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

Script

863rd Meeting

Wednesday, 10 April 2013, 10 a.m.

Vienna

Chairman: Mr. T. Brisibe (Nigeria)

The meeting was called to order at 10.10 a.m.

The CHAIRMAN: Good morning distinguished delegates. I now declare open the 863rd meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This morning we will continue our consideration of agenda item 3, General Exchange of Views, and agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space.

We will also begin our consideration of agenda item 6, Matters Relating to: (a) the Definition and Delimitation of Outer Space, and (b) the Character and Utilization of the Geostationary Orbit.

The Working Group on the Status and Application of the Five United Nations Treaties on Outer Space will then hold its second meeting.

Today, during lunchtime, there will be informal consultations of States Parties and Signatories to the Moon Agreement organized by the Austrian delegation from 1.30 p.m. to 3.00 p.m. in Conference Room MOE100 in this building.

General exchange of views (agenda item 3)

Distinguished delegates, I would now like to continue our consideration of item 3 on our agenda, General Exchange of Views.

And the first speaker on my list is the distinguished delegate of Morocco.

Mr. S. RIFFI TENSAMANI (Morocco) (*interpretation from French*): Thank you Mr. Chairman. Chairman, Morocco is very interested in contributing under your enlightened leadership to the work of the fifty-second session of the Legal Subcommittee of COPUOS. This session is opening in a rich context. There are many things for us to

consider about the present and the future of space activities, particularly activities related to long-term stays in Earth's orbit. We are going to have an in-depth analysis from the legal perspective of issues that have already been considered in their scientific and technical dimensions. This Subcommittee is the most appropriate and legitimate forum for that purpose.

Mr. Chairman, the mechanisms laid down by the United Nations treaties make it impossible to ignore the consequences of adopting safety standards and codes of conduct that should govern all States and all government and non-government actors involved in space activities. It is based on a reasonable balance that involves a number of standards and the rich reference framework that should be applicable in the various specific cases. This Subcommittee has a lot to contribute towards finding balanced, effective and sustainable solutions.

In the past decade, we have already seen the work of the Subcommittee bear fruit, specifically as regards ratifications by States of the Outer Space Treaty. Morocco was one of such States. It also ratified the Registration Convention, the first African State and Arab State to have done so.

Mr. Chairman, under agenda item 11 on Space Debris, we are profoundly concerned with the increased space debris challenge in view of increasing space activities, in particular to activities involving private entities and a lot of thought needs to be done to the interpretation and application of the international legal framework in this regard. Our country is looking forward to the day when this Committee will start defining detailed guidelines regarding the management of space traffic. The international community must be particularly vigilant given the negative impact of some space activities, particularly the collision of space objects and other space assets that we have seen over the years.

My delegation believes that the risk should be mitigated through international, national and regional

mechanisms through detailed guidelines and standards. We fully endorse the provisions of the main United Nations conventions regarding this issue.

Morocco is convinced that the work of this Legal Subcommittee will also contribute to a deep analysis that would make space safer and more accessible.

Mr. Chairman, as regards agenda item 6, Morocco has answered the three questions posed in the questionnaire on the definition and delimitation of outer space with regard to national legislation and practices and the questionnaire regarding sub-orbital flights for scientific missions and human transportation.

Other countries have also responded to the questionnaire. Morocco would like to start the first analysis of the various responses which will, in the end, hopefully lead us to an international legislative framework regarding outer space.

On item 7, we welcome the inclusion of that item in the Legal Subcommittee's agenda. We commend the quality of the Final Report of the Working Group entitled "Exchange of Information on National Legislation Regarding the Exploration and Use of Outer Space". It could become an important source of reference and information for States that want to create their own national legislative framework governing space activities.

On agenda item 8, we believe it is very important that the use of nuclear power sources in outer space impacts safety. Morocco welcomes the fact that a Safety Framework has been put in place with regard to this type of energy sources. We would like the Legal Subcommittee to carry out an in-depth consideration of the recommendations regarding the Safety Framework towards make the use of nuclear power sources in outer space completely safe.

