called to order at 10.08 a.m.*

**The CHAIRMAN** Excellencies, distinguished delegates, ladies and gentlemen, good morning. I now declare open the 822nd 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 our consideration of agenda item 3, general exchange of views and begin our consideration of agenda item 4, status and application of the five United Nations treaties on outer space and agenda item 5, information on the activities of international, intergovernmental and non-governmental organizations related to space law. Then I will adjourn the meeting so that the Working Group on agenda item 4, status and application of the five United Nations treaties on outer space, 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 3)

Distinguished delegates, I would like now to continue our consideration of item 3 on our agenda, general exchange of views. The first speaker on my list is the distinguished delegate of France. I give the floor to Her Excellency, Ambassador Mangin.

**Ms. F. MANGIN** (France) (*interpretation from French*) Mr. Chairman, ladies and gentlemen, distinguished delegates. Japan has just undergone one of the four strongest earthquakes ever recorded in human history followed by a tsunami which was so violent that it probably caused tens of thousands of deaths. It is entire country which is just trying to get over the worst tragedy ever in its history since 1945 and I would like, on behalf of France, to start off by addressing a message of solidarity, affection and fraternity to the Japanese nation. France pays tribute to the courage of the Japanese people, which is holding up with dignity and stoicism and this deserves our respect. The urgency starts off by being humanitarian, more than 100 French civilian security personnel are already in the field, on the spot, to support relief operations. Radiation protection experts have also been sent to Tokyo and, upon the request of the Japanese authorities, France has, per 26 March, sent these people. France has also sent the necessary equipment to support the accommodation of the homeless. We are also standing ready to respond to any Japanese Government request for assistance in order to enable assistance in the near future. Upon the occasion of the serious crisis, Japan has triggered the International Charter, dated 25 February 2000, which is intended to encourage cooperation for the management of crises resulting from natural or technological disasters amongst space agencies and operators of space systems and, within this context, France will pursue its efforts to support Japan with all space system operations information which can prove useful to it.

France is attached to the importance of the universalization and the improvement of the implementation of rules laid down by space

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

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.



conventions and this in observance of the three major principles which must regulate space activities, i.e. the freedom of access to space for peaceful ends, the preservation of security and the integrity of orbiting satellites and the taking on board of the legitimate interests of defence and security of States in outer space. We attach particular importance to the work of this Subcommittee and its Legal Subcommittee for this reason. We would like to see the major treaties of the UN, 1967, 1968, 1972 and 1975, be applied in a universal and strict manner. It is important for as many States as possible to implement properly, universally and effectively the Convention of 14 January 1975. It seems essential to us that, at a time when more and more space actors are involved especially private space actors and space objects as well, it is important for objects in outer space to be effectively placed under the control and jurisdiction of the appropriate launching State. It is important to ensure long-term viability of space activities and this is why we support initiatives related to this. Without this long-term viability and given the importance attached to the important risks which are related to the proliferation of space debris, it is the security of space activities, satellite integrity, the integrity of the operations of the ISS itself and of the men and women on board which can be called into question at any moment in time. In other words, it is the very use of outer space which is threatened without this long-term sustainability element. This must be a question of common interest, both for the States which are conducting activities in outer space as well as for those which benefit from space services for those whose access in the future to outer space must be preserved and for commercial operators as well. It is in response to these new threats which impinge upon the development of the peaceful uses of outer space that it is necessary to join in a common international effort to monitor, to communicate properly and to coordinate our efforts. It is in this and from this stance which advocates a free but responsible use of outer space that France supports the national initiatives of States, fostering and promoting the development of legislation and regulations, regulating the activities and operations taking place in outer space.

As you know recently France enacted a specific legislation in this regard, pursuant to the major UN treaties on outer space. Since December 2010 this legislation has completely entered into force. Henceforth any launch operation or satellite orbiting control performed by a French operator or from French national territory must necessarily be the subject of prior authorization delivered by the French Government and this after technical instruction delivered by CNES, the National Centre of Outer Space Studies. This law also provides for the

modalities of State control after the issuance of the authorization question as well. This mechanism is fully consistent with the principle which is enshrined in article VI of the Outer Space Treaty of 27 January 1967 according to which any national space activity must be the subject of authorization and of continued monitoring on the part of the appropriate State. Space operators concerned thus must implement a whole series of imperative technical rules drawing upon the best recognized international practices in this regard. This technical regulation, which is the subject of consultation with space sector operators and industrial actors, intends to protect outer space especially by implementing specific technical requirements having to do with space debris mitigation. This pursuant to international standards in this field. Here I am especially thinking about the guidelines for space mitigation as approved end 2007 by UNGA resolution A/RES/62/217 and as per the rules laid out in ISO standard 24 113. These provisions also intended to protect on Earth all persons, assets, the environment as well as public health and this against any effect or damage that could arise from the conduct of space operations under French jurisdiction.

France supports, furthermore, yet another initiative which is distinct from this but complementary to it and that is the EU draft on the security of space activities. This is an international code which is being developed and intends to promote through voluntary measures to enhance confidence and transparency the security of outer space activities, be they civilian or military.

Finally, the French delegation would like to say that it is necessary for us to undertake a new initiative in order to reduce the excessive duration of sessions and to better encourage the rationalization of the organization of debates. This request for rationalization and streamlining would not preclude any subsequent possible \_\_\_\_\_(?) future if that were to be felt warranted. Furthermore, we believe that the concurrent and simultaneous call for debate of several agenda items concurrently throughout a two-year work period is a practice hindering the proper undertaking and performance of our work. Thank you very much for your attention.

**The CHAIRMAN** I thank Her Excellency, Ambassador of France for a very good statement.

The next speaker on my list is His Excellency, Ambassador of Ukraine. I give the floor to His Excellency, Ambassador of Ukraine.

**Mr. I. PROKOPCHUK** (Ukraine) (*interpretation from Russian*) First of all, on behalf of the Ukrainian delegation, let me express our profound respect for you, Sir, and wish you every success in your position. On behalf of Ukraine, I would like to join other delegations which have expressed profound sympathy for Japan in view of the disaster that took the toll of many human lives, we wish the Japanese people courage at this hour of need.

Ukraine has consistently come out for developing international cooperation in all areas of human activity pertaining to outer space. The importance of international cooperation is reflected in international space law which is promoted by COPUOS and its Legal Subcommittee. Over the past year, Ukraine added a number of new international agreements to the agreements it already has forming a basis for bilateral cooperation.

We started a mutual beneficial cooperation with the Russian Federation in the field of developing and using GLONASS, the Global Navigation System. An agreement was signed between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on 17 May 2010. Also last year we signed a programme for Ukraine/China cooperation in the peaceful uses of outer space for 2011-2015. Ukraine/Kazakhstan cooperation plan in outer space for 2010-2011. An agreement between Ukraine and Saudi Arabia on cooperation, research and use of outer space for peaceful purposes. Furthermore, a number of Ukrainian corporations signed a memorandum on creating and using micro/nano satellites for remote sensing. At the moment we are preparing a framework agreement between the Ukraine and the Republic of Peru on cooperation in outer space.

