Committee on the Peaceful Uses of Outer Space

Legal Subcommittee

Script

903rd Meeting
Thursday, 16 April 2015, 10.00 a.m.
Vienna

Chairman: Mr. K-U Schrogl (Germany)

The meeting was called to order at 10.14 a.m.

The CHAIRMAN: Good morning distinguished delegates, I now declare open the 903rd 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 6, Matters Relating to (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 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

We will hear one technical presentation this morning by a representative of Japan entitled "Current Status of Japan's Space Policy and Development of Legal Frameworks".

General exchange of views (agenda item 3)

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

First on my list is the distinguished delegate of Hungary, Ms. Fruzsina Tari. You have the floor.

Ms. F. TARI (Hungary): Thank you Mr. Chairman. Mr. Chairman, distinguished delegates, first of all, please allow me, distinguished delegates, to congratulate and express my best wishes to you, Mr. Chairman, of this Subcommittee and I wish you as much success in your work as you had last year.

Our delegation warmly welcomes Luxembourg as the seventy-seventh member State of COPUOS, participating for the first time in this Subcommittee. The increasing number of members with States, as Luxembourg, that has a strong space industry, clearly demonstrates the importance of the work of the Committee and the Subcommittees. We sincerely hope that the Committee and its Subcommittees with the continuously increasing number of member States will keep the cooperative, peaceful and constructive spirit of the discussions.

Last, but not least, we take the opportunity to thank to Ms. Simonetta Di Pippo for her passionate dedication to her role and we also congratulate her Office and staff for the preparation of this session. Their work contributes significantly to the progress of the matters related to the agenda items of this session.

Distinguished delegates, now I give a brief review of the status and upcoming matters on space law application related legal issues in Hungary.

Please allow me to remind the distinguished delegates that Hungary has already ratified four out of the five United Nations treaties on outer space and it has taken place a long time ago. This already shows the engagement of Hungary in this field. Due to the recent developments in Hungary, we are now considering the appropriate form to make the permanent registration of space objects as required by the Registration Convention. This would replace our ad hoc registration mechanism which was sufficient up to the present time due to the limited number of space objects to be registered.

In parallel with our efforts on the formalized and permanent space object registration, we are assessing possible needs to have implementation of the Liability Convention further to its pure ratification.

Our new ambitions on space legislative measures are resulted from the fact that we have reached important milestones last year for which Hungary has been working for a while.

First of all, let me briefly summarize that Hungary has started formalized cooperation with the European Space Agency as early as 1991. By 1999, Hungary considered the opportunities to become a member State. Although in that time, the full membership was not yet possible, Hungary became a

closer partner of the Agency in the framework of the Plan for European Cooperating State in 2003. This long and fruitful road has led us to be able to access to the ESA Convention as full member, being well prepared for this new challenge. Both ESA and Hungary made the necessary steps to prepare our accession and we have signed the Accession Agreement to the ESA Convention on 24 February 2015. This enables us to become a full member of ESA in the course of the second half of this calendar year. To reach successful cooperation, we are about to set up a Task Force Working Group which will facilitate our integration to the ESA programmes.

Our other results are as follows.

After we have announced in 2012 to the Scientific and Technical Subcommittee that during the session of that Subcommittee, the first Hungarian satellite was launched, now I can confirm that MASAT-l has completed its mission after almost three years, actually exactly 1,061 days lifetime in space.

The developing team and Hungary has fulfilled their obligations under the Registration Convention and also the regulatory requirements of the International Telecommunication Union.

As the satellite was a one unit CUBESAT for educational purposes, we gained experience on the registration of very small satellites. Also based on this experience, Hungary welcomes the efforts by preparing the "Guidance on Space Object Registration and Frequency Management for Small and Very Small Satellites". This Guidance points out some major elements which helps on a unified registration of the space objects in the range of small and very small satellites and provides a definition on such missions that evaluates the interpretation of this category.

Although the MASAT-1 satellite itself burned in the atmosphere, it was functioning properly until the end of its lifetime. On 10 January 2015, it was eliminated by its return to the atmosphere, which means that this CUBESAT did not become space debris. The mission was planned from the beginning with an approach that at the end of the lifetime of the satellite it should return to the atmosphere. This shows that space debris mitigation is possible even for small- or very small-size satellites. Please let me note hereby that Hungary is keen on preventing space debris to be produced. We are also considering possible legislation to be implemented taking into consideration, *inter alia*, the General Assembly resolution 62/217 of 22 December 2007, the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space. Until the implementation is realized, we keep on building the researchers' and the industry's awareness on this matter by distributing the above-mentioned resolution and making information days for them.

We are proud that Hungary has by now three universities where the students studying law can choose to attend space law courses. Besides the Szeged University and the Pázmány Peter Catholic University, the Eötvös Lornd Science University also incorporated in its permanent programme space law as an optional course. These three universities are served by two different lecturers which also enables a variety of the programmes.

