

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

Unedited transcript

829th Meeting

Friday, 1 April 2011, 3 p.m.

Vienna

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

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

The CHAIRMAN Excellencies, distinguished delegates, ladies and gentlemen, good afternoon. I now declare open the 829th 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 hopefully suspend our consideration of agenda item 6(a) the definition and delimitation of outer space pending the adoption of the report of the working group and conclude our consideration of agenda 6(b) the character and utilization of the geostationary orbit. We will also continue and hopefully conclude our consideration of agenda item 10, general exchange of information on national mechanisms relating to space debris mitigation measures. We will continue our consideration of agenda item 12, proposals to the Committee for new agenda items to discuss organizational matters of the work of this Subcommittee.

I would like to remind delegations to provide the Secretariat with possible corrections to the provisional list of participants which was distributed as Conference Room Paper 2 so that the Secretariat can finalize the list. Any corrections should be submitted in writing by Monday, 4 April.

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

General exchange of views (agenda item 3)

Therefore we will start general exchange of views, agenda item 3. The first speaker on my list is the distinguished delegate of Malaysia. I give the floor to the distinguished representative of Malaysia.

Ms. S. MOHD (Malaysia) First of all I would like to join other member States in expressing our delegation's great pleasure at seeing you in the Chair, with your able leadership we are confident that this session of the UNCOPUOS Legal Subcommittee meeting will be a fruitful one. We would also like to express our deep appreciation to the dedication and efforts of the Office for Outer Space Affairs under the able leadership of Dr. Mazlan Othman for the untiring efforts in ensuring the smooth running of this meeting.

At the outset, we wish to convey our heartfelt condolences to the people of Japan on the recent earthquake and tsunami that struck the region off northern Japan which killed and injured thousands and made thousands more homeless and deprived of life's basic necessities. The Malaysian Government has responded to this tragedy by providing necessary assistance which we hope could somewhat alleviate the hardship faced by those affected in some _____(?).

We are honoured to have the opportunity to participate and be part of this important meeting and we assure you of our full support in ensuring the fruitful outcome of this meeting. In the various agenda items to be deliberated are of significant importance in safeguarding the safe and peaceful uses of outer space.

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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Our delegation will provide more comments under the upcoming agenda items. Thank you.

The CHAIRMAN I thank the distinguished representative of Malaysia 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 at this time? I see none.

We will continue and hopefully conclude our consideration of agenda item 3, general exchange of views, on Monday morning.

The definition and delimitation of outer space (agenda item 6(a))

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(b))

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

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

Ms. A. CAMPOS (Venezuela) (*interpretation from Spanish*) The Bolivarian Republic of Venezuela would like to be fully associated with the statements made by the G77 and China and with the statement made by GRULAC, the Group of Latin American and Caribbean Countries, under this agenda item.

We reiterate our interest and compliance with the principle of freedom of access to outer space in conditions of equality and for the benefit of all States and without any sort of discrimination and particularly we promote the equitable and rational use of the various orbit positions where we find artificial satellites. Special attention should be given to equitable access of all States to the spectrum orbit and the geostationary orbit and use thereof since they have potential for social programmes that benefit the most underprivileged groups of population with medical assistance as well as a means of guaranteeing their access to technology and means of communication thus improving access to the sources of information that are

necessary to strengthen and bolster social organization in addition to which they may thus exchange know-how without any business interests being involved. Furthermore, this delegation is of the view that the use of orbit positions must be equitable and rational because these are restricted natural resources. The mechanism that is used to assign frequencies is of basic importance and we are of the opinion that this must be upheld and protected in international instruments. From this viewpoint and in order to ensure the peaceful and sustainable use of the geostationary orbit it is necessary that the consideration of the topic be maintained as a permanent discussion of COPUOS and on the agendas of both subcommittees in a fully interstate context via the creation of groups of action, working groups or intergovernmental panels as they are necessary to achieve this. Thank you.