In 2010 we completed the implementation of the biennial Ukraine/European twinning space project. In February 2010, as part of that project, we held a seminar on international and national space law. Under discussion were the latest changes in the Lisbon Treaty regarding a new competency of the European Union in the space sphere and institutional frameworks for cooperation between the European Space Agency (ESA) and the European Union. Furthermore, we discussed the latest changes in Ukraine's law on space activities, a draft Ukrainian law on remote sensing, matters pertaining to national, regional and international regulation of telecommunication and the use of radio frequency resources. In 2010, certain changes were made in Ukraine's legislation on space activities. For example, on 13 May 2010, the Ukraine's law on space activities was supplemented with an annex according to which Ukraine's National Space

Agency will have the right to open its own offices in countries and regions that offer opportunities for promoting Ukrainian space technology. We also clarified the procedure for registering spacecraft launched from Ukraine. In November 2010, Ukraine's Cabinet of Ministers adopted the resolution on mandatory insurance in space activities.

In the context of the agenda item on the status and application of the five United Nations treaties on outer space, the Ukrainian delegation believes that it is necessary to review certain provisions of the United Nations Treaty on Outer Space with a view to adapting them to the requirements of our time in view of the fast rate at which space technology is developing, the commercialization of space activities, the emergence of new actors in the space services market and, as a result, new legal relationships that are not addressed by international legislation. Our delegation believes that the lack of a clear delimitation of outer space creates a legal uncertainty in international outer space and airspace law. We support the idea of delimiting outer space and airspace.

As before, we continue to believe that the use of the geostationary orbit, which is a limited natural resource, must not only be rational but open to all countries regardless of their level of technological level development allowing them access to the orbit on an equitable basis particularly taking into account the needs and interests of developing countries and the specific geographic situation of certain States. Noting that, in recent years, environmental issues have come to the fore, the Ukrainian delegation would like to emphasize the importance of the agenda item which reads, general exchange of information on national mechanisms relating to space debris mitigation measures. Ukraine is prepared to take an active part in addressing these and other issues pertaining to the exploration of outer space. We sincerely believe that this result must benefit all countries regardless of their current level of economic or technological development. Thank you.

**The CHAIRMAN** I thank His Excellency, Ambassador of Ukraine, for a very good statement.

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

**Ms. R. RAMACHANDRAN** (India) The Indian delegation is pleased to participate in this fiftieth session of the Legal Subcommittee of UNCOUOS under your chairmanship and we are confident that under your experienced leadership the

Subcommittee will achieve good progress on the matters included on the agenda. I take this opportunity to assure you of the wholehearted cooperation and support of the Indian delegation. We would also thank the United Nations Office for Outer Space Affairs Director, Mazlan Othman and her colleagues, for their support for the work of COPUOS and its subcommittees.

At the outset, we express our condolences to the Japanese delegation for the huge loss of life and property \_\_\_\_\_(?) in the aftermath of the earthquake and tsunami earlier this month. We also share their concerns regarding the situation caused in the nuclear plant and the consequent effects of radiation hazards. In support of disaster management efforts India is providing, through Sentinel Asia, relevant space-based remote sensing data derived from Indian remote sensing satellites.

We acknowledge and applaud the outer space activities of various member States during the last year and would like to brief the Subcommittee on the significant outer space activities of India since the last session.

On 12 July 2010, India's polar satellite launch vehicle, PSLV-C15, on its 16th successive successful flight, placed CartoSat-2B and four auxiliary satellites namely, StudSat from Indian students; AISat-2A from Algeria; NLS 6.1 and NLS 6.2 from Canada; into their respective orbits. CartoSat-2B is augmenting the high resolution imaging capability of India by providing better \_\_\_\_\_(?) capability.

On 3 March 2010, India successfully conducted the flight testing of its new generation, high performance sounding rocket, the Advanced Technology Vehicle, ATV-D01. On 15 April 2010, India conducted the flight testing of the indigenous, cryogenic engine in the Geosynchronous Satellite Launch Vehicle, GSLV-3, but was not successful.

In the coming months ISRO aims to augment India's constellation of remote sensing and communication satellites. Currently India is getting ready to launch ResourceSat-2 and Radar Imaging Satellite, RISAT-1, for natural resource management, an ISRO/CNES joint mission Megha-Tropiques for tropical atmospheric studies and SARAL for studying the ocean surface. Additionally, YouthSat, a small satellite built with participation of the Moscow State University; X-SAT, built with participation of NTU of Singapore; SAPPIRE from Canada; are scheduled to be launched as co-passengers in these flights. GSAT-12 and GSAT-8 are the communication satellites to be

launched in the coming months. An advanced communication satellite, HYLAS, Highly Adaptable Satellite, built by ISRO on a commercial basis in partnership with EADS Astrium of Europe, was successfully launched on 27 November 2010. On 25 December 2010, GSLV-F06 mission with GSAT-5P communication satellite failed seconds after lift off. Detail analysis of the exact reasons for this failure is being concluded. In the area of space exploration Chandrayaan-2, Astrosat-1 and Aditya-1 are being realized for launch in the near future.

The emphasis of the Indian space programme has always been on integrating the advances in space technology and applications with national development goals particularly in vital services such as telecommunication, television broadcasting, meteorology, disaster warning, as well as natural resources survey and management.

India places considerable importance on international cooperation in space activities mainly in taking up new scientific and technological challenges, defining an international framework for exploration and utilization of outer space for peaceful purposes. Currently India has formal instruments of cooperation with more than 35 countries and international organizations. Many of these understandings pave the way for sharing our expertise in the use of space-derived geospatial information for sustainable development. India also plays an active role in several international bodies and fostering partnerships with member countries in the use of space technology for the benefit of mankind.

India has been contributing towards capacity building in the field of international space law both domestically and internationally. ISRO provides financial and technical support to premier academic institutions in India for legal research activities on contemporary issues in outer space. We encourage the participation of Indian teams in the Manfred Lachs Space Law Moot Court Competition. Our winning team, selected through our national selection process, has been financially supported by ISRO for participation in regional rounds since 2004. It is my pleasure to inform the Subcommittee that the national rounds of this competition to select an Indian team to participate in the regional rounds, to be held in Indonesia, have been successfully conducted during 18-20 March 2011 at the National Law School of India, University of Bangalore. During this year, ISRO co-sponsored the Third International Moot Court Competition of Gujarat National Law University which was oriented on a hypothetical problem of space systems operations and applications. India also takes

special interest in providing expertise and services for capacity building in the application of space technology in developing countries. The UN Centre for Space Science and Technology Education for the Asia/Pacific region, operating from India, is an initiative in this direction.

As regards the five UN space treaties, we reiterate our view that these treaties, evolved through consensus and accepted by a large number of countries, constitute the cornerstone of international space law. We favour universal adherence to these treaties, review of the status and application of these five treaties is important for encouraging States which are yet to accede to them to do so.

The Indian delegation is of the view that GSO is an integral part of outer space and is thus governed by the Outer Space Treaty. Our discussions on this issue and on the subject of the definition and delimitation of outer space are crucial to arriving at a common understanding in this regard.

We would also like to reiterate our commitment to the use of outer space for peaceful purposes. We favour development of legal principles and guidelines in the framework of the existing legal regime of space law for facilitating the peaceful use and exploration of outer space by all countries, including the developing countries. We believe that it is the responsibility of every nation to maintain outer space exclusively for peaceful purposes and refrain from trying new ventures that violate the very concept of the peaceful use of outer space. The Indian delegation would like to emphasize that orderly conduct of space exploration activities in the future will largely depend on observance of the Space Debris Mitigation Guidelines by all space-faring nations. Assured safety and security of the space assets and capabilities of all countries is of paramount importance for prospering together. We are confident that our deliberations in this august body will contribute significantly towards that goal. In the end, we would like to thank the International Institute of Space Law and the European Centre for Space Law for organizing the symposium on a 'a new look on the delimitation of airspace and outer space' which is very timely, that brought out many interesting techno/legal details on this complex topic. Thank you.