Distinguished delegates, as a last topic, I also take the opportunity to welcome the proposal for a renewal of the structure of the agenda and the organization of work of the Legal Subcommittee, submitted by Germany, as, in our view, it would definitely enhance the efficiency of the Subcommittee and allows to reflect more pertinent legal issues either resulted from the subjects discussed during the Scientific and Technical Subcommittee or coming from other new
trends in space activities.

Thank you very much for your attention. Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished delegate from Hungary for her statement.

Are there any other delegations wishing to speak on agenda item 3 this morning?

I see none.

So we will continue our consideration of this agenda item, agenda item 3, General Exchange of Views, this afternoon.

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 would now like to continue 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.

On the sub-item 6(a), the Definition and Delimitation of Outer Space, I have first on my list,

Ms. Alvarez from Chile on behalf of the G77 and China. You have the floor.

Ms. T. ALVAREZ (Chile): Thank you Mr. Chairman. This is a statement on behalf of the G77 and China.

The Group of G77 and China would like to thank the Secretariat for preparing the documentation on the definition and delimitation of outer space, including the replies received from member States to questions on the definition and delimitation of outer space, contained in documents A/AC.105/1039/Add.4 and Add.5, and A/AC.105/889, as well as the Report of the Working Group at the last Committee session, contained in Annex 2 of the document A/AC.105/1067.

The Group of 77 and China would also like to convey its appreciation to the Chairman of the Working Group on the Definition and Delimitation of Outer Space, José Monserrat Filho from Brazil, for the work he has done in facilitating discussion in order to reach consensus among member States on this issue.

Since COPUOS was established more than 50 years ago, space activities and technology have developed tremendously and are becoming more complex. Nevertheless, this matter has remained on its agenda for all these years. Despites lengthy debates, no consensus so far has been reached on the definition and delimitation of outer space. Definition and delimitation of outer space will help to address legal clarity in the implementation of outer space law and air space law.

The Group of 77 and China encourages the Subcommittee to reinvigorate its efforts to reach consensus on this issue and stands ready to continue participating constructively in substantive discussions.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished delegate of Chile for her statement on behalf of the G77 and China.

Next on my list is the distinguished delegate of Colombia, Ms. De La Torre Benítez. You have the floor.

Ms. A. M. DE LA TORRE BENÍTEZ (Colombia) *(interpretation from Spanish)*: Thank you very much Chairman. Chairman, as this is the first time that I am addressing you, allow me to commend you upon your appointment and to extend my delegation's full cooperation in the fulfilment of your mandate. We are certain that under your guidance, the work of the Legal Subcommittee will reach a successful conclusion.

Chairman, my delegation is grateful for the documents that have been provided by the Secretariat for this session of the Subcommittee which will contribute to the development and dissemination of understanding of space activities and which, in turn, will promote international cooperation for the peaceful use of outer space.

We would like to underscore the excellent work accomplished by Ms. Simonetta Di Pippo, the Director of the Office for Outer Space Affairs, and of her team.

Chairman, in current circumstances, my delegation believes that it would be unwise to adopt a definition or delimitation of outer space, given that the lack of such a delimitation or definition has not proven problematic or inconvenient for the conduct of space activities. Rather, it would be wiser to define or delimit air space activities and to regulate or establish the legal regime for the regulation of such activities.

However, we recommend that this item remain on the agenda of the Legal Subcommittee, moreover, given that this is a natural limited resource, prone to saturation, which is to be used in a rational, efficient and equitable manner, permitting equitable access for the various groups of countries and, in particular, taking into account the needs of developing countries and the geographic situation of the equatorial countries.

For that reason, mechanisms should be established in order to overcome the difficulties that arise from the current coordination procedures which are neither equitable nor efficient in guaranteeing access for developing countries and also for the equatorial countries.

Thank you very much Chairman.

The CHAIRMAN: I thank the distinguished delegate of Colombia for her statement.

Next on my list is the distinguished delegate of Mexico, Ms. Rosa Maria Ramírez. You have the floor.

Ms. R. M. RAMÍREZ DE ARELLANO Y HARO (Mexico) *(interpretation from Spanish)*: Good morning Chairman. Well, unfortunately I cannot change my statement, as I would have liked to have

done as regards item 6 because, in fact, there are many changes that I would need to make but I shall try instead to read it out as concisely as possible and perhaps add a number of relevant observations.

First of all, as regards the definition and delimitation of outer space, the Mexican delegation wishes to convey to the Legal Subcommittee the need to continue its analysis of the issue of the definition and delimitation of outer space in order to thus guarantee the respect for the full exercise of sovereignty as regards outer space as well as of the principles of free exploration, exploitation and use of space, based on the various arguments that have been put forward by governments in the Working Group that is chaired by Dr. Monserrat, and, as was stated yesterday, we would commend the work achieved to date.

We have a number of laws related to the delimitation of outer space and air space. The first of these, clearly, is enshrined in the Political Constitution of the United States of Mexico. This fundamental law in Mexico has established since 1960, which was the year of the reform for the addition of a paragraph clarifying that Mexico applies its sovereignty to space in keeping with the provisions that have been defined by the international treaties adopted by COPUOS. This amendment, or modification, Chairman, as you know, entered into force in 1960, slightly before the adoption of the Treaty on the Principles of 1967, and shortly after this, once the space race began in 1967 where this then became a matter of concern for everyone on how to occupy the sky and how to govern the flight and trajectories of certain objects such as SPUTNIK, which was launched in 1967. At that time, nobody was too concerned whether or not their air space was being regulated or not. Very little was known about what was taking place at that time.