Mr. Chairman, on agenda item 12 regarding international mechanisms for cooperation in the exploration and use of outer space, Morocco would like to propose that we put in place a common mechanism on the regional and international levels to promote dialogue and exchange of information on space policies and space law to encourage space law education on the African continent through national and regional institutions, introduce more analysis of space policies during the next conferences, encourage African countries to accede to international space treaties and align their national legislations accordingly, and use existing cooperation mechanisms

to raise awareness among the African continent communities with regard to the legal aspects of space activities.

Mr. Chairman, my delegation attaches great importance to capacity-building in the outer space law domain. It is very important for African countries. We welcome efforts deployed by the Office for Outer Space Affairs to promote capacity-building and we are thankful for the Bureau's support.

Morocco, through its Royal Space Remote Sensing Centre, will continue programming activities aimed at deriving the maximum benefit from outer space activities for sustainable development in Africa.

We encourage international institutions and specialized agencies in the area of space law to provide the necessary assistance in the area of promoting space law and related areas.

Having organized a number of workshops on space law, in cooperation with our European partners, and this has been going on for 10 years now, both nationally, regionally and throughout the continent, the Royal Centre continues to promote peaceful uses of outer space with the following objectives: access to space for peaceful purposes for all States, particularly developing countries and poor countries; environmental protection; preservation of space resources; and establishing a regulatory framework for rapid access without discrimination to all space-related benefits.

Thank you very much Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Morocco for his statement.

The next speaker on my list is the distinguished representative of the Asia-Pacific Space Cooperation Organization (APSCO).

Mr. A. TALEBZADEH (Asia-Pacific Space Cooperation Organization): Mr. Chairman, distinguished delegates, it is my privilege to make this statement on behalf of the Asia-Pacific Space Cooperation Organization at this fifty-second of the Legal Subcommittee on the United Nations Committee on the Peaceful Uses of Outer Space.

Mr. Chairman, please accept all congratulations to you as the Chairman of this Legal Subcommittee. We are appreciative of the efforts of the Director and staff of the Office for Outer Space

Affairs for planning, preparing and organizing this session.

Mr. Chairman and distinguished delegates, APSCO is getting out of its infancy stage as it is stepping into the fifth year of its working, since it became functional in December 2008 when the APSCO Council approved six projects in its very first meeting in Beijing, China. The APSCO Council has already held six meetings during the last four years, four of them in Beijing, China, one in Thailand and one in Iran. While approving a number of new projects, it reviewed the progress made so far on the earlier approved projects. APSCO has already made a significant progress on all of these prioritized projects. It may be please be noted that for Feasibility and System Definition Studies on each of these projects, beside experts from Signatory States of APSCO including Bangladesh, China, Indonesia, Iran, Mongolia, Pakistan, Peru, Thailand and Turkey, experts from interested countries like Brazil and Ukraine also participated. As a result, the feasibility studies were wholesome and completed.

Mr. Chairman, the Data-Sharing Service Platform and its Application Pilot Project was the top priority project whose feasibility study was completed. The Data-Sharing Service Platform had been established last year in May. While the data is being cumulated in the Data-Sharing Service Platform, proposals on the applications pilot projects were invited from member States. Four Application Pilot Projects have been awarded, one each to Bangladesh, China, Pakistan and Thailand, mainly focusing on disaster risk reduction and food security.

The Asia-Pacific Ground-Based Optical Space Objects Observation System is another prioritized project whose feasibility study was completed and is approved for implementation in two phases. In Phase 1, the basic space surveillance network and its processing centre will be established with the existing resources of member States, and in Phase 2, the observation nodes will be upgraded to observe objects in the geostationary orbit. This project will facilitate space object detecting, tracking and identifying, orbit determination and cataloguing, collision early warning, re-entering space object prediction, technical consultation and training. A joint observation was carried out last year but was only participated by a few member States. APSCO plans to expand the observation network by providing additional resources to other member States this year.

Feasibility studies of two priority projects relating to the Application of a Compatible Navigation

Terminal System were also approved by the APSCO Council last year for implementation. Project Management Boards related to these projects have already deliberated on the implementation and work-sharing plan and the projects are ready to kick off in the near future.