**The CHAIRMAN** I thank the distinguished representative of India for a very good statement.

The next speaker on my list is the distinguished representative of Italy, His Excellency,

Ambassador of Italy. I give the floor to His Excellency, Ambassador of Italy.

**Mr. G. GHISI** (Italy) Mr. Chairman, at the outset let me reiterate our conviction that under your able and wise leadership, the Subcommittee will reach fruitful conclusions and once more let me assure you and the members of the bureau of the full and constructive support of the Italian delegation.

At this juncture, I join previous speakers in expressing the most heartfelt condolences and solidarity to the government and people of Japan so harshly hit by an earthquake and tsunami. My country immediately responded to the Japanese appeal for collaboration providing, inter alia, high quality Cosmo-SkyMed satellite imaging for the monitoring of the consequences of the disaster. Let me also extend my gratitude to the Director of the Office for Outer Space Affairs and her staff for their commitment in ensuring the effective organization of our work.

Allow me now to highlight some points on the Italian commitment on the legal aspects of outer space international cooperation. Italy has always supported the action of the Legal Subcommittee aimed at strengthening the existing UN treaties and principles by committing the States Parties to comply and fully implement them, also through national legislation, and to promote their universality. The involvement of new space-faring countries worldwide in outer space activities and the widening of outer space applications require to seek for universal adherence to the UN treaties to preserve, advance and guarantee the exploration in the peaceful use of outer space. We believe that the Legal Subcommittee should be actively involved in the development of new guidelines to ensure the safety, security and predictability of the outer space activities with the aim of limiting or minimizing harmful interferences in outer space. It is indeed necessary to respond to the growing concern of the international community on preventing outer space from becoming an area of conflict.

Among the initiatives that could usefully complement international space law I wish to mention in particular the draft international code of conduct for outer space activities. Another field of action to which my country is particularly engaged is the space debris. Italy is fully implementing, through our national mechanism, the UN Space Debris Mitigation Guidelines. In this respect, we welcome the proposal of the Czech Republic for adding a new item on the next session agenda in order to discuss possible legal aspects of the Space Debris Mitigation Guidelines. Italy is also particularly committed in the negotiation

for the UNIDROIT draft protocol on international interest in mobile equipment on matters specific to space assets. At its forty-ninth session last year the Legal Subcommittee expressed its satisfaction with the participation of the Office for Outer Space Affairs as an observer in the negotiation session of UNIDROIT and agreed that the Office should continue participating in those sessions. We commend the fact that LSC also agreed that this item should remain on the agenda and we encourage the Subcommittee to continue discussing this item.

Since the last session of the Subcommittee the preparation of the draft protocol on space assets has been successfully completed thanks to the decision taken by UNIDROIT to reconvene, in Rome, the fourth session of the Committee of Governmental Experts from 3-7 May last year and the fifth and final session from 21-25 February this year. We are pleased to note that, at the last meeting, the Committee of Governmental Experts reached consensus on several outstanding issues such as, the definition of space assets for the purposes of the protocol and the inclusion of a clause on limitation on remedies in respect of public services with a solution which is to be considered particularly well-balanced in ensuring the continuity of the performance of public service by a space asset notwithstanding the debtor's default.

In closing the final session, the Chairman of the Committee, Professor Sergio Marchisio, indicated that he was able to recommend to the UNIDROIT Governing Council the transmission of the draft protocol to a diplomatic conference for adoption. A few issues still open will be addressed by the diplomatic conference including appointment of the supervisory authority of the international registration system. A general interest in performing such a function has been expressed by ICAO and ITU.

On legal developments at a national level, I take this opportunity to inform that the Italian Space Agency (ASI), elaborated the regulation on the national registry for the objects launched into outer space as provided by the 1975 Convention on Registration. This regulation will also deal with some specialized issues, such as the transfer of ownership of space objects and authorized space activities to third parties.

Turning now to capacity building, we congratulate OOSA for having organized the annual workshop on space law and development and developed a curriculum for a basic course on space law. The workshop in Bangkok, held from 16-19 November last year, confirmed the importance of the exchange of information and experience for the

enhancement of regional cooperation for the peaceful uses of outer space. In particular we note with appreciation the progress made in the preparation of the curriculum for a basic course on space law that could be included in the education programmes of the Regional Centres on Space and Technology Education affiliated to the United Nations. We are confident that the efforts so far made will produce fruitful operational results soon.

I also congratulate the International Institute for Space Law and the European Centre for Space Law for the excellent symposium held at the opening of this session. The subject chosen this year 'a new look on the delimitation of airspace and outer space' is still at the centre of a long-standing debate which is worth to be updated especially in light of the technological changes in space exploration.

To conclude, let me spend some words on the cost effectiveness of the work of this Subcommittee. I believe that the time has come to recognize that a two-week time frame is too much for each session. As it happened for most all of the commissions and committees within the UN Secretariat, in Vienna this is the case for CCPCJ and CND, the duration should be shortened by streamlining the organizational work and better focusing on the promotion and development of international space law applications and development. Italy is pleased to see that at the last STSC meeting efforts were made in this direction by all member States. We believe, however, that the scope of the action started is still too limited. I am convinced that shortening the duration should be a clear goal ahead of us. We can study, for instance, the experience of the Commission on Narcotic Drugs and the Commission on Crime Prevention and Criminal Justice both durations passed from ten days to five, with success. It is not only a question of consistency within the UN system but mainly of saving money and time, resources that become more and more scarce for member States while preserving the effectiveness of our work. Savings, for instance, could be used to finance additional technical assistance activities. My delegation is ready to have a constructive discussion on this issue during this session. Thank you.

**The CHAIRMAN** I thank His Excellency, Ambassador of Italy, 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. F. FLORES PINTO** (Brazil) Thank you. Before I start with the statement, on behalf of the

Brazilian delegation I would like to express my best wishes for the Nowruz, for the \_\_\_\_\_(?) that was celebrated on 21 March on the occasion of the Spring equinox and it was celebrated all over Iran, Afghanistan, Tajikistan and by the Kurdish populations of Iraq, Turkey and Syria.

The Brazilian delegation is greatly pleased to see you presiding over this important Subcommittee once more, under your wise leadership and guidance this meeting will certainly be very successful. Brazil pledges its full support to the Subcommittee and to your work. On the person of Dr. Mazlan Othman, Director of the United Nations Office for Outer Space Affairs, Brazil would like to thank all the Office staff members for the great efforts undertaken for this meeting.

Let me, on behalf of Brazil, express my sincere condolences to the peoples of New Zealand and Japan for the loss of human life caused by natural disasters in their countries. Events like these demonstrate the importance of space technology for the prevention and management of such crises.

Firstly Brazil fully endorses the statements of the distinguished representatives of Iran and Colombia on behalf of the G77 and GRULAC. Since the Subcommittee's last meeting Brazil has advanced its international cooperation and peaceful uses of outer space with several countries with outstanding results. I would like to take this opportunity to comment very briefly on some of these activities and international agreements celebrated by Brazil in this area.

