

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

Unedited transcript

831st Meeting
Monday, 4 April 2011, 3 p.m.
Vienna

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

The meeting was called to order at 3.11 p.m.

The CHAIRMAN Excellencies, distinguished delegates, ladies and gentlemen, good afternoon. I now declare open the 831st 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 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 also continue our consideration of agenda item 9, capacity building in space law and agenda item 11, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space.

At the end of plenary there will be one technical presentation by the representative of France, Mr. Mario Hucteau, on space debris and registration issues. We will then adjourn the plenary meeting so that the working group on agenda item 11 on national legislation can hold its second meeting under the chairmanship of Ms. Irmgard Marboe of Austria.

Finally, I would also 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. Any corrections should be submitted in writing by this afternoon.

I would like also to remind delegates of the joint event by the delegation of the Russian Federation and the European Space Policy Institute on the fiftieth anniversary of UNCOPUOS and its Legal Subcommittee 'Perspectives of space law' to be held tonight from 7-9 p.m. at the European Space Policy Institute, Schwarzenbergplatz 6. An invitation has already been distributed to all delegations.

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

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 (agenda item 8)

Distinguished delegates, I would now like to continue 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.

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

Mr. C. SUPROJO (Indonesia) The emerging of space activities participated by various actors and entities has contributed to the complexity of current space activities. Furthermore, the commercialization of outer space has attracted new actors, particularly private sector, and they embark in these activities. Indonesia, having ratified the 2007 Cape Town

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.



Convention on International Interests in Mobile Equipment and the Protocol on Matters specific to Aircraft, _____(?) by presidential regulation 8 of 2007, is following the ongoing negotiation on the draft protocol on space assets with interest.

Indonesia has participated in the fifth session of the Committee of Governmental Experts in Rome last February. Indonesia is of the view that the future of the space asset protocol is intended to address the important issue of financing for commercial space activities and not intended to affect the rights and obligations of States Members of the United Nations treaties on outer space. The future space asset protocol should also fully adhere to the existing UN treaties and other UN principles that govern space activities. The distribution of rights and liabilities between space actors should be _____(?) and fully in accordance with those three _____(?) principles. Furthermore, the future space assets protocol _____(?) in ensuring the interests of the participating entities as well as in protecting the interests of developing countries particularly by ensuring the continuous access by developing countries to the public service provided by the space asset. Thank you.

The CHAIRMAN I thank the distinguished representative of Indonesia 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.

Therefore we will continue 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, tomorrow morning.

Capacity building in space law (agenda item 9)

Distinguished delegates, I would now like to continue our consideration of agenda item 9, capacity building in space law.

The first speaker on my list is His Excellency, Ambassador of Colombia, on behalf of GRULAC. I give the floor to His Excellency, Ambassador de León, on behalf of GRULAC.

Mr. F. PADILLA DE LEÓN (Colombia) (*interpretation from Spanish*) On the subject of building capacity in space law, GRULAC believes firmly that regional and interregional cooperation is one of the fundamental pillars in the use of outer space

which will make possible an exchange of knowledge and good practice as well as the building of capacity, nationally and regionally. This is all the more important in the area of space law in developing countries, hence we urge the Secretariat to explore greater cooperation agreements with national, public and private educational institutions, as well as with interregional organizations for the promotion of training programmes on space law. Thank you.

The CHAIRMAN I thank His Excellency, Ambassador of Colombia, on behalf of GRULAC, for a very good statement.

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

Mr. S. MOSTESHAR (United Kingdom) The teaching of space law is of increasing importance as the number and nature of participants in space activities enlarge. The London Institute of Space Policy and Law was established in 2008 to conduct research and teach space law and space policy. The Institute provides postgraduate research opportunities to law and policy students. In addition to its research and postgraduate work, it offers courses designed for both graduate and undergraduate programmes at other institutions around the world. One of the earliest courses run by the Institute was one on space insurance for Nigerian students. It recently provided the policy and law module for master students at Kings College, London, who were studying space physiology. Of the nine students on that programme, two were from England, one from Ireland and the other six from various countries around the world. The Institute also holds high-level seminars and courses on topical legal and policy issues. Law undergraduate students at the University of Sunderland have, for the past year, also been offered an option to learn space law during their final year. Thank you for this opportunity to inform distinguished delegates about some of the space law teaching programmes in the United Kingdom.

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

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

Mr. B. SCHMIDT-TEDD (Germany) Germany recognizes the implications of this call for efforts and attaches great importance to this issue.

Germany has one of the key institutions in air and space law teaching, namely, the Institute of Air and Space Law at the University of Cologne. The Institute actively cooperates in capacity building in space law with international partners. In October 2010, common space law lectures were held at the BeiHang University Law School in Beijing and at the Harbin Institute of Technology, China. In September 2010, space law was lectured at the National Law School of India University of Bangalore. An international interdisciplinary congress on space debris was organized in cooperation with the McGill University, Institute of Air and Space Law, a declaration on space debris mitigation was formulated.