A feasibility study of Research and Atmospheric Effects on Ka-Band Rain Attenuation Modelling Project was also completed last year and was approved by the APSCO Council to be implemented by Thailand as the lead country.

Mr. Chairman, the Communication Satellite, Student Satellite and Electromagnetic Satellite payload for earthquake prediction are other space technology-related projects whose feasibility study is under progress. Besides, the feasibility study of the Communication Satellite Application project is also under progress. Not closing eyes to the space research area, Research on the Ionospheric Modelling through Study of Wave Propagation and Research on Determining Precursor Ionospheric Signatures of Earthquakes by Ground-Based Ionospheric Sounding are some of the approved projects whose feasibility studies are in progress.

Exchange of information and sharing of knowledge is also a priority area for which symposiums are organized regularly by APSCO. Just to mention about present efforts, last year APSCO organized a Symposium on Communication Satellite Technology and its Applications in Indonesia and this year a Symposium of the Global Navigation Satellite System Technology and its Applications will be organized in another member State of APSCO.

APSCO have already organized five short training courses during last year for the benefit of member States including regular training, project training and joint training with UN-SPIDER and COSPAR. A two-year Master Programme has also become a regular feature to enhance space-relating knowledge among the member States. This year, a Doctoral Programme will also be initiated by inviting proposals from candidates from APSCO member States. Besides, APSCO will commission Education and Training Centre Network based on tele-education concepts in all of its member States for frequent exchange of information and knowledge among member States.

Mr. Chairman, in accordance with the APSCO Convention, we kept close cooperation with the agencies in the United Nations system by taking part in the United Nations COPUOS and its Subcommittees,

jointly organizing United Nations Space Law Workshops as well as United Nations ESCAP and its programmes. APSCO has also joined the Group on Observation, GEO, as a permanent observer. APSCO participated in a number of international events organized by APRSAF, UN-SPIDER and the IAF and also received delegations from NASA, ESA, JAXA, COSMOS and various diplomatic missions. The New Year Reception of APSCO in January this year, being a regular feature was very well attended by the delegations of the APSCO member States and other interested countries.

Mr. Chairman, distinguished delegates, the 2013 APSCO Annual Space Law and Policy Forum will be held in Beijing during 26-28 June of this year. This Forum will provide a one of a kind unique opportunity for the space law community to extensive exchange of ideas and opinions on the future of space law and policy development, especially on the regional mechanisms such as APSO. The main theme of this Forum will be: (a) space legislation and mechanisms for regional space cooperation; (b) international and regional cooperation on space law and policy; (c) recommendations on establishment of the APSCO Research Centre for Space Law and Policy.

I would like to extend our invitation to all of you for this event.

APSCO is also working hard on the establishment of a Research Centre for Space Law and Policy. This is to jointly working the APSCO member States and other interested countries in this region to further enhance space law influence in the space activities and bringing the space community together, to work together, in an entity. This Centre will also help each participating country to establish national space legislation and regional space guidance in general.

In addition to this event, this year's IAC will be held in Beijing in September where we could further explore cooperative opportunities.

Seeing the activities that APSCO is pursuing for the socio-economic development for the Asia-Pacific Region, harnessing space technology tools, more and more countries of the Asia-Pacific Region in particular and the world in general are showing interest to become members or associated members of APSCO. We in APSCO welcome all nations of the world to cooperate with us for exploring and exploiting peaceful uses of outer space.

Thank you very much Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of the Asia-Pacific Space Cooperation Organization, APSCO, for his statement.

Are there any other speakers on the general exchange of views at this time or delegations wishing to take the floor?

I see none.

We will, therefore, continue our consideration of agenda item ... I have been advised that the distinguished representative of Greece would like to take the floor.

Mr. V. CASSAPOGLOU (Greece): Yes please. Thank you. Good morning. *(Continued in French) (interpretation from French):* I would like to say something about the summer courses at the European Centre for Space Law in Cyprus in September last year. I have seen the document submitted by my colleague, Professor Marchisio, who is Chair of the European Centre for Space Law, and I would just like to add something quite unique. We were honoured by the presence of the Secretary-General of the ITU who came to Cyprus to impart a course to our students. They were thrilled. The feedback we received was excellent and I think it was a great opportunity for our Subcommittee to invite the Secretary-General to come and enhance our experience and our knowledge regarding the contribution of the ITU to space and space law.