Regarding the space cooperation with Argentina. The technical definition of the Argentine/Brazilian ocean observation satellite, Sabiá-Mar, has been completed. This partnership demonstrates the willingness of both countries to deepen our bilateral cooperation in the field of high technology and space cooperation. The Sabiá-Mar is expected to be launched in 2015. This satellite will collect oceanographic data to be applied on the sustainable use of marine \_\_\_\_\_(?) resources, on environmental management, on the management and prevention of disasters and on weather forecasting. In April 2010, the Brazilian and the Russian space agencies organized a business workshop in São Paulo aiming at exploring the opportunities of cooperation between companies of both countries for the production and marketing of dual receptors for global navigation satellite systems. In the context of the China/Brazil Earth Resources Satellite programme, hundreds of thousands of free satellite images from the Chinese/Brazilian satellite CBERS-2B were distributed

for developing countries in Africa and South America although, in May 2010, CBERS-2B ceased operations one year later than scheduled. Nevertheless, Brazil remains fully committed to continue programmes of open and free distribution of satellite data. Two new ground stations are scheduled for construction in Africa under the CBERS for Africa initiative presented jointly by Brazil and China at the first Group on Earth Observations Ministerial Summit in Cape Town, 2007. CBERS-3 is scheduled to be launched in 2012. In July 2010, Brazil, France and Gabon celebrated a Memorandum of Understanding on cooperation in the field of remote sensing and earth observation image sharing. Among other initiatives under this Memorandum, a ground station will be installed in Gabon.

Concerning the Cyclone-4 project, in partnership with Ukraine, the preparations for the construction of the Alcantara Launch Center have advanced. Alcantara is in a superb location for launching satellites, providing important comparative advantages in terms of fuel saving. Under the new schedule, the first qualification flight of Cyclone-4 will take place in 2012. On 12 December 2010, the Brazilian Air Force, Department of Science and Aerospace Technology, launched from the Alcantara Launch Center the VSB-30 rocket, results of the partnership between the Brazilian Institute of Space Aeronautics and the German Space Agency (DLR). This launch made it possible to put 10 experiments in a micro-gravity environment. It was the first time Brazil recovered a payload within minutes after it fell into the Atlantic Ocean having mastered an important technology. The visit of the United States President to Brazil this month allowed the signature of a framework agreement on cooperation for the peaceful uses of outer space. This instrument will lead to the continuity of a mutually beneficial relationship and enhance the space cooperation between both countries.

As a founding member of COPUOS, Brazil attaches great importance to the work of this Subcommittee. During its fifty years this Legal Subcommittee has made great contributions to space law having helped established its basic treaties and principles but it is our belief that this Legal Subcommittee's work will be even larger in the future. \_\_\_\_\_(?) Brazil would like to see the Subcommittee's role strengthened. Brazil has always supported the principles contained in the United Nations treaties on outer space celebrated between 1967 and 1979. Space activities should always be carried out peacefully and cooperatively on the basis of equality and in accordance with international law for the benefit of all mankind. Nonetheless, in the last 30 years, space

activities have proliferated and have become increasingly complex and risky and the relevance of commercial activities, led by non-State actors, has been rising. For these reasons, Brazil considers it extremely important to revise and update the space treaties and its principles in order to maintain their strength and to keep them responsive to current needs.

Brazil also takes note of regional efforts undertaken with the purpose of establishing 'soft law' frameworks to serve as reference for space-faring nations. These efforts are certainly welcome but must not supersede the existing multilateral outer space regime.

Brazil considers the discussions on the definition and delimitation of outer space to be of the utmost importance especially in the view of rolling technological progress and increased participation of the private sector in space activities. The difference between air law and space law is fundamental. Internal airspace is regulated by national air laws subject to each State's sovereignty. Outer space, on the other hand, is regulated by international space law and is not subject to any sovereignty. Therefore defining outer space is essential to eliminate uncertainties as to which legal framework is applied making it possible to assign responsibility in controversies involving space objects.

Brazil supports the principles relevant to the use of nuclear power sources in outer space approved by the General Assembly of the United Nations in 1992. Although using nuclear sources may be necessary sometimes they must be used with extreme caution in order to maintain the safety of mankind, the planet Earth and the equipment orbiting it. Therefore nuclear power sources should be used exclusively as a last resort and preferably at great distance from our planet. It is our belief that the aforementioned principles would benefit from revision and updating based on the safety framework for nuclear power source applications in outer space adopted by the Scientific and Technical Subcommittee and endorsed by the Commission on Safety Standards of the International Atomic Energy Agency.

The proliferation of space debris is an issue of great concern for Brazil. As the number of space activities carried out rises, the number of actors involved multiplies and the risk of collisions threatening the safety and long-term sustainability of these activities. Although the technical aspects have been discussed in the Scientific and Technical Subcommittee it is our belief that this Subcommittee should also examine this issue very thoroughly. Thank you.

**The CHAIRMAN** I thank the distinguished representative of Brazil, Mr. Pinto, for a very good statement.

The next speaker on my list is the distinguished representative of the Russian Federation. I give the floor to the distinguished representative of the Russian Federation, Ms. Kasatkina.

**Ms. L. KASATKINA** (Russian Federation) (*interpretation from Russian*) Mr. Chairman, distinguished delegates. This forum is taking place at a very important time, we are celebrating the fiftieth anniversary manned flight into outer space and for us this is a special holiday because it was our national, Yuri Gagarin, who had the exceptional fortune and responsibility to accomplish this manned flight. We assess this event as something which is an achievement and a success for all of mankind, it is an advance of the implementation of the desire of humankind to explore other worlds.

Fifty years later after the first manned space flight we can state that space activities are dynamic, the range is broadening, we are reaching new horizons and projects that were considered inaccessible are becoming reality. There are projects being prepared for missions to Mars, remote space, a new expedition to the Moon, new technologies involving nuclear powered rockets. We have approached a new frontier in the exploration of outer space and all of that further raises the importance of international cooperation, building a base for a new type of cooperation for a breakthrough towards the practical use of outer space. Soviet and Russian experience of practical work in outer space demonstrates that this is a complex type of activity which needs to be approached in a stepwise fashion. Therefore, we believe that the process of reviewing and updating international space law must be comprehensive and stepwise. In that context, we would like to once again draw the attention of all participants to Russia's initiative to start working on a comprehensive United Nations convention on outer space law. We also think it would be very important to further adapt the existing outer space treaties to the current status of space activities. This applies to the Moon Agreement, the delimitation of outer space and we believe that outer space and airspace need to be defined at this juncture. As you know, with the active support of the United Nations Office on Outer Space Affairs, on 4 April at 2 p.m. in the Vienna International Centre, an exhibition will be inaugurated on the occasion of the fiftieth anniversary of Gagarin's space flight. It will be attended by the Assistant Secretary-General of the United Nations, Executive Director



Fedotov, and we invite all participants to attend that event.

In conclusion, on behalf of the Russian delegation, I would like to once again express our solidarity with the people of Japan courageously facing up to the aftermath of the recent natural disaster. It has once again drawn our attention to the importance of safety in the use of nuclear facilities and we should continue keeping that in the focus of our attention. Thank you.

**The CHAIRMAN** I thank the distinguished representative of the Russian Federation, Ms. Kasatkina.

The next speaker on my list is the distinguished representative of Chile. I give the floor to His Excellency, Ambassador Labbé.