The German Federal Foreign Office and the Federal Ministry of Economic Cooperation and Development fund academic exchange with foreign countries through their scholar institutions, German Academic Exchange Service (DAAD) and the Alexander von Humboldt Foundation. A special scholarship programme of the Foundation, the Georg Forster scholarship programme, is especially dedicated to academics from developing and new industrializing countries. The scholarship opportunities mentioned are open for all areas of study and research and can be utilized for promoting capacity building in space law. Potential applicants are invited to turn to the German embassy in their respective countries which will be glad to provide further details and guidance. In order to further the status and application of the five United Nations treaties on outer space, the Cologne Institute provides a collection, Space Law: Basic Legal Documents. This loose leaf publication is permanently updated and provides any necessary data and documents on space law. In addition to the hard copy version, a database version has also been made available since 2006. In order to facilitate the work of the Legal Subcommittee, free access to this electronic version is provided during this session as in the previous years. For further information on the current activities, an annual report of the Cologne Institute survey of activities is also distributed during the session. Thank you.

The CHAIRMAN I thank the distinguished representative of Germany 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 will therefore continue our consideration of agenda item 9, capacity building in space law, tomorrow morning.

General exchange of information on national legislation relevant to the peaceful exploration and use of outer space (agenda item 11)

Distinguished delegates, I would now like to continue our consideration of agenda item 11, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space.

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

Mr. S. McDONALD (United States of America) We are pleased that this Subcommittee is exchanging information on national legislation relevant to the peaceful exploration and use of outer space. We think that the presentations made last year were quite informative and our continued discussions will help the members of this Subcommittee understand the different approaches that countries have taken regarding this subject. We were especially pleased with the level of discussion in the working group which benefited from Professor Irmgard Marboe's leadership as the chairman and we are looking forward to this year's working group sessions.

Since the last meeting of the Subcommittee there have been some changes to the structure of the laws of the United States relating to national and commercial space programmes. Over the past five decades, a substantial amount of legislation has been enacted relating to national and commercial space programmes. Unlike many of the new space laws that we have learned about in our discussions under this agenda item, US legislation regarding space did not appear in a single space act. The United States code, the codification of individual laws presented by our Congress to the President and enacted into law by his signature, is organized by subject matter into titles but no distinct title for national and commercial space programmes existed because the organizational scheme for the code was originally established in 1926, long before such programmes were contemplated. Instead, provisions relating to national and commercial space programmes were scattered throughout the code, as this Subcommittee may recall from the presentation we made several years ago on US national legislation. For example, some of these provisions appeared in title 15 on commerce and trade, some in title 42 on public health and welfare and some in title 49, for transportation. In December 2010, as part of a broader effort in the United States to revise and restate general and permanent federal law, the President signed into

law, public law 111/314, which gathers provisions relating to national and commercial space programmes and restates the provisions as a discreet title in the United States code, title 51, national and commercial space programmes. Public law 111/314 does not provide for any new programmes nor does it modify or repeal existing programmes, rather the act simply restates existing law in a manner adhering to the policy, intent and purpose of the original enactments while improving the organizational structure of the law and removing ambiguities, contradictions and other imperfections. A copy of the new law will be provided to the Secretariat and it can also be found on the Internet at <http://uscode.house.gov/cod/t51>. Thank you.

The CHAIRMAN I thank the distinguished representative of United States of America 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 will therefore continue our consideration of agenda item 11, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space, tomorrow morning.

Distinguished delegates, I would now like to proceed with a technical presentation. The presenter is kindly reminded that technical presentations should be limited to 20 minutes. I give the floor to Mr. Mario Hucteau of France who will make the presentation on: Space debris and registration issues.

Technical presentation (20 minutes)

The CHAIRMAN Thank you Mr. Hucteau for a very good presentation. We have one or two questions. Are there any delegates who have questions to this presentation?

Mr. V. KOPAL (Czech Republic) In this Subcommittee the question of registration and non-registration was discussed for rather a longer time particularly in connection with the work of the working group on practices of registration that led to the adoption of a General Assembly resolution in 2007. Still, we have just heard from a very interesting and useful presentation by the respected French delegate, that only from the 324 satellites launched by Ariane during the years 1979-2010, 82 satellites are not registered, this is equal to 25 per cent of such satellites. What is the reason for this ignorance of the duty to register?

The CHAIRMAN Thank you Mr. Kopal. I give the floor to Mr. Hucteau.

Mr. M. HUCTEAU (France) (*interpretation from French*) Thanks for the question. Well, 82 satellites, that makes for 20 States or groups of States involved. It is difficult to answer clearly, I think that the best thing would be for France, as launching State, as I have indicated, to try to have bilateral discussions to try to understand the reasons behind this and for this. There was this number launched in 2010, and some satellites launched in 2010 will be registered in the very near future. I trust that that will be the case that the corresponding States are going to be going into the registration process. I am much more concerned as to the intergovernmental organizations which do not necessarily find that it is necessary or useful to really follow up on the logics of registration. I cannot really tangle with the details of this without the risk of rubbing up against certain organizations or States. Thank you.

