

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

*Unedited transcript*

825<sup>th</sup> Meeting

Wednesday, 30 March 2011, 3 p.m.

Vienna

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

*The meeting was called to order at 3.13 p.m.*

**The CHAIRMAN** Excellencies, distinguished delegates, ladies and gentlemen, good afternoon. I now declare open the 825th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

I would first like to inform you of our programme of work for this afternoon. We will continue our consideration of agenda item 3, general exchange of views. We will continue and hopefully suspend our consideration of agenda item 4, status and application of the five United Nations treaties on outer space, pending deliberation of the working group on this agenda item. We will continue and hopefully conclude agenda item 5, information on the activities of international intergovernmental and non-governmental organizations relating to space law. We will continue our consideration of agenda item 6(a) definition and delimitation of outer space and (b) the character and utilization of the geostationary orbit.

I would like to remind delegations to provide the Secretariat with possible corrections on 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 next week, Monday 4 April.

We will then adjourn the meeting so that the working group on agenda item 4, status of treaties, can hold its fourth meeting.

Are there any questions or comments on this proposed schedule? I see none.

I give the floor to the representative of the Secretariat, Mr. Niklas Hedman, for comments.

**Mr. N. HEDMAN** (Secretariat) Distinguished delegates, the informal consultations we held this morning on organizational matters, method of work of the Legal Subcommittee, was very helpful to the Secretariat. With your permission, and if there are no objections, I would like to make a slight change in our schedule for this session of the Subcommittee as follows.

Delegations will recall that the only agenda item where organizational matters can be brought up is agenda item 12, proposals to the Committee on new items for consideration by the Subcommittee. This is an item that will establish the agenda for the next session and this is an item where organizational matters has been brought up in the past. With your permission the Secretariat is willing to advance item 12, with regard to organizational matters, to this Friday this week. Which means that in the morning meeting on Friday, 1 April, we could include item 12 and in the afternoon meeting on Friday we could also include item 12 which would then provide delegations with full interpretation services.

Are there any objections to advance item 12 with regard to organizational matters, method of work, for this Friday?

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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.

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When it comes to proposals for new items and agenda for the Subcommittees that would remain for next week as originally scheduled.

In addition, the Secretariat is in consultation with Conference Management Service and the idea is then for Friday a representative of Conference Management Service would be at our disposal and would answer questions related to the discussions we had this morning in informal consultations. At the same time, since we would then benefit from the presence of Conference Management Service, we would also then on Friday bring up the issue of review of the use of transcripts of the Committee on the Peaceful Uses of Outer Space and its Legal Subcommittee and I refer in that regard to L.282 on the proposal of discontinuing of unedited transcripts. The proposal is, this Friday we include in the formal agenda with interpretation services as a plenary item, item 12, limited to organizational matters, method of work. Both morning and afternoon meetings.

Mr. Chairman, if you ask the body if there are any objections to this new schedule.

**The CHAIRMAN** Thank very much to Mr. Hedman for the statement of the Secretariat.

Distinguished representative of the Czech Republic.

**Mr. V. KOPAL** (Czech Republic) Thank you for giving me the floor. I fully understand the need for this amendment to the schedule of the session however, I would appreciate if it were possible to include these items on Friday morning and Friday afternoon, but particularly on Friday morning, after the present points of the agenda as originally planned, that is, after point 10.

**The CHAIRMAN** Thank you very much distinguished representative of the Czech Republic.

I give the floor to Mr. Hedman.

**Mr. N. HEDMAN** (Secretariat) The order would be as follows for Friday. Item 3, item 6(a), item 6(b), item 10, item 12.

**The CHAIRMAN** Thank you very much to Mr. Hedman for your statement.

### **General exchange of views** (agenda item 3)

Now I would like to continue our consideration of agenda item 3, general exchange of views.

No speakers on my list. Are there any delegations wishing to make a statement under this agenda item? I see none.

We will continue our consideration of agenda item 3, general exchange of views, tomorrow morning.

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

Distinguished delegates, I would like to continue and hopefully suspend our consideration of agenda item 4, status and application of the five United Nations treaties on outer space..

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

**Mr. P. SEKHULA** (South Africa) Thank you for the opportunity to make a contribution to this important item. The delegation of South Africa would like to make statement regarding the status and application of the five United Nations treaties on outer space.