So at that time, we did not really have a difficulty with the segment dealing with air space. National territory includes the space located above a national territory which includes the extension and modalities established under international law. And this is applied, in both senses of the word, that means air space where Mexico is Party to the Chicago Convention system as well as to the Warsaw system, and in particular, when it comes to aviation matters or Mexican civilian aviation law establishes the following.

The present law is a matter of public policy and serves to regulate the exploitation, use or exploration of air space situated above national territory as regards the provision and development of civilian and State air transport services. Accordingly, the Mexican delegation re-states that the Legal Subcommittee should continue its analysis of this agenda item, taking into account the arguments that have been put forward by the various Administrations including by my own Administration, Chairman.

We cannot sit back and wait for our children to take our places in the Working Group, currently chaired by Mr. Monserrat. We need to have a decision as to whether there is a need for a definition or delimitation or not. It is true that currently it is possible to conduct or carry out those activities related to outer space as well as in air space, and ICAO is concerned, as we know, and as has been said at a previous meeting. It is concerned with this because of security reasons and this is what my Government is currently looking, not only because of recent events that have taken place in the context of civilian aviation that we have commented on, but also because we are doing our best to adopt security and safety measures so that those space devices that are travelling in outer space can co-exist with those that are occupying air space.

Thank you very much.

The CHAIRMAN: I thank the distinguished delegate of Mexico for her statement.

Are there any other delegations wishing to speak on 6(a), which is delimitation?

Then I turn to 6(b) and I have on my list again, Chile, on behalf of G77 and China.

Ms. T. ALVAREZ (Chile): Thank you very much Mr. Chairman. The Group of 77 and China would like to thank the Secretariat for the preparations of this agenda item and would also like to share its views with the Subcommittee on this item.

The geostationary orbit is a limited resource which has great potential for the implementation of a wide array of programmes to benefit our countries. The Group of 77 and China is concerned by the risk of saturation that threatens the sustainability of space activities in this environment. The utilization of this orbit spectrum must be rationalized and extended to all States in conditions of equality, taking into account the necessities and interests of developing countries in compliance with the established principles in the normative framework and the decisions made by both the ITU and other relevant bodies of the United Nations system, giving priority to the contributions of

space activities to sustainable development and the achievement of the Millennium Development Goals.

This topic should be considered within the COPUOS and its two Subcommittees in an entirely inter-State environment.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished delegate of Chile on behalf of the Group of 77 and China.

Next on my list is the distinguished delegate from Algeria, Ms. Behiri.

Ms. A. BEHIRI (Algeria) *(interpretation from French)*: Thank you Mr. Chairman. Mr. Chairman, Algeria attaches great importance to the utilization of the geostationary orbit. Our view is that by virtue of the principle of non-appropriation of outer space, outer space, as the province of all mankind, cannot be appropriated. Through incorporation of the province of all mankind principle and by virtue of Article 44.2 of the ITU Constitution, provision needs to be made to guarantee equitable access to orbits, including geostationary orbits, based on the principles of peaceful use and non-appropriation of outer space. The objective is to put an end to the first come, first served approach which, in our view, is detrimental to developing countries.

Thank you.

The CHAIRMAN: I thank the distinguished delegate of Algeria for her statement.

Next on my list is the observer of the ITU, the International Telecommunication Union, Mr. Attila Matas.

Mr. A. MATAS (International Telecommunication Union): Thank you Mr. Chairman, good morning.

ITU, as one of the oldest observers to the Legal Subcommittee, is very happy to assist to your deliberations and especially today related to the geostationary orbit and I would like to give you some additional information related to this topic to say that the ITU member States have established a legal regime which is codified through the ITU Constitution and Convention and the Radio Regulations.

These instruments contain the main principles and lay down the specific regulations governing the following major elements: frequency spectrum allocations to different categories of radiocommunication services; rights and obligations of member Administrations to obtain access to the spectrum and orbit resources, including the geostationary orbit: and also the international recognition of these rights by recording frequency assignments and, as appropriate, orbital positions, including the geostationary orbit, to be and to be recorded in the Master International Frequency Register.

The above regulations are based on the main principles of the efficient use of and equitable access to the spectrum and orbit resources, as it was codified in No. 196 of the 1TU Constitution, which stipulates that in using frequency bands for radio services, member States shall bear in mind that the radio frequencies and any associated orbits, including the geostationary satellite orbit, are limited natural resources and that they must be used rationally, efficiently and economically in conformity with the provisions of the Radio Regulations so that countries and groups may have equitable access to those orbits and frequencies, taking into account the special needs of the developing countries and the geographical situation of particular countries.

As indicated in the provisions above, the details of the regulations and procedures can be found in the ITU Radio Regulations, which is a legally binding international treaty. I would like to inform you that you are free to download the ITU Radio Regulations in the six languages of the United Nations from the ITU website.