The CHAIRMAN Thank you Mr. Hucteau for your answer.

Any other questions for the presenter?

I give the floor to the distinguished representative of Spain.

Mr. R. MORO AGUILAR (Spain) (*interpretation from Spanish*) I would like to put a question to the delegate of France. What is this rule of the 25 years that was referred to in the course of his presentation? The 25-year threshold rule?

Mr. M. HUCTEAU (France) (*interpretation from French*) I did not quite understand the beginning of the question. Concerning this 25-year rule, this is a rule that was developed by the interagency space debris committee which was not picked up on by the guidelines that were approved in 2007 via the resolution. This is a rule which we, as a member of IADC, are implementing. This is a figure which was the product of analyses run but this 25-year rule had already previously been developed a couple of years back before the accidents that we had, 'accidents' of 2007-2009. To date, even within the IADC, this 25-year figure is being cast into question, it probably should be further cut down to further mitigate collision risk. As you know there is analyses especially on the 800 and 1,000 altitude orbit, the Kessler syndrome. So we can have a really serious collision in the next couple of years, a major collision every five years and collisions between space debris objects, every two years. It is very important to act promptly, today,

because this is one of the elements which prompted us to think in terms of long-term sustainability and viability in the Scientific and Technical Subcommittee.

To get back to this 25-year rule. This is something which is going to be put back on the table so that we can further whittle down this 25-year allowance, as it were, to oblige operators of satellites and launchers so that at least for LEOs there will be atmospheric re-entry well within the 25-year span of time.

The CHAIRMAN Thank you Mr. Hucteau.

Any other questions? I see none.

Again, thank you very much distinguished representative of France for a very good presentation.

Distinguished delegates, I will shortly adjourn the plenary meeting so that the working group on agenda item 11 can hold its second meeting under the chairmanship of Professor Marboe from Austria. 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 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 continue our consideration of agenda item 9, capacity building in space law and agenda item 11, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space. We will also continue our consideration of agenda item 12, proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee, discussion of organizational matters. At the end of the plenary there will be one technical presentation by the representative of the United States of America on 'National space legislation'. We will then adjourn the plenary meeting so that the working group on agenda item 11 can hold its third meeting under the chairmanship of Professor Marboe of Austria.

I give the floor to the Secretariat for comment.

Mr. N. HEDMAN (Secretariat) Two clarifications. With regard to tomorrow's discussions under agenda item 12, proposals for new items to the agenda of the next session of the Legal Subcommittee. We will discuss the organizational matters and delegations will recall that we had a first round of

plenary discussions last week on organizational matters. The discussions under agenda item 12 on organizational matters will continue in the afternoon. Then on Wednesday morning, we will begin looking into any proposals for new agenda items for next year including the proposals submitted to this year's session by the Czech Republic. This is the plan for dividing agenda item 12 into these two segments.

One more announcement, or a clarification, and also a question to delegations. Delegations will recall that last week we held informal consultations on Conference Room Paper 8, the draft contribution of the Committee on the Peaceful Uses of Outer Space to the UN Conference on Sustainable Development, harnessing space-derived geospatial data for sustainable development. The Secretariat would be pleased if any interested delegations would submit its comments to the Secretariat by tomorrow afternoon, Tuesday, 5 April, and then we will determine if there is a need to have another round of informal consultations during this particular session of the Legal Subcommittee. With your permission, please provide any comments you might have on Conference Room Paper 8 to the Secretariat by tomorrow afternoon.

Just to very briefly recall what was presented last week regarding this particular paper. The Secretariat will continue working on the paper which means we will balance the different sections, look into the sections again and see if the information there is appropriately reflected. We will look into the previous years of consideration under the Scientific and Technical Subcommittee agenda item on remote sensing to see if we can draw some information from those deliberations and conclusions made in previous years. With regard to the final chapter of this document, chapter 4 on recommendations on ways and means to foster international cooperation with a view to building up national infrastructures to use space-derived geospatial data, the recommendations put forward there are identical with the ones that we concluded last year within the COPUOS agenda item on the use of space-derived geospatial data for sustainable development.

This is just a reminder to delegations and an appeal to submit to the Secretariat any comments and observations on this document by tomorrow afternoon. We will then determine if there is a need to have a second round of informal consultations at this session. The document will be updated after the Legal Subcommittee and it will be prepared for consideration by the Committee in June in a Conference Room Paper and then to be agreed by the Committee. Thank you.

The CHAIRMAN Thanks to Mr. Niklas Hedman for that announcement.

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

I now invite Professor Marboe from Austria to chair the second meeting of the working group on agenda item 11.

This meeting is adjourned until 10 a.m. tomorrow morning.

The meeting closed at 4.07 p.m.