South Africa believes that the United Nations treaties on outer space provide a legal structure that is necessary for supporting the developments in space activities and for strengthening international cooperation in the peaceful uses of outer space.

South Africa has a dualistic system of law which requires that we incorporate international treaty obligations into domestic law. South Africa is a Party to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, that is the Outer Space Treaty, and the key provisions of this treaty are incorporated through the Space Affairs Act, Act No. 84 of 1993, which was amended in 1995. In accordance with the requirements of the Outer Space Treaty, the Space Affairs Act is primarily a regulatory framework for the conduct of space activities in and from South Africa. The space activities that are regulated under this Act are defined as the activities directly contributing to the launching of spacecraft and the operation of such craft in outer space. In essence,

any space activity as defined by the Act can only take place once a licence has been issued for that activity. The responsible statutory body for issuing licences is the South African Council for Space Affairs. The South African Council for Space Affairs is also mandated, among other things, to supervise and take care of the interests, responsibilities and obligations of South Africa regarding space and space-related activities in compliance with international conventions and agreements entered into by South Africa.

In addition to establishing a licensing regime, the Space Affairs Act effectively addresses the issues of liabilities for damages as provided for in terms of the Liability Convention. When granting a licence, the Space Council may include conditions relating to the liability of the licensee for damages and also for obligations arising from international agreements.

South Africa has also ratified the 1968 Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, that is the Rescue Treaty. South Africa is very much aware of the need for the universalization of the United Nations conventions on outer space.

South Africa is pleased at this juncture to report to the Subcommittee that the process of accession to both the Convention on International Liability for Damage Caused by Space Objects and the Convention on the Registration of Objects Launched into Outer Space is almost concluded. Once this process is finalized South Africa will lodge the instruments of accession accordingly.

The South African delegation would like to reiterate the importance of adherence to the treaties that is crucial and would like to encourage those States that have not yet ratified or acceded to these treaties to consider becoming Party to the UN treaties.

In closing, the delegation commends the work of the working group over the past two days regarding the status and application of the UN treaties. We are also encouraged by the discussions and deliberations on the Moon Agreement which we will take into consideration in the near future. Thank you.

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

No more speakers on my list. Are there any other delegations wishing to make a statement under this agenda item? I see none.

We have therefore suspended our consideration of agenda item 4, status and application of the five United Nations treaties on outer space.

**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 continue and hopefully conclude our consideration of agenda item 5, information on the activities of international intergovernmental and non-governmental organizations relating to space law.

No speakers on my list. Are there any delegations wishing to make a statement under this agenda item? I see none.

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

**Matters relating to: (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** (agenda item 6)

I would now like to continue our consideration of agenda item 6(a) the definition and delimitation of outer space and (b) the character and utilization of the geostationary orbit.

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

**Mr. C. SUPROJO** (Indonesia) First of all Indonesia appreciates the initiative to hold the symposium of a new look on the delimitation of outer space \_\_\_\_\_(?) of the first day of the Legal Subcommittee on 28 March 2011. The symposium has given comprehensive explanation and new insights of the legal aspect of the definition and delimitation of outer space. Having followed the symposium with great interest, Indonesia believes that the symposium could encourage member States to step up their efforts in finding solutions and new approaches to the ongoing discussion on the definition and delimitation. The substantive matters discussed and information provided during the symposium have brought enlightenment and

prospect for possible approaches in finding solutions of the long-standing issue of definition of delimitation.

This delegation would like to reiterate our view that the absence of definition and delimitation of outer space has created legal \_\_\_\_\_(?) due to different interpretation among States Parties in implementing the different legal regimes of airspace and outer space. Certainty of State security over its airspace would ensure the effective implementation of the principle of the freedom of use of outer space for peaceful purposes.

Furthermore, the current intensification and diversification of space activities, such as the emerging of non-governmental actors, have created legal questions on the division of liability and responsibility within those parties. In this regard, a clear line between the two different legal regimes needs to be clarified. The Indonesian delegation believes that it is more urgent to employ more effort, seriousness and willingness to discuss the issue and reach consensus. Having heard views from distinguished delegates in this forum, we believe that we have strong commitment to find ways and new approaches in formulating consensus on this issue. Thank you.