**Mr. A. LABBÉ** (Chile) (*interpretation from Spanish*) Since this is the first time that our delegation has taken the floor, let me convey our satisfaction at the way in which you have led our work with great skill and we assure you of Chile's full cooperation and we hope for a successful conclusion of this fiftieth session of the Subcommittee. We would also like to convey to the Secretariat in the person of its Director, Madame Mazlan Othman and, most particularly, Mr. Niklas Hedman, our gratitude for having supported Chile's mission in Vienna in this new phase of participation in COPUOS and its subsidiary bodies. We also associate ourselves with the expressions of condolence and solidarity with Japan and New Zealand. We are friends, we are brothers, both members of the Pacific Ocean community of nations, we also share the pain inflicted by our proximity to the so-called 'fire belt' in which we are situated. However, we know that the Japanese nation will rise soon stronger than ever.

Chile is part of the collective statement made by the G77 and China and the Group of Latin American and Caribbean States and on this occasion we wanted to simply add a few comments in our national capacity.

The half century since the establishment of the United Nations Committee on the Peaceful Uses of Outer Space and also the fiftieth anniversary of the first manned space flight, has seen the emergence of a multilateral system faced with multiple challenges which not only result from the progress of science and technology but also the persistence of conflicts. The important breakthroughs in the area of creating a legal framework in such spheres as human rights, sustainable

development, humanitarian law and disarmament, certainly have counterparts in the instruments negotiated within the framework of COPUOS. I am referring to conventions, principles and codes used in practice to confront the various challenges that have to do with the lack of political will as well as the reality that all paradigms are not applied to new realities. We could not but observe that, in her report, the Director of OOSA, speaking on the status of United Nations space treaties and conventions, the degree of universalization as she pointed out is lower than that in other international laws. This is a matter of concern for Chile, a country of medium revenue which has opted for the model of development based on commerce and openness to the world. Indeed, my country has resolutely embraced globalization but we support the kind of globalization that is governed by rules that are negotiated and implemented in a way where all countries, ourselves included, are active participants. The interdependency that characterizes modern globalized economies obviously calls for international cooperation but not the kind of cooperation conceived as a given, or as an obligation imposed from the point of view of an entrenched ideology over another, this is cooperation that should come out of common interests where all States have something to gain. In other words, cooperation among partners. Interdependence was something that was emphasized very specifically in the final document of the 2005 United Nations Summit, specifically its resolution A/60/1 approved by consensus by the UN General Assembly. Its paragraph 9 proclaims that peace and security, development and human rights are pillars of the United Nations system, foundations of security and collective well-being. We recognize that development, peace, security and human rights are interrelated and strengthen each other. Synergies between these three pillars is reaffirmed by globalization itself and it is globalization that, in large measure, results from applications of space technologies. Hyper-connectivity, awareness of a global reach and a better physical perception of our planetary home, shared by all humans, has led to cognitive and sociological phenomena that have largely been promoted and pushed forward by the peaceful use of outer space.

The most recent convention on outer space entered into force 30 years ago and of course the development of technologies and space applications that has occurred since and the effective use of outer space have acquired a vertiginous speed which is moving far ahead of the codification process, the process of developing international law to support it. Public and private entities are involved involving common interests in large measure materialized through 'soft law' mechanisms, the emergence of a

major player in the person of the private sector and private sector corporations creates the \_\_\_\_\_(?) of protecting not just common interests but global economies and, as we have seen in the latest crisis, self-regulation clearly is not sufficient.

Chile has incorporated in its foreign policy the paradigm of human security which requires that we look with new eyes at the agenda of peace and security as something that puts the human being in the centre of attention as a recipient of multilateral activities. The security of the State is understood as the security of all citizens having dignity and rights as a priority. The Declaration on the Security of the Americas, approved by the General Assembly of the Organization of American States in 2002, identified certain phenomena such as new threats to security. My country has been and will continue to be an active advocate of a vision of human security in this Committee, understanding that space applications are valuable as a way to predict and mitigate natural disasters but also to fight drug trafficking, terrorism and, in general, transnational organized crime. The same vision of human security has made us enthusiastic proponents of COPUOS, its various bodies and multilateral fora directly involved in promoting the agenda of sustainable development. In fact it is our obligation to contribute to the success of the United Nations Conference on Sustainable Development which will take place in Rio de Janeiro in the coming year.

Having said all that, the real capability of reaching all our objectives obviously depends on ensuring the sustainability, in the long term, of human activities in outer space. This requires a multidisciplinary approach, cooperation and flexibility which would place an emphasis on the shared interests that are at stake. We believe that it is on the basis of that conceptual platform that we will be able to reach consensus and launch specific actions that are required.

To conclude, I would like to reiterate that my country is fully prepared to work with conviction and pragmatism with other members of the United Nations, with intergovernmental organizations as well as non-governmental organizations involved with the academic world and the private sector to ensure the success of our collective efforts. Thank you.

**The CHAIRMAN** I thank His Excellency, Ambassador of Chile for a very good statement.

The next speaker on my list is the distinguished representative of Indonesia. I give the floor to the distinguished representative of Indonesia, Mr. Suprojo.

**Mr. C. SUPROJO** (Indonesia) On behalf of the Indonesian delegation I would like to convey our \_\_\_\_\_(?) at seeing you once again presiding over the current fiftieth session of the Legal Subcommittee of COPUOS. On behalf of the people of Indonesia allow me to express our deep condolences and heartfelt sympathy to the people of New Zealand and Japan who have suffered from the tragic natural disaster that hit both countries. Our prayers go to the victims and we truly hope space technology can be utilized to mitigate and contribute to the speedy recovery in the affected areas. Indonesia would like to associate itself with the statement of G77 and China given by the Ambassador of Iran earlier in this forum.

Since the first human flight to outer space fifty years ago, space activities and technology have developed significantly. Various space objects and programmes have been launched which have had a positive impact on the betterment of human life and development. Nevertheless, the issue of definition and delimitation of outer space remain unresolved. After 50 years of discussion and exchange of views on this matter, within the COPUOS forum, Indonesia believes that now is the time to find a solution to this long-standing issue. The definition and delimitation of outer space \_\_\_\_\_(?) to ensure legal certainty in the implementation of outer space law and airspace law. The \_\_\_\_\_(?) concerning State sovereignty over air and space and the scope of the two different legal regimes need to be clarified as to reduce the possibility of disputes among States. In this connection, Indonesia would like to encourage delegations to \_\_\_\_\_(?) their efforts to reach consensus on this very important matter and explore new approaches.

With regard to the utilization of the geostationary orbit, which is a limited natural resource, the Indonesian delegation believes that its utilization should be extended to and for the benefit of all countries under the condition of equality, taking into account the needs and interests of developing countries and the geographical location of certain countries.

Indonesia welcomes the adoption of the safety framework for nuclear power source applications in outer space in 2009. The strict implementation of this framework is very essential in ensuring the safety of the use of such technology in space activities. In this regard, the Indonesian delegation looks forward to a fruitful discussion under this agenda item. With the continuous \_\_\_\_\_(?) of actors in space activities, the development of space law is one of the most essential elements. Indonesia is currently in the process of legislating national space law. The valuable information made available during the discussion of

the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space has contributed in the legislation process of Indonesian national space law. Furthermore, Indonesia encourages free access to the various data and information on space law especially to assist developing countries to further enhance their national space legislation.