Related to the rational, efficient and cost-effective utilization, one of the concepts that was implemented is the first come, first served procedure and this coordination procedure is based on the principles that derives the use of satellite position is acquired through the negotiation with the Administration concerned by the actual use of the orbital position or the frequency assignment.

What I would also like to inform you is that the member countries now consider more and more seriously the question also of the equitable access in respect of the orbit and spectrum resources. These results are established and introduced in the ITU Regulatory Regime of the Orbital and Frequency Position Plans in which a certain amount of frequency and geo-orbital positions is set aside for the future use by all countries, particularly those which are not in the position at present to make to use these resources.

This, I would like to remind you, that the Plans are using the predetermined orbital position and the associated use of frequency bands.

To give you more information about the resources, how they are used, I would like to inform you that ITU reported to the Scientific and Technical Subcommittee of the COPUOS in Conference Document CRP.6 about the use of the geostationary orbit and this is a huge document, which is again free to download in six languages. It is a 134-page document reporting about the use of the geostationary orbit, the non-geostationary satellite networks, usage of the Plan for the broadcasting service and usage of the Plan for the fixed satellite service. In this Report you can find that 79 Administrations have records in the ITU Space Master Register with a different status of the network and, at the end of 2014, we can report that there is 5,252 satellite networks filing in the ITU Master Register and from those, there is 4,641 geostationary and 611 non-geostationary networks.

This is the information which I would like to assist to your deliberations and I am ready to give you more information if it is required, Mr. Chairman.

Thank you.

The CHAIRMAN: I thank the observer of the ITU for his statement and the information provided.

Are there any other delegations wishing to speak?

I see Chile.

Mr. R. GONZÁLEZ ANINAT (Chile) *(interpretation from Spanish)*: Thank you very much Chairman.

Through you, I have a question for the distinguished representative of the ITU and this is something that has been raised both in the Legal Subcommittee as well as in our political discussions for quite some time and I would like to know the following.

I would like to know, from the viewpoint of the ITU, taking into account the general principles of space law, at the Workshop that took place yesterday, we agreed that there were various established principles such as the common heritage of mankind, I would like to know whether the policy of first come, first served that takes precedence over equitable use, which has precedence? Now, by equitable use, I understand what is implied under Article 38, paragraph 4 of the Statute of the ICJ and this is a way to reconcile these two concepts, which, in turn, would give rise to a common standard or a norm. I am not entirely clear on this, however, and this is very important for developing countries most of all.

Recalling that some of these developing countries, such as my own, are constantly affected by both technological disasters and human-caused disasters and where telecommunications are vital for our development and also for human security and this is a concept which is not something I have just dreamt up or invented, it is to be found in many reports.

Thank you very much.

The CHAIRMAN: I thank the distinguished delegate of Chile for his question and I see that the representative of ITU is ready to respond.

Mr. A. MATAS (International Telecommunication Union): Thank you Mr. Chairman. I would like to reply to the question of the Chilean delegation to say that there are, first of all, in the Radio Regulations different frequency bands which are used for the first come, first served, that is why they are coordination frequency bands and orbital positions and there are frequency bands and orbital positions which are used for the equitable access for the Plan frequency bands, orbital positions and services.

I would like to repeat again that all ITU member States, they have in the Plan, a guarantee for the orbital position, one orbital position which is used for the broadcasting services and one orbital position for the fixed satellite services and this Plan and the data is put aside, that is why in the country is not using now, they use it later in five or 10 years. There is no decision of the WRC about the expiry of the Plan. That is why there I would like to guarantee also to the Chilean delegation and I am ready to show the details of the Plan that all member States, even the developing countries, have access and guarantee aside to put the orbital position for coverage of their territory. This is the most important message that the Plan is guaranteeing access and coverage of the territory of each particular country.

For the coordination, first come, first served approach, this is again the decision of ITU member States which is saying that the coordination approach today is the most efficient, rational and cost-effective approach to use the frequency band and also the geostationary orbits.

I am ready to provide you more information about the Plan but just to summarize the last point, there is no priority which one is higher status, the Plan or the non-Plan services, because there is no coincidence, the Plan bands are different from the non-Plan frequency bands. That is why there is no direct attack of the frequency bands for the Plan by the non-Plan services.

I am ready to explain more if necessary.

The CHAIRMAN: I thank the representative of ITU for his statement and the response to the question asked by Chile.

I have a request for the floor from Mexico.

Ms. R. M. RAMÍREZ DE ARELLANO Y HARO (Mexico) *(interpretation from Spanish)*: Thank you very much Chairman.

Now, as regards the principle of first come, first served, as applied by the ITU, in light of my experience in this forum, and this is something that Dr. Attila is well acquainted with, it is not a principle, it is a practice. When the space race began, those parties who were able to occupy a position in the geostationary orbit were those who had the technology and the resources and, therefore, were able to occupy the geostationary satellite orbit. Now, none of the instruments or regulatory instruments of the ITU establish this first come, first served principle. It is not to be found in any ITU instrument and, therefore, that does not apply. Rather, this was a practice. It was a practice undertaken in the past, applied in the past. It should not imply that a country that lacks the technology or the resources to make use of them or because a country perhaps was unable to gain access, that they should not have access or be able to apply for access to these frequency bands. It is not a principle, once again. It was an unfortunate practice, a bad practice.