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

For this agenda item, definition and delimitation of outer space there are no more speakers on my list. Are there any other delegations wishing to make a statement under this agenda item 6(a)? I see none.

The next item is agenda item 6(b) the character and utilization of the geostationary orbit.

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

**Mr. C. SUPROJO** (Indonesia) Thank you for giving me the floor once again.

The geostationary orbit is a limited natural resource that reaches saturation soon. The current utilization of this natural resource on the first come first served basis has made this natural resource unattainable for countries who have not had the technology. In this regard, the Indonesian delegation believes that its utilization should be made available to and for the benefit of all countries under the conditions of equality, irrespective of their technical capacities and taking into account the needs and interests of

developing countries and the geographical position of certain countries. The Indonesian delegation is of the view that the GSO should be used rationally, efficiently and economically, especially to support the sustainable development in developing countries. Thank you.

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

Are there any other delegations wishing to make a statement under this agenda item, the character and utilization of the geostationary orbit? I see none.

We will therefore continue our consideration of agenda item 6(a) definition and delimitation of outer space and (b) the character and utilization of the geostationary orbit, tomorrow morning.

Distinguished delegates, I will shortly adjourn this meeting so that the working group on agenda item 4 can hold its fourth and last meeting. Before doing so, I would like to remind delegates of our schedule of work for tomorrow morning.

We will meet promptly at 10 a.m. At that time we will continue our consideration of agenda item 3, general exchange of views. We will continue our consideration of agenda item 6(a) the definition and delimitation of outer space and (b) the character and utilization of the geostationary orbit. We will also begin our consideration of agenda item 10, general exchange of information on national mechanisms relating to space debris mitigation measures. We will then adjourn the session so that the working group on the definition and delimitation of outer space, under the chairmanship of Professor Monserrat Filho of Brazil, can meet.

One more time, I would like to remind delegations of the following information.

Informal consultations tomorrow morning. Thursday morning, 31 March from 9-10 a.m. in Room M7, the chair of COPUOS will have informal consultations on the preparations for the 1 June event and the draft 2011 declaration. Thursday 31 March at lunchtime, 1-2 p.m. in Room M7, the Chair of the working group under item 11 on national space legislation will have informal consultation on the draft report of the working group.

Time permitting, we will begin these consultations in Conference Room M1 after the first meeting of the working group on definition and delimitation of outer space.

I give the floor to Mr. Hedman from the Secretariat.

**Mr. N. HEDMAN** (Secretariat) Just to clarify this further. According to what we have announced and the schedule for these informal consultations to be held under the guidance of the Chair of the working group on national space legislation that will be held in Room M7 from 1-2 tomorrow, if we face a situation where we will have a lot of time, if I put it that way, in plenary, we will then continue and just stay here in this meeting room, Conference Room M1, to have those informal consultations here. We will put a notice on the door of Room M7 to say that the consultations will be held in this conference room. We do not know how it goes now but we will see tomorrow and you will be duly informed and you will have notices on the doors, so no one will get lost. Thank you.

**The CHAIRMAN** Thank you Mr. Hedman for a very good statement.

Are there any questions or comments on this proposed schedule? I see none.

I now invite Mr. Jean-François Mayence of Belgium to Chair the last meeting of the working group on agenda item 4.

I give the floor to Mr. Hedman again for a comment.

**Mr. N. HEDMAN** (Secretariat) I am truly sorry distinguished delegates that I have to bother you again, this is merely an announcement by the Secretariat. I would like to inform delegations that you are all invited to attend the opening of an exhibition entitled 'Space: about a dream' that will take place tomorrow, Thursday, 31 March at 7 p.m. in the evening at Kunsthalle, Wien. The exhibition will be opened by the Austrian President, Heinz Fischer, and will include an address by Mr. Franz Viehböck, former Austrian astronaut. You will find several invitations at the back of the room and you are cordially invited to attend the opening. The exhibition will be held from 1 April until 15 August. So, I repeat, tomorrow Thursday 31 March at 7 p.m. in the evening at the Kunsthalle in Wien and the invitation looks like this, it is placed at the back of the room. Thank you.

**The CHAIRMAN** Thank you Mr. Hedman for the information. Therefore this meeting is adjourned until 10 a.m. tomorrow.

*The meeting closed at 3.41 p.m.*