The CHAIRMAN I thank the distinguished representative of Venezuela 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?

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

Mr. A. TARABZOUNI (Saudi Arabia) I would like to speak on behalf of the ____ (?). When we are looking into the geostationary orbit when it comes out into use in the beginning of communication satellites there were only two users, the Soviet Union and the United States of America. After that it became intergovernmental, Intelsat, where it consisted of all the world but, very recently, this Intelsat became privatized. There are two companies who were established to do the service, one concerned with administration is the United States of America and that is in the C and Ku band. The other one is in Britain and they are concerned about the V and Ka band. These companies are registered in Bermuda, one of them has been changed into another place in Europe somewhere. We found out that last October Intelsat has been sold to another company with all the orbit slots, there are 50 orbit slots and all the frequencies. Now, I am thinking about my country who got an allotment plan in 1977 for direct broadcast satellite and in 1988 we got the allotment for the C and Ku band and then with a slot and a frequency. At that time, all the developing countries they did not have the technology, they did not have even the money to purchase the satellites because first of all the frequency which is being given in the C band was very limited and needed a lot of technology to be developed. We were waiting to do our progress

and now when I go into the market I found it is very difficult to coordinate and, according to ITU a UN organization, they have to be committed to the space treaties and there is a declaration of legal principles governing the activities of States. In number 3, it said outer space and celestial bodies are not subject to national appropriation by claim of sovereignty, by means of use of occupation or by any other means. Now, we find out most in the low orbit and high orbit, everything is commercial and the countries who are willing to launch their satellites, even in the allotment plan areas which have been given to them, right now they have difficulties of doing so because they have to coordinate and coordination is taking a lot of time and a lot of money. In the last two years, my delegation is asking that there should be coordination between COPUOS and ITU so that underdeveloped countries they have the opportunity to do their services to satisfy their own people especially if we are talking of their education, _____(?) and health. These are very important to us because most of our countries it is very wide and we do not have enough staff to do all this and we had to use the technology. Therefore I would like to see that there is something concerning this geostationary orbit and how to utilize it. Thank you.

The CHAIRMAN I thank the distinguished representative of Saudi Arabia for a very good statement.

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 6(a) the definition and delimitation of outer space, pending the adoption of the report of the working group and have concluded our consideration of agenda item 6(b) the character and utilization of the geostationary orbit.

General exchange of information on national mechanisms relating to space debris mitigation measures (agenda item 10)

Distinguished delegates I would now like to continue and hopefully conclude our consideration of agenda item 10, general exchange of information on national mechanisms relating to space debris mitigation measures.

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

Mr. S. McDONALD (United States of America) We are pleased that this Subcommittee is

exchanging information regarding national mechanisms relating to space debris mitigation measures. The adoption by the UN General Assembly of the UN COPUOS Space Debris Mitigation Guidelines was a key step in providing helpful guidance to space-faring nations on this increasingly important issue and, much like our ongoing exchanges in this Subcommittee on national legislation, we think that this agenda item has and will help the members understand the different approaches that countries have taken regarding this subject. We found last year's presentations to be quite informative and interesting and we are looking forward to continued discussions on this issue. We would also like to take the opportunity to provide a brief update on US activities.

As others have noted, the exchange of information among various satellite operators will expand and enhance the quantity and quality of satellite conjunction assessments. The United States has designated the United States Strategic Command or USSTRATCOM as the contact for the US Government Satellite Conjunction Assessments. USSTRATCOM exchanges its conjunction assessment information with States and commercial entities to support global safety of space flight through its Space Situational Awareness sharing efforts. USSTRATCOM, through its joint Functional Component Command for Space, screens more than 1100 active satellites daily and provides SSA notifications on an emergency basis to all. Additional advance services, such as manoeuvre screening, are facilitated by USSTRATCOM's SSA sharing agreements. Since September 2010, USSTRATCOM has entered into 22 agreements with commercial satellite owner/operators and we expect this number to increase. We are also in the process of considering the development of agreements for use with other entities. The United States believes that the exchange of timely, actionable information is a key part of maintaining the long-term sustainability of outer space. For example, in 2010, 126 manoeuvres were conducted after a satellite owner/operator received a conjunction notification from USSTRATCOM. We look forward to additional partnerships as we continue to support space debris mitigation and the sustainable use of outer space for peaceful purposes. Thank you.