Now, when it comes to satellites and the guarantees provided by the ITU to member States and to non-member States, geography has changed an awful lot, and that is something that Dr. Attila knows. Geography has changed a great deal. Many countries now might ask whether they have an orbital position guaranteed to them in the Plans that Dr. Attila referred. Mexico has three orbit positions for broadcasting satellite and one for fixed satellite services and, as he said, we can make use of these Plans when we want to, when we are able to. That is not the case for all countries, however.

So, once again, let me confirm that this was not a principle. It was a bad practice and that has been stated time and time again up until the ITU members tried to establish some form of order in their discussions. If it were a principle, then it would have been included in the ITU regulatory instruments and that is not the case. And I apologize to Dr. Attila. I am sorry if I am saying something that is considered wrong.

The CHAIRMAN: I thank the distinguished representative of Mexico for her statement.

Any other delegations wishing to speak?

I see none.

Distinguished delegates, we will, therefore, continue 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, this afternoon.

National legislation relevant to the peaceful exploration and use of outer space (agenda item 7)

Distinguished delegates, I would now like to begin our consideration of agenda item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

As requested by the Subcommittee, the Secretariat developed, together with ITU, an information handout on issues related to registration, authorization, debris mitigation and frequency management, with respect to small and very small satellites, for the benefit of space actors intending to operate such satellites. The handout is published on the website of the Office for Outer Space Affairs and has been made available to the delegations as a Conference Room Paper, CRP.17.

I would now like to invite the Office and ITU to briefly introduce this paper, the guidelines or the guidance, contained in CRP.17, and I first give the floor to Niklas Hedman from the United Nations Office for Outer Space Affairs.

Mr. N. HEDMAN (Office for Outer Space Affairs): Thank you Mr. Chairman, distinguished delegates, indeed, I will make a general introduction of this publication and also, of course, to relate more specifically to the part that is covered by the Office for Outer Space Affairs and then the floor will be given to the distinguished observer of ITU to explain the ITU component of this document.

As the Chair said, you have it before in Conference Room Paper 17 and the publication is, of course, also available on the website of the Office for Outer Space Affairs and it is named "Guidance on Space Object Registration and Frequency Management for Small and Very Small Satellites".

Just to bring you back to the mandate given to the Secretariat from last year, and you have that in last year's report of the Legal Subcommittee under this particular agenda item on national legislation on space activities, paragraph 98, where the Subcommittee requested the Secretariat to develop, in consultation with ITU, an information handout on issues relating to registration, authorization, debris mitigation and frequency management with respect to small and very small satellites for the benefit of space actors intending to operate such satellites.

You see it is quite a broad range of issues that had to be covered in this handout or guidance, as we call it now.

First of all, we have provided a brief introduction on the first, a brief introduction to the issue at hand and why this guidance is, in fact, necessary to be observed at the national level. And then we have structured the handout in the different sections, starting with an overview, a very, very broad general overview on the international legal regime relating to space activities and space objects, authorization, implementation of space debris mitigation measures and space object registration, and I will go through these parts, each of them now.

Under the international legal regime section, we have not embarked into an academic account but we have merely provided a very general factual description of the legal regime that you can see before you in this document.

On authorizations and licensing of satellite missions, starting on Page 3, what we included there is a reference or a link to the webpage with covering national legislations or national legal frameworks by States so it is interactive in that sense that you can then click on that link and then you will be immediately guided to the respective webpages of the Office.

We have included a reference to the latest of our General Assembly resolutions dedicated to specific topics that we are covering in the Legal Subcommittee and, in this case, namely, resolution 68/74 on recommendations on national legislation relevant to the peaceful exploration and use of outer space, because we thought it important since we are to address authorization and licensing, to really make the reference directly to the General Assembly resolution providing such guidance to States.

On the section on space debris mitigation measures, obviously the handout or the guidance here, is making a clear reference to the dedicated webpage comprising the compendium on the national standards and standards on space debris mitigation. As you recall last year, we published this handout. We created this webpage and, as you also recall, this was a joint effort initially by the Czech Republic, Germany and Canada who provided the document and the document with all the sources have now been taken over by the Office for Outer Space Affairs and this is clearly set out in this document that I am referring to now, the handout, on Page 4. We also provided a very brief summary of the content of the Space Debris Mitigation Guidelines, as you can see on that particular page.

Now, when we come to space object registration, this is first a general account, a general introduction, on Page 5, and then we go more into the detailed requirements on procedures for registering a satellite with the Secretary-General of the United Nations, and types of information provided and United Nations space object registration form. And it is important to note here that we included the registration submission form because it, itself, together with its Annex, provide useful explanation on the terms and references that should be observed when submitting a registration to the Secretary-General.