Efforts to shape the international legal regime outside the framework of COPUOS to register space activities such as the ongoing discussion on the draft protocol on space assets, under auspices of UNIDROIT, \_\_\_\_\_(?) international interests particularly of the private sector in the future of space activities.

Indonesia having ratified in 2007 the Cape Town Convention on International Interest in Mobile Equipment and the protocol on matters specific to aircraft equipment by Presidential regulation 8 of 2007, as well as the ongoing negotiations on the draft protocol on space assets with interest. Indonesia is of the view that such effort should also adhere to the existing UN treaties and other UN principles that govern space activities. The division of rights and liability between space actors, governmental or non-governmental, should be fully in accordance with those treaties and principles. Indonesia also continues to actively participate in the strengthening of Indonesian cooperation which is very essential in the sharing of knowledge, experience and best practices in space activities. At the national level, Indonesia continues to promote space education and awareness among youth by organizing an annual space week, participated in by students and academics. In this respect, we are happy to inform you that from 3-5 June 2011 LAPAN, in cooperation with Universitas Pelita Harapan of Indonesia and the Indonesian Institute for Space Law, will host the 2011 Asia/Pacific round of the Manfred Lachs Space Law Moot Court Competition to further enhance space awareness and education among the young generation.

To conclude, I would like reiterate Indonesia's firm commitment and support to the effort of the Subcommittee for the benefits of mankind. Thank you.

**The CHAIRMAN** I thank the distinguished representative of Indonesia for a very good statement.

Are there any other speakers on general exchange of views at this time? I see none.

We will therefore continue our consideration of agenda item 3, general exchange of views, this afternoon.

#### **Status and application of the five United Nations treaties on outer space (agenda item 4)**

Distinguished delegates, I would now like to begin our consideration of agenda item 4, status and application of the five United Nations treaties on outer space. I would like to remind delegates that this item will also be considered by the Working Group on item 4.

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

**Mr. P. BITTNER** (Austria) During the forty-ninth session of the Legal Subcommittee we had a very efficient and productive meeting of the Working Group under the able chairmanship of Jean-François Mayence and set the framework for our considerations this year. One of the subjects we decided to deal with was the implementation of the mechanism of responsibility and liability of States as provided in the Outer Space Treaty and the Liability Convention. In this context, we would be interested to discuss the liability in the case of more than one launching State. Another subject was the registration of space objects in the case of transfer of space activities of space objects in orbit. We consider this to be of increasing importance and therefore strongly support the consideration of this subject.

Finally, we agreed to consider possible points of consensus or of concern among States about the Moon Agreement and its implementation. This fits into the discussions we already had during the past sessions of the Legal Subcommittee. 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. Austria considers this document still to be of relevance. 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 address activities on the Moon. In the margins of the forty-ninth session, Austria organized a seminar to facilitate the discussions on the Moon Agreement in an informal setting. We had a fruitful and open discussion that put many ideas and arguments related to the Moon Agreement on the table, including the main concerns. The provision that attracted most interest or concern was certainly article XI, which defines the Moon and its natural resources as the common heritage of mankind and obliges States Parties to establish an international regime to govern the exploitation of the

natural resources of the Moon. In our view, the discussion of this article showed that the principle of common heritage of mankind is not necessarily an obstacle. Whether or not the Moon Agreement and the common heritage principle is acceptable or even attractive to the majority of States, in particular to those having the capability to exploit the natural resources of the Moon, will depend on the features of the international regime to be established. Article XI itself gives enough flexibility to develop a regime that satisfies investors as well as those lacking the resources to sustain their own exploitation programme.

A valid argument was made that the exploitation of the Moon's natural resources is currently not imminent and therefore there is no need to give priority to the Moon Agreement or the international regime. However, Austria would see some benefit in considering such an international regime, or at least a more concrete framework, well before any exploitation realizes as this would certainly facilitate negotiations. By the time exploitation is imminent, it will get more difficult to find consensus on a more concrete framework or even an elaborate regime. Of course development of such an international regime, well in advanced of exploitation, would itself be a long-term exercise as in principle only States Parties to the Moon Agreement are entitled to establish the international regime according to article XI. A first step would be to increase the number of States Parties while ensuring that space-faring nations and non-space-faring nations are both adequately represented and only in a next step an international regime could be elaborated. However, this procedure should not exclude the possible involvement of non-State Parties in the elaboration of the regime. We think that such an approach is worth considering and are looking forward to an interesting discussion in the Working Group. Thank you.

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

The next speaker on my list is the distinguished representative of China. I give the floor to the distinguished representative of China, Mr. Liang He.

**Mr. L. HE** (China) (*interpretation from Chinese*) The Chinese Government has always attached great importance to and actively participates in the development of law and order for outer space. China has already become Party to four of the five UN treaties on outer space and has always strictly complied by the basic principles and concrete provisions as set out in these treaties in its outer space activities. We

note that the five UN outer space treaties have formed the basic framework of outer space law. However, due to the ever fast development of outer space activities which have brought more and more new problems and challenges, we can no longer rely on the existing treaties to solve them. Therefore we support the Legal Subcommittee to conduct a review on this agenda item and we are ready to work with all parties concerned to study all the problems and challenges faced by the existing outer space law and to promote the development and improvement of the outer space law. We also hope that the Legal Subcommittee, as the most important and authoritative exchange platform in the field of space activities, will use its strength and innovative ideas to study, guide and improve the current outer space law system including conducting a study on the appropriateness and feasibility of a comprehensive outer space law without prejudice to the basic principles governing the outer space as set out in the existing outer space treaties.

Space activities are highly risky and therefore the identification and implementation of a liability and compensation regime can ensure the \_\_\_\_\_(?) development of space activities. China believes that the liability and compensation regime for State Parties, set up by both the Outer Space Treaty and the Liability Convention, constitutes an important component of space law and should be implemented effectively by all States Parties. As a State Party to both instruments, China has always complied with and actively implemented the relevant provisions. China is in the process of developing relative domestic legislation to further improve the relevant systems such as the liability insurance and government guarantee. We are ready to listen to the experience of other countries in their legislation and to keep communication and exchanges on related issues.

Unregistered objects launched into outer space represent a hidden danger to space security and are not conducive to the implementation of the Liability Convention. China fully recognizes the necessity for the registration of space objects and has actively implemented the relevant procedures in its space activities. For this purpose, China adopted in 2001 the measures for the administration of registration of objects launched into outer space. We would like to take this opportunity to introduce some of our relevant practices here.

When a Chinese company provides a launch service for a foreign space object, China would require the Chinese company to carry out a domestic registration for the last stage of the launching vehicle. After that, China would carry out the international

registration for the launching vehicle as a launching State. We believe that when a launching State is neither a country of ownership nor a country of operation for the space object it is desirable, in case no special agreement is reached, for the country of ownership and the country of operation to carry out the international registration for the space object because these two countries will keep monitoring the space object for a long time and should inform the UN Secretary-General of any changes that happen to a space object in line with the Registration Convention.

Concerning the scope of the space object registration, China carries out not only registration for successfully launched space objects but also domestic and international registration for those space objects which have not successfully entered their orbit but have been launched into space. In addition, when ownership of a space object in orbit is transferred there is a need to change the country of registration. In practice when changes happen to the jurisdiction of the country of registration, the country registering the space object related to the region whose jurisdiction has changed will also need to be changed accordingly. For example, before 1 July 1997, four communication satellites owned by Hong Kong, including the Asian-1 satellite, were registered with the UN by the United Kingdom. After China regained sovereignty over Hong Kong both the Chinese and UK permanent missions to Vienna sent note verbales to the UN Secretary-General respectively and changed the country of registration for the above-mentioned satellites from the UK to China. Such a practice provided useful experience for solving similar problems.

