United Nations A/C.4/67/SR.10

General Assembly
Sixty-seventh session

Official Records

Distr.: General
20 December 2012

Original : English

Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 10th meeting
Held at Headquarters, New York, on 19 October 2012, at 10 a.m.

Chairperson : Mr. Messone . . . . . (Gabon)

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12-55827 (E)

The meeting was called to order at 10.09 a.m.

Agenda item 51: International cooperation in the peaceful uses of outer space (*continued*) (A/67/20, A/C.4/67/L.2 and A/C.4//67/L.7)

1. **Mr. Coulibaly** (Burkina