I would like to point out one of the boxes because you see we are operating with boxes, with some important notifications, and there is one that I would like to really bring to your attention on Page 6 and it says the following, on the top of that page, "Important. Registration information submitted directly to the United Nations by national agencies, private corporations, academic institutions or individuals will not be considered valid submissions. Only information provided through diplomatic missions accredited to the United Nations will be considered valid registration submissions." The message here is, of course, that we cannot accept registration submissions coming from individual institutions and universities, etc., and frequently, we actually are being approached by various institutions and even from private sector entities with registration submissions that we cannot accept. We just want to make that point very clear in this handout. So it is a general guidance that has to be observed by all involved.

In a nutshell, this is what the Office for Outer Space Affairs has covered in this particular guidance that you have before you and, as I say, this is not intended to be an academic account, it is a general brief account of what has to be observed and we do this as the Secretariat maintaining the Register of Objects Launched into Outer Space.

So, Mr. Chairman, distinguished delegates, this is my part and I think then that our colleague from ITU could possibly guide us through the ITU account of this guidance.

Thank you.

The CHAIRMAN: Thank you Mr. Hedman. I give the floor to Mr. Matas.

Mr. A. MATAS (International Telecommunication Union): Thank you Mr. Chairman. ITU was very happy to cooperate with the Office for Outer Space Affairs and we were delighted to respond to the Legal Subcommittee immediately last year that we will do it for this year and to have it in your hands these outlines.

I would like before going to the interaction of this document just to say to you that the WRC-12 instructed the ITU, and particularly the ITU-R sector to study the regulatory aspects for the small satellites and we are just finishing the first part of the intensive studies related to the small satellite regulation and this will be reported to the WRC-15 in November this year, which the World Radio Conference will be held in Geneva in November this year.

As part of the initiative and studies, ITU organized this year in Prague, a Small Satellite Symposium and, again, I am happy to report to you that Professor Schrogl was there as a keynote speaker as Head of the Legal Subcommittee, Chairman of the Legal Subcommittee, was holding a very pushy, intensive, nice, powerful keynote speech to motivate the small satellite operators to follow the United Nations and ITU legal regime. And also there was a very deep presentation by Mr. Hedman about the outer space legal regime. There was 160 participants from 40 countries and at the end of the Symposium, participants were very happy to declare a Prague Declaration which is calling the small satellite operators, the small satellite community to follow the Outer Space Treaty, follow the ITU Regulations and to be a responsible user of outer space, the space segment frequencies. That is why I think we are altogether with outer space working quite intensively on the fulfilling the wishes and instructions of the Legal Subcommittee on this matter.

Just quickly to go through our part of this document. On some pages we explain the Basic Principles of the ITU Radio Regulations, allocations of the frequency bands and the Basic Principles because the non-geostationary small satellites are considered as non-Plan services. That is why the Advanced Publication Coordination and Notification Procedures are applicable to these networks where the seven years regulatory period has to be observed from the submitting of API up to bringing to use and notification.

Also I would like to tell you that for these networks, the Cost Recovery Principles are applicable. That is why the fees, We have a special advantage that for the amateur satellite services there are no cost recovery charges and also that each member State is entitled to have one free filing per year.

In the document, there are no forms because all ITU forms are now in electronic format, and again on the last page, you have information from where you can download the software used for capture, validation and filing and so we are reminding the small satellite community that life for the Office for Outer Space Affairs, ITU is also dealing only with the Administration member States. That is why we are not able to accept satellite filing directly from the satellite operators.

Just to say on the last part that this outline is really very basic information and you are invited to visit the ITU webpage from where you can download all related documents much more deeply and we are ready to provide to you also, if this is your wish, to have extended more detailed information related to the small satellite services.

Thank you.

The CHAIRMAN: I thank Mr. Matas and Mr. Hedman for introducing this document and, after all, in particular, for putting the document together and making it available.

We should also acknowledge the role of the organizations in not exactly putting it together but making it possible and this is, first of all, of course, IISL and ECSL, which, through their Symposium on the very first day of the last Legal Subcommittee, raised the issue of small satellites and brought the topic and also the associated problems to the attention of the delegations.

And I should also mention the Workshop at the University of Vienna, organized by Professor Marboe, on the Saturday between the two weeks of the Legal Subcommittee, on the same topic which, additionally, brought further aspects and further issues and questions related to small satellites to the attention of a number of delegates who participated in this Workshop.

So this is a quick response, I would say, to the concern of delegations with the implementation of space law and telecommunications law, as far as it is space law related, in order to provide those who are actors in outer space with a clear guidance on how to properly and completely apply and implement their legal obligations.

So this also means, and I should say a few words about our role in this context. We are not only there to create new space law. We should also and have to take care that existing space law is properly implemented and we can do it and have to do it by such means as identifying issues, asking the right questions and then tasking organizations or the Secretariat together, in this case, with ITU, to come up with a clearer and better understanding of how to properly implement international law and international obligations or obligations by our member States.

And this brings me to a request, a very strong request to you, the delegations. Do not simply leave this document here on paper or there on the webpages. Please, when you are back in your countries, make this document known, make it known to all those who are actors in space who might be interested to launch satellites, be it universities, be it small companies. It is your obligation to make this known to everybody and to really ask them to fulfil the obligations and this is an excellent tool for them to better understand, to also be able then to ask questions to those people who are actually in charge of either registration or the frequency management.