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

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

We have therefore concluded our consideration of agenda item 10, general exchange of information on national mechanisms relating to space debris mitigation measures.

Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-first session (agenda item 12)

Distinguished delegates I would now like to continue our consideration of agenda item 12, proposals to the Committee for new agenda items to discuss organizational matters of the work of this Subcommittee.

There are no speakers on my list.

I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) Just to inform delegations that the Secretariat will make available, hopefully on Monday, a document in addition to what was discussed this morning on this particular issue. We will make available to delegations the budget document for the biennium 2010-2011 and I will give you the reference number right now, it is A/64/6, section 6. In this document, delegations will be able to see the entitlement with regard to the plenary meetings and the meetings of the respective sessions, which means the Main Committee and its two subcommittees. The Secretariat will, in addition to this document, make available a non paper explaining more in detail the division of these meetings, the relationship between the entitlements for the Main Committee, the Legal Subcommittee and the Scientific and Technical Subcommittee. It is the understanding of the Secretariat that there is a general feeling in the room that there is a necessity of some more detailed explanation in this regard. Delegations will receive a more explanatory document in a non-paper hopefully during Monday next week. Thank you.

The CHAIRMAN I thank Mr. Hedman for very good information.

Are there any other delegations wishing to make a statement under this agenda item 12?

I give the floor to the distinguished representative of Brazil.

Mr. L. SACCHI GUADAGNIN (Brazil) Let me further explain the Brazilian view on the rationalization of this Legal Subcommittee's work.

Firstly I want to make it clear that, from my delegation, to rationalize our work means to find more efficient ways to achieve this Legal Subcommittee's objectives. According to the basic documents of COPUOS, such as the resolution that established the Committee, these objectives are: to study the nature of legal problems which may arise from the exploration of outer space; to assist in the establishment of a legal and regulatory framework governing space activities. Brazil still fully supports these objectives.

To achieve these objectives it is our belief that this Subcommittee could probably make more efficient use of its formal meetings. Our formal meetings have become, in the last years, a forum for exchange of political statements not for the study of legal problems. This has not happened due to a lack of important topics to be discussed, it has happened mainly because of a lack of political will. A good example of that is that discussions proliferate during informal meetings.

To rationalize this Subcommittee's work, we cannot change States' political will but it could try to review the methodology for our meetings. We could promote more symposiums, we could bring more concrete proposals for debate in this forum, strategies like these are being used in some working groups with promising results. These are some of the ways Brazil can envision to help this Subcommittee to fulfil its objectives. We feel there are still many urgent and important legal topics to be debated and if we were to address them all at our sessions, two weeks would probably not be enough. For that reason, we are not prepared to support any proposals to reduce the time of the sessions. In our point of view, the best way to rationalize our work is to find new ways to help this Legal Subcommittee to discuss the legal problems we have on our agenda. Thank you.

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

I give the floor to the distinguished representative of Venezuela.

Mr. M. CASTILLO (Venezuela) (*interpretation from Spanish*) I am speaking on behalf of the Group of 77 and China under this agenda item

(*continued in English*) This subject has been considered by _____(?) carefully and, along the lines of what the Brazilian delegation just expressed, we believe that the rationalization of the work of this Subcommittee shall be enhanced by bringing new ideas and new topics that might be discussed outside the Legal Subcommittee in a way to promote the

enhancement of space law. As developing countries, we have to take into account that maybe today, maybe in this session, there is not much participation but this is coming in the future because developing countries are developing step by step including new technologies and along with the technologies the legal issues of treating these technologies are coming also. The Group believes that we should rather refrain from cutting the space of dialogue and instead we should give more opportunities to all delegations to bring issues to the Subcommittee in order to discuss and to enrich the content and the discussions that take place in this Subcommittee. Thank you.