Thank you Chairman.

The CHAIRMAN: I thank the distinguished representative of Greece for his intervention and for sharing these details with the Subcommittee. Capacity-building, no doubt, remains of critical importance and value to all member States and we actually have it as a standing agenda item of the Legal Subcommittee. Thank you again.

Status and application of the five United Nations treaties on outer space (agenda item4)

In the absence of any further delegations wishing to take the floor at this time, distinguished delegates, I would now like to continue 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 delegate of Indonesia.

Mr. A. SUBEKHI (Indonesia): Thank you Mr. Chairman. Mr. Chairman and distinguished delegates, there are three trends that increase the necessity of the strengthening the space regime.

First, the increasing commercialization of space activities. Second, the involvement of the private entities directly in the activities, and third, the existence of security guarantees for space utilization and the safety of space objects. In this regard, Indonesia believes that COPUOS, through this Legal Subcommittee, could and should play a stronger role in facilitating efforts to strengthen the space regime.

Mr. Chairman, in relation with this agenda item on the status and application of the five United Nations treaties on outer space, Indonesia is of the view that ratification and full implementation of the treaties relevant to outer space will strengthen the regime of outer space in general. Furthermore, States will reap the benefit of ratification and implementation.

However, there are still some barriers, both in ratifying the treaties for States that have not yet ratified, and in implementation, for States that have ratified but not yet implemented it. With regard to this, Indonesia would like to encourage the Legal Subcommittee to assist member States to identify the barriers in implementing the ratified treaties.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Indonesia for his statement.

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

I see none.

We will, therefore, continue, and hopefully, suspend our consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space this afternoon, pending work in the Working Group on Status and Application.

Matters relating to: (a) the definition and delimitation of outer space, and (b) the character and utilization of the geostationary orbit (agenda item 6)

Distinguished delegates, I should now begin our consideration of agenda item 6, Matters Relating to: (a) the Definition and Delimitation of Outer Space, and (b) the Character and Utilization of the Geostationary Orbit.

I do not have any speakers on my list at this time so I will put the question to the floor and request if there any delegations wishing to take the floor on this item at this meeting.

I give the floor to the distinguished representative of Mexico.

Ms. R. M. RAMÍREZ DE ARELLANO (Mexico) (*interpretation from Spanish*): Thank you Chairman. This is something that we have already commented on but I will read something about the relevance of the delimitation of outer space and air space. I know this constantly crops up and it takes up too much of our time. The lack of a clear delimitation and definition of outer space produces legal insecurity regarding applicable law, space law or aeronautical law, the exercise of sovereignty and the principle of free exploration, exploitation and use of space.

Given all of this, and taking into consideration the scientific and technological progress in the field and the overwhelming increase in space activities and the growing participation of the private sector in things such as the commercialization of space, there are difficulties in reaching consensus on the definition and delimitation of outer space. There are also different legal systems applied there, as well as in air space so this Legal Subcommittee needs to continue to examine the subject in order to make progress.

Mr. Chairman, this is what we are currently doing. For that reason, we should encourage the discussion of the subject to reach a definition as soon as possible. As far as Mexico is concerned, we have defined this in our national legislation on civil aviation. Mexico is very clear about that. We have a specific law on our air space and from 1960 onwards, which was before any treaty was adopted, Mexico established that it will exercise its sovereign rights regarding the space covering Mexican territory in terms covered by international law. That is why Mexico feels that it can speak on this subject.

Thank you Chairman.

The CHAIRMAN: I thank the distinguished representative of Mexico for her statement and would request again if there are delegations wishing to take the floor on this item at this meeting.

I give the floor to the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): Thank you Chairman. Yesterday afternoon I had the opportunity to talk about this issue which has been ongoing for 20 years, that is the subject of definition and delimitation of outer space and delimitation of air space. Yesterday afternoon, we had a very lengthy discussion chaired by our colleague from Brazil when he read contributions of different member States regarding their stance on the issue. Nonetheless, I think that after so many years we cannot talk of consensus because, given the situation regarding technology, we are unable to say when and how far aviation engines, we cannot say how high they can fly above the Earth's gravitational pull.