So this is my request to you that you take up the responsibility really to make that known in your countries.

With that, I would like to turn to the list of speakers and so far I have only one delegation on my list and this is the distinguished representative of Japan, Ms. Yuri Kobata, to speak on agenda item 7. You have the floor.

Ms. Y. KOBATA (Japan): Thank you Mr. Chairman. Mr. Chairman, distinguished delegates, on behalf of the Government of Japan, I am pleased to address the fifty-fourth session of the Legal Subcommittee of COPUOS.

Mr. Chairman, Japan enacted the Basic Space Law in May of 2008. The exploration and utilization of space carried out under this Law will continue in accordance with space-related treaties and pursuant to the pacifist principles enshrined in the Constitution of Japan.

We would like to draw attention to the recent restructuring of our governmental bodies for space policy formulation which took place in 2012.

The Government of Japan renewed the Office of National Space Policy under the Cabinet Office in 2012. The Office is expected to strengthen the governmental headquarter function for space policy.

In 2012, the law concerning the Japan Aerospace Exploration Agency, JAXA Law, was amended. JAXA is defined as the core implementing agency that technologically supports the Government through the development and use of space. The amendment of JAXA Law enables Japan to conduct space activities for purposes of national security in accordance with the Japanese Constitution.

When deemed necessary, the competent Ministers may request JAXA to take necessary actions, in accordance with this Law, in order to promote international cooperation or maintain international peace and safety. Furthermore, provision of assistance and advice at the request of private enterprises in relation to activities such as developing, launching, tracking and operating satellites was added to the scope of JAXA's activities by this amendment. Under the amended JAXA law, the Prime Minister and the Minister of Economic, Trade and Industry, METI, are also responsible for the promotion of industry through JAXA in cooperation with the Ministry of Education, Culture, Sports, Science and Technology, MEXT, and the Ministry of Internal Affairs and Communications, MIC.

The Ministry of Foreign Affairs continues to represent the Government of Japan in COPUOS meetings. We reaffirm our determination to greatly contribute towards further strengthening and deepening discussions in COPUOS.

Mr. Chairman, the Basic Plan on Space Policy was renewed on 9 January this year and is designed as a 10-year plan with an outlook for the next 20 years. The three objectives under the new Basic Plan are:

ensuring space security, promoting space utility in civil areas and maintaining and strengthening the bases of space industry and science technology. Additionally, the Medium- to Long-Term Objectives and the Medium- to Long-Term Plan of JAXA have been set based on the Basic Plan.

The New Basic Plan aims to submit a Bill on space activities and a Bill on satellite remote sensing to the Diet at the beginning of 2016. Therefore, the Government of Japan is now discussing a formulation of a law on space activities which provides authorization and supervision for private space activities such as commercial space transportations and satellite operations and a law on satellite remote sensing. With non-governmental entities increasingly engaged in space activities, it is essential for the Government to establish a licensing regime to provide for authorization and continuing supervision in accordance with the Outer Space Treaty.

Thank you for your kind attention.

The CHAIRMAN: I thank the distinguished delegate of Japan for her statement.

Is there any other delegation wishing to speak?

Yes, the Netherlands.

Mr. H. VAN DEN OOSTERKAMP (Netherlands): Thank you Chair. First of all, I would like to thank the Secretariat and ITU for the very useful guidance on space object registration. We certainly will distribute it among the Netherlands and also to the private parties. My point is that I would like to inform the Legal Subcommittee that just recently small satellites are brought under the working of the Dutch Space Activities Act. It has been published last month.

The CHAIRMAN: Thank you Netherlands for this information.

Any other delegation wishing to speak?

I see none.

Brazil.

Mr. A. J. RYPL (Brazil): Thank you Mr. Chairman. It is not really a proper statement but just to really thank you for your comments because I think this message, we have to take these ideas home, make them known and ensure that the instruments that we develop here are applied is very important.

And also, of course, I would like to make a brief comment on the proposal that Brazil intends to present tomorrow under agenda item 13, which is directly connected with the document on guidance, and, as far as I see it, also the proposal that will be made by Germany on space traffic management is also related to that. So I think we are really, in a sense, very fortunate. There is a coincidence of interest and I hope to see that reflected tomorrow in support for both the proposals of Germany and Brazil.

Thank you.

The CHAIRMAN: I thank the distinguished delegate of Brazil for his statement.

Any other delegations wishing to speak at this stage?

I see none.

So we will continue our consideration of agenda item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, this afternoon.

Technical presentation

Distinguished delegates, I would now like to proceed with the one technical presentation scheduled for this morning.

The technical presentation we will hear is by Ms. Yuri Kobata of Japan and is entitled “Current Status of Japan’s Space Policy and Development of Legal Frameworks”.

Ms. Kobata, you have the floor.

Ms. Y. KOBATA (Japan): Thank you Chairman. Distinguished delegates, representatives, it is my great honour to give a presentation on Japan’s Space Policy to you today. I am going to speak about recent updates of Japan’s Space Policy: Highlights of the New Basic Plan on Space Policy and our efforts towards the development of related legal frameworks.