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

Are there any other delegations wishing to make a statement?

I give the floor to the distinguished representative of Morocco.

Mr. S. RIFFI TAMSAMANI (Morocco) (*interpretation from French*) Along with other delegations, our delegation does not believe it is a good idea to have any cut down of the meetings. We would like to have the way in which we approach things to be re-examined. As Vitali? mentioned this morning, we spend and waste a lot of our work talking about how we work and possibly we could usefully prioritize what is importance and give more time to that, we could set time limits for delegates, etc. etc. We have always pleaded for an optimization, rationalization of resources after all. We pursue that line. Thank you.

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

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

We will continue our consideration of agenda item 12, proposals to the Committee for new agenda items to discuss organizational matters of the work of this Subcommittee, next week as scheduled.

Distinguished delegates, I will shortly adjourn the meeting but before doing so I would like to remind delegates of our schedule of work for Monday morning.

We will meet promptly at 10 a.m. At that time we will continue and hopefully conclude our consideration of agenda item 3, general exchange of

views. We will begin our consideration of agenda item 8, examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment. We will begin our consideration of agenda item 9, capacity building in space law. We will begin agenda item 11, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space. Time permitting, the working group on national space legislation will hold its first meeting.

I would like to cordially invite all delegations on the official opening of the exhibition to mark the fiftieth anniversary of the first human space flight by Russian cosmonaut, Yuri Gagarin. It will take place on Monday, 4 April at 2 p.m. in the VIC Rotunda. Speakers will include His Excellency, Ambassador Alexander Zmeyerovskiy, Permanent Representative of the Russian Federation to the United Nations at Vienna and Yuri Fedotov, Director-General, United Nations Office at Vienna and myself in the capacity of Chair of the Legal Subcommittee. I would like to also remind delegates of the joint event by the delegation of the Russian Federation and the European Space Policy Institute on the fiftieth anniversary of the UN COPUOS and its Legal Subcommittee. Perspectives for space law to be held on Monday, 4 April from 1900 to 2000 hours at the European Space Policy Institute. An invitation has already been distributed to all delegations.

I give the floor to the Secretariat for information.

Mr. N. HEDMAN (Secretariat) Just one further announcement. It is a reminder to all delegations that tomorrow, Saturday, 2 April, there is a Conference on 'Soft Law' in Outer Space. The Function of Non-binding Norms in International Space Law, which is organized by the University of Vienna, the European Centre for Space Law and the National Point of Contact of Austria to the European Centre for Space Law. It will be held at the Juridicum, which is the Legal Faculty, Dachgeschoss, Schottenbastei 10-16, in the city centre of Vienna. It starts at 9.30 and runs through the day. Delegations have been provided with the programme and I have seen that it is also in the back of the room, it looks like this and there should also be a map with directions of how to come to that particular event. Maybe the Chair of the working group on national space legislation, Ms. Irmgard Marboe, would like to say something about the programme of this particular conference.

Ms. I. MARBOE (Austria) Very briefly. We tried beforehand to send out invitations to the official delegations to the Legal Subcommittee, the idea was to have it in between the two weeks. Additional experts who have not been informed before are very welcome and there is from now on no further registration necessary, we have already received many registrations, thank you very much for your interest but we are still open to welcome more interested people for tomorrow's conference. Thank you very much.

The CHAIRMAN Thank you to Mr. Hedman from the Secretariat and Professor Marboe for their information.

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

This meeting is adjourned until 10 a.m. on Monday.

The meeting closed at 3.53 p.m.