Though China has not yet become a Party to the Moon Agreement it respects the basic principles and spirit as reflected therein and has been conducting active studies on the Moon Agreement and related issues. In October last year China successfully launched its Chang'e-2 lunar satellite which is now operating well in orbit and is carrying out various scientific exploration activities as planned. During the lunar exploration activities, China has always carefully followed the basic principles as set out in the various treaties governing outer space and is pressing ahead steadily with other scientific research programmes of the lunar exploration project. We are confident that China's lunar project will contribute to a better understanding of the Moon by mankind. Thank you.

**The CHAIRMAN** I thank the distinguished representative of China for a very good statement.

Are there any other delegations wishing to make a statement under this agenda item at this morning's meeting? I see none.

We will therefore continue our consideration of agenda item 4, status and application of the five United Nations treaties on outer space, this afternoon.

**Information on the activities of international intergovernmental and non-governmental organizations relating to space law (agenda item 5)**

Distinguished delegates, I would now like to begin our consideration of agenda item 5, information on the activities of international intergovernmental and non-governmental organizations relating to space law. Under this agenda item, international intergovernmental and non-governmental organizations were invited to report to the Legal Subcommittee on their activities relating to space law. Delegations will have before them the reports received from international organizations contained in A/AC.105/C.2/L.281 and Add.1.

Distinguished delegates, the first speaker on my list is the distinguished delegate of Intersputnik. I give the floor to the distinguished representative of Intersputnik, Ms. Elina Zaytseva.

**Ms. E. ZAYTSEVA** (Intersputnik)  
Distinguished delegates, founded in 1971 Intersputnik is an international intergovernmental organization headquartered in Moscow. To date, Intersputnik has 25 member countries. Its mission is to contribute to the consolidation and expansion of economic, scientific, technological and cultural relations using satellite telecommunications, video and audio broadcasting and to support cooperation and coordination of the efforts of the member countries aimed at designing, procuring, operating and expanding an international satellite telecommunications system. As it is now, under the Radio Regulations of the International Telecommunication Union, frequency assignments of satellite networks can be filed on behalf of a group of administrations. One administration acts as a notifying administration and takes steps for the purpose of filing the assignments on behalf of the whole group. This is also applicable to a group of administrations being members of the international organization. In accordance with these Radio Regulations Intersputnik, through the notifying administration appointed by the member countries, filed with ITU a number of frequencies to satellite networks in the geostationary orbit. With its own orbit and frequency resources, Intersputnik is able to participate in international and domestic satellite projects together with its members

for the purpose of manufacturing, launching and operating telecommunication satellites in Intersputnik's orbital slots.

In June 2009, Intersputnik reported to the Legal Subcommittee of the UN Committee on the Peaceful Uses of Outer Space at its forty-ninth session that Intersputnik's notifying administration, that had been performing such functions since 1993, refused to continue performing the functions of notifying administration with respect to the majority of satellite networks filed earlier in Intersputnik's interest except for three satellite networks.

The reason for such partial abandonment of the functions was that the notifying administration and Intersputnik had started disputing over the status of the above space satellite networks. In the opinion of identifying administration, the networks had a national status while Intersputnik believed that it had been filed in the interest of all members and hence had an international status.

Intersputnik's opinion was confirmed by its governing body which made a decision that Intersputnik had an exclusive right to the satellite networks, that decision was binding on all members. Nevertheless in 2009 and 2010, the notifying administration several times requested the Radiocommunications Bureau of ITU to recognize its exclusive right to the above three networks, or cancel or suspend their use.

The Bureau requested the administration to confirm that it had claimed that this be done on behalf of the group of administrations of the member countries. The notifying administration failed to confirm that and the Bureau did not comply with the claims. If the Bureau had formerly complied with the request of the notifying administrations, this would have seriously affected the lawful interests of other administrations of the Intersputnik member countries and would have caused considerable material damage to the administrations of the Intersputnik member countries that, in practice, use the satellite network in question to establish branched terrestrial satellite telecommunications networks and numerous telecommunications and broadcasting channels.

Despite the fact that the Radiocommunications Bureau confirmed that the satellite networks had been filed by the notifying administration on Intersputnik's behalf and Intersputnik's interests, the notifying administration in question requested the Radio Regulatory Board of ITU to recognize the exclusive national rights to one of

three satellite networks, to suspend the use of the frequency assignments of two satellite networks and to modify the ITU database by specifying that the entity responsible for the operation of the allegedly national satellite network is a notifying administration and not Intersputnik.

Having thoroughly studied this request, the Regulatory Board rejected all claims of the notifying administrations. There was also presented an official letter of the Chairman of the Intersputnik board to the effect that, at each session, the Intersputnik board resolved to terminate the performance by the said telecommunications administration of the functions of the notifying administration acting on behalf of a group of administrations of the member countries of Intersputnik and assign such functions to the administration of another member country of Intersputnik.

While considering the above request, the Bureau noted that, according to the established practice, it was required to receive two official notices in order to modify the database to replace the notifying administration namely, one notice from the administration which stops performing the function and the other one from the new administration confirming its readiness to perform such functions. In the case of Intersputnik, no notice was received from the telecommunications administration performing the functions of the notifying administration that it was giving up the functions of the notifying administration and the Bureau did not modify the database.

It has to be admitted that the Radiocommunications Bureau has come across a specific situation concerning the relations between a group of administrations being members of an intergovernmental organization and a notifying administration appointed by the group. The procedure of appointing and defining an administration acting on behalf of a group is clearly defined in the Radio Regulations. For this purpose, the notifying administration chosen only needs to specify, in the new filing, that the networks concerned are filed on behalf of the group. All future requests concerning registration of the filing should be treated by the Bureau as if they are sent by the whole group unless there exists any information to the contrary. At the same time, the administrations that are members of the group are actually unable to implement the agreed decision to replace the notifying administration because the Bureau's practice only allows a notifying administration to be replaced if the notifying administration being replaced voluntarily gives notice to the Bureau of the decision of the performance of its

functions as a notifying administration. However, both the choice and the replacement of a notifying administration, acting on behalf of the group, is the prerogative of the group. The fact that the Bureau lacks a mechanism to duly take into account the opinion of a large group of administrations of the group's member countries makes the Bureau \_\_\_\_\_(?) the situation affecting the lawful interests of a large group of administrations and ultimately impeding the efficient use of the orbit and frequency resource by the administrations, on whose behalf this resource was filed.

In connection with the aforesaid, Intersputnik believes that the time is right to consider updating the Rules of Procedure and the Radio Regulations to define a mechanism which would enable a group of telecommunications administrations to exercise their right to appoint or replace the notifying administration, acting on behalf and in the interests of this group. When trying to improve the legal control mechanisms and fill the legal vacuum, it is extremely important to consider this issue from various viewpoints in order not to infringe upon the lawful rights or interests of other groups of telecommunication administrations, including those that are members of international organizations. Thank you.

**The CHAIRMAN** I thank the distinguished representative of Intersputnik 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. Ulrike Bohlmann.