I will first briefly touch upon the _____ *(not clear)* and then talk about the recent adoption of a new Basic Plan of Space Policy, the characteristics of new policy _____ and the basic stances as well as the concrete uplaunch(?) we are taking in order to implement the new Space Policy.

In Japan, for a long, the Japan Aerospace Exploration Agency, JAXA, was an exclusive player of space launch activities in Japan. Now the launch activities of H-IIA and H-IIB core rocket systems have been commercialized but activities are still under JAXA's control based on the legal framework of JAXA implemented in 2002. Hence, the GOJ has been able to lead in the space-related facilities only where in the ends of the legal framework of JAXA.

In recent years, a growing number of private businesses have restricted engaged in satellite operations and traditional launch businesses around the world and such non-governmental activities are also emerging in Japan.

Given the trend, the GOJ recognizes the necessity for an appropriate legal framework and, therefore, is discussing the foundation of new laws on space activities and reach the goal through service _____ to _____ in early 2016.

All Japanese space policy measures including the promotion of commercial space activities in Japan are implemented based on the Basic Plan on a space policy. Thus, the Strategic Headquarters for Space Development led by Prime Minister Abe, established the most recent Plan on 9 January 2015 based on the Article 24 of Space Law from 2008.

Following Prime Minister Abe's instructions to formulate a new Basic Plan for Space Policy, the new Basic Plan was updated in January of this year.

Compared to the former _____ and other similar Plans, the new Basic Plan for Space Policy in 2015 was ground-breaking in two leaders. First, the period for implementing the Plan has doubled compared to its predecessor Plan five years to 10 years.

Second, under the leadership of Prime Minister Abe, the Plan indicates concrete numbers and years of the development of government satellites for 10 years. These changes are intended for enhancing the foreseen ability of investments in the space industry since the industry seeks the foreseen ability or investments due to their natural _____ long-term research and the development as well as a large number of investments required for satellite engineering.

In the section of the Japan Space Policy, you can find the three goals of this Plan. The first is ensuring space security. The second is promoting the use of space in the civil area and the third is maintaining and strengthening the industrial and science and technological bases which supports the first and the second goals.

This Plan refers to prioritizing(?) space utilization, start concrete projects including meteorological satellites, Japan's positioning satellites, _____(?) satellite systems, QDSS(?), environmental observation satellites as well as optical and laser satellites.

In order to develop and operate these satellites steadily, the Basic Plan aims to maintain and strengthen the industrial and science and technological bases in Japan.

Turning to the section of the basic stance for fostering the Space Policy, giving consideration to the change of the policy environment, the GOJ proceeds space policies based on the three guidelines below.

Prioritize realization of outcomes from use of space.

Prioritize realization of policy outcomes that match with budget allocations.

Third, rather than fixing rigid targets for each individual initiative, ensure targets are meaningful and in accordance with change of the environment.

So a variety of policy measures in the Basic Plan on Space Policy, the GOJ aims to expand space utilization and space activities by non-governmental entities. Obviously, new space activities by non-governmental entities require new legal frameworks given that Japan only has a law concerning JAXA from 2002 and that there is no legal framework covering private space activities.

The GOJ is now discussing the formation of a law on space activities which authorization and the civil regional private space activities such as commercial space transportations and satellite operations.

We are just about to launch a legal _____(?) on the Committee on National Space Policy which is comprised of experts, including Professor Setsuko Aoki, who chairs the Working Group under the agenda item, Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, in the Subcommittees. Discussions on the _____(?) are thinking are pledge(?) to the legal regime on space activity and satellite remote sensing are to be held.

I hope that is briefly upon the new space-based plan at present. This new Basic Plan is probably still only in Japanese but it will be published in English in the near future as well as the previous Space Plan for Space Policy.

Finally, on behalf of the Government of Japan, I would like to express our gratitude for your cooperation in the areas of laws on space activities and on space remote sensing.

Thank you for your kind attention.

The CHAIRMAN: I thank Ms. Kobata for her presentation.

Are there any questions any delegation would like to ask?

I see none.

Thank you very much again.

And I will now adjourn the meeting of the Subcommittee and before doing so, I would like to inform delegates on the schedule of work for this afternoon.

We will meet promptly at 3.00 p.m. and at that time, we will continue our consideration of agenda item 3, General Exchange of Views, 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, as well as agenda item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

We will hear one technical presentation this afternoon by a representative of Brazil entitled “The Brazilian Air Force University: Supporting the Brazilian Space Programme”.

We will then adjourn the plenary meeting so the Working Group on the Definition and Delimitation of Outer Space can hold its next meeting.

Are there any questions to this proposed schedule?

I see none.

Finally, I would like to inform delegations that today the delegation of the United States will hold a reception in the VIC Restaurant from 6.00 p.m. to 8.00 p.m. Invitations have been circulated to all delegations through the pigeonholes.

The meeting is adjourned until 3.00 p.m.

The meeting adjourned at 11.30 a.m.