In my opinion, I believe Greece made a proposal some time ago and it is more feasibility to adopt the criteria of functionality. I feel that they are reasonable and functional. I think we need to conclude, perhaps, through you, Mr. Chairman, to request the Secretariat and our colleague from Brazil, who chairs the Working Group, to make a compilation of all the responses that we have received over the last 15 years in order to classify the points of view of different countries so that we can know where we stand. That is to say, those that are pro-demarcation, which is more science fiction, and on the other hand, the majority, I suppose, who are in favour of the functional system because sooner or later, we need to make a decision and contribution to the real evolution of space law. We have so many questions and doubts about which convention is applicable, is it the Civil Aviation Chicago 1944 Convention or the space law treaties? So we still do not even have a global general treaty that will codify space law.

It seems to me that it is not that useful to continue discussing this. We need to conclude because, let us face it, the conclusion is temporary because technology evolves and we will eventually have the possibility of adapting to the new conditions by adopting new regulations.

That is our position, Mr. Chairman. Many colleagues have already spoken so I suppose our position is well-known and I am speaking really because of the more recent members of the Committee.

Thank you.

The CHAIRMAN: I thank the distinguished representative of Greece for his statement and see that the distinguished representative of France would like to take the floor.

Mr. P. CLERC (France) (*interpretation from French*): Thank you Chairman. France made a statement on the delimitation of outer space to defend the functional approach. France believes that the delimitation of air space and outer space is interesting from a technical and scientific view. We need a pragmatic approach with legal nuances. There is no scientific consensus on defining the altitude from which outer space begins. Such a frontier between 120 and 121 could vary, depending on the techniques used. The underlying question is that of delimitation and it is to determine the legal system applicable to activities such as sub-orbital flights today.

In this regard, France is continuing to support the functional approach and any activity that aims to launch an object into the Earth's orbit or into outer space, the aim of the activity should determine applicable law and not the place or places of the activity. This approach is fully coherent with the Treaty on Registration of Space Objects, it is completely in line with that, and there is no doubt, therefore, that space law, especially the international treaties, are applicable to the launching of the object even though it is launched into air space. Space law is also applicable to satellites including international liability, especially when falling back to Earth or any fragmentation. The French delegation believes that this functional approach has been used since the beginning of space exploration. It was implemented by most space powers.

Thank you Chairman.

The CHAIRMAN: I thank the distinguished representative of France for his statement.

Are there any other delegations wishing to take the floor on this agenda item at this time?

I see none.

We will, therefore, continue our consideration of agenda item 6, Matters Relation to: (a) the Definition and Delimitation of Outer Space, and (b) the Character and Utilization of the Geostationary Orbit, this afternoon.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee so that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space can hold its second meeting.

Before doing so, I would like to inform delegates of our schedule of work for this afternoon.

We will meet promptly at 3.00 p.m. At that time, we will continue our consideration of agenda item 3, General Exchange of Views, and 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 discussions in the Working Group on this item.

We will also continue our consideration of agenda item 6, Matters Relation to: (a) the Definition and Delimitation of Outer Space, and (b) the Character and Utilization of the Geostationary Orbit, and we will begin our consideration of agenda item 8, Nuclear Power Sources in Outer Space.

The Working Group on the Definition and Delimitation of Outer Space will then hold its second meeting.

After the conclusion of our meeting this afternoon at 6.00 p.m., all delegates are cordially invited to attend a reception hosted by the Permanent Mission of Nigeria in the Mozart Room of the Vienna International Centre Restaurant, which is located on the Ground Floor of the 'F' Building.

Are there any questions or comments on this proposed schedule?

I see none.

Finally, I would like to remind delegations that today, during lunchtime, there will be informal consultations of States Parties and Signatories to the Moon Agreement, organized by the Austrian delegation, from 1.30p.m. to 3.00 p.m. in Conference Room M0E100 in this building.

The meeting is adjourned until 3.00 p.m.

The meeting adjourned at 10.54 a.m.