**Ms. U. BOHLMANN** (European Space Agency) Let me first join the previous speakers in expressing our happiness to see you chairing this session of the Legal Subcommittee and in congratulating Dr. Othman on her and the staff's achievements in the work of OOSA. ESA is convinced that under your able and experienced guidance the Legal Subcommittee, assisted by OOSA, will continue to achieve excellent results.

I would also like to take this opportunity to express my sincere condolences to the peoples of New Zealand and Japan for the severe losses they had to suffer following the recent natural disasters.

Thank you very much for providing us the opportunity to submit to the Legal Subcommittee a

short summary report on the general activities of the European Space Agency relating to space law.

ESA contributed to the joint organization, together with the UN Office for Outer Space Affairs, the Government of Thailand and the Asia-Pacific Space Corporation Organization of the UN/Thailand Workshop on Space Law, entitled 'Activities of States in Outer Space in Light of New Developments: Meeting International Responsibilities and Establishing National Legal and Policy Frameworks' hosted by the GeoInformatics and Space Technology Development Agency in Bangkok from 16-19 November last year. A presentation on the role of bilateral and multilateral agreements in regional and international cooperation was delivered to that workshop.

Furthermore, representatives of ESA's Legal Department continued to lecture on space law, inter alia, at ISU and the Masters degree programme of the University of Paris XI in Sceaux. Presentations were also given at a NASA lawyer convention in Los Angeles; at the fifty-fourth annual colloquium of the International Institute of Space Law within the framework of the annual congress of the International Astronautical Federation in Prague; at the first IISL/IAA symposium on space law and policy in Washington; and, within the framework of the Law in Space seminar organized by the University of Toulouse, the Midi-Pyrénées region and CNES. Lectures and presentations focused in particular on the legal implications of the following topics: human space flight, including projects for space tourism; GMES; intellectual property rights; the European preparatory programme on space situation awareness; the typology 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; and European data policies and data policy for Earth observation satellites in general.

In 2010, representatives of ESA also 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 undertaking 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.

Another emphasis was also put on the developments concerning the preliminary draft protocol on matters specific to space assets to the UNIDROIT convention on international interests in mobile equipment. ESA representatives participated in

the Committee of Governmental Experts for the preparation of the preliminary draft protocol.

With regard to the activities of the European Centre for Space Law, created and supported by ESA, with your permission 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 2010 and to give some prospects for its activities in 2011.

**Mr. R. MILCHBERT** (European Centre for Space Law) Thank you for giving us the opportunity to submit to the Legal Subcommittee a summary report on the general activities of the European Centre for Space Law, hereinafter 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. The current chairman of ECSL is Professor Sergio Marchisio from the University of La Sapienza from Italy.

ECSL's main objective is to build up and spread, in Europe and elsewhere, an understanding of the legal framework relevant to space activities. Information exchange and the promotion of the teaching of space law are the two major tools to reach that goal. ECSL has a flexible and open structure, the Centre brings together many professional lawyers, academics and students and encourages interdisciplinary exchanges. The ECSL General Assembly, open to all members, meets every few years and elects the ECSL Board which functions \_\_\_\_\_(?) and assists in the running of activities. The Executive Secretariat is in charge of the management and growth of the Centre's activities. ECSL has international membership and a network with national points of contact. National points of contact has been set up in more than 12 ESA member States in order to facilitate its contacts with members and the organization of activities.

Let me provide a short summary of 2010 activities and activities to come in 2011.

For colloquia, conferences and international cooperation. The International Institute of Space Law and ECSL jointly organized in 2010 a symposium on: National space legislation, crafting legal engines for the growth of space activities, during the forty-ninth session of the COPUOS Legal Subcommittee. This year the IISL/ECSL symposium focused on: A new

look on the delimitation of airspace and outer space. This event was coordinated by Ms. Tanja Masson-Zwaan from IISL and Professor Marchisio, the ECSL Chairman. The annual ECSL Practitioners Forum took place on 19 March 2010 at ESA headquarters in Paris, France and focused on the theme: 'Galileo: Current legal issues'. The last edition of the forum was held dated March 2011 at ESA headquarters in France and dealt with 'manned space flight safety issues: legal and policy aspects'.

The 19th edition of the ECSL Summer Course on Space Law and Policy was organized in September 2010, by ECSL and the University of Jaén, Spain. There were 38 students from 15 countries from different parts of the world. The students followed lectures on space law and policy issues given by speakers who were either academics or practitioners. The 20th ECSL Summer Course will held in September 2011, exact dates and location to be decided soon.

The European round of the Manfred Lachs Space Law Moot Court Competition took place at the Faculty of Law of the University of Győr, Hungary, in April 2010. Nine universities and 21 students participated in this competition. The University of Cologne, Germany, winner of the European round, represented Europe at the world final of the competition which took place during the 61st International Astronautical Congress in Prague, Czech Republic in September 2010. The George Washington University from the United States won the final, which was judged by three members of the International Court of Justice. The next edition of the European round will be held on 28 and 29 April 2011 at the Faculty of Law of St. Petersburg State University, Russian Federation. The world semi-finals and finals of the competition will take place in Cape Town, South Africa, during the 62nd International Astronautical Federation Congress.

The fourth workshop, jointly organized by African Regional Centre of Science and Space Technology (CRASTE), Royal Centre for Space Remote Sensing of Morocco (CRTS) and ECSL, took place on 3-4 June 2010 at the Mohammedia Engineering Institute of Rabat, Morocco. More than 50 students and professionals participated in the Workshop.

Finally, let me mention a few elements on ECSL documentation and publication. The ECSL legal database has been recently updated with new relevant topics and a large bibliography which intends to be a useful tool for students and practitioners. This site aims



to promote the work carried out by the ECSL National Points of Contact, space law institutes, universities and other organizations, as well as national space agencies in order to create a network among all institutions working in the area of space law.

The ECSL newsletter features articles on legal issues and others topics of interest to the space community. All the newsletters are available on the ECSL website. The next will be published next week.

The ECSL book on the Astronauts and Rescue Agreement has been published recently and it collects different articles written by eminent specialists in this field and a copy will be offered to the library of the Office for Outer Space Affairs. Thank you for your attention.

**The CHAIRMAN** I thank the distinguished representative of the European Space Agency and the European Centre for Space Law for a very good statement.

Are there any other delegations wishing to make a statement under this agenda item at this time? I see none.

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

Distinguished delegates, I will shortly adjourn this meeting so that the Working Group on the Status of Treaties can hold its first meeting but, before doing so, I would like to remind delegates of our schedule of work for this afternoon. We will meet promptly at 3 p.m. At that time, we will continue our consideration of agenda item 3, general exchange of views; item 4, status and application of the five United Nations treaties on outer space; and item 5, information on the activities of international intergovernmental and non-governmental organizations relating to space law.

Are there any questions or comments on this proposed schedule?

I give the floor to the Secretariat for an explanation.

**Mr. N. HEDMAN** (Secretariat) This is an announcement by the Secretariat. There is a meeting today with the G77 and China delegations and it will take place at 14:00 in room M7. In room M7, 2 p.m.

today, a coordination meeting within the Group of 77 and China. Thank you

**The CHAIRMAN** Thank you very much Mr. Hedman for that explanation. Are there any other questions or comments on this proposed schedule? I see none.

This meeting is adjourned until 3 p.m.

*The meeting closed at 11.57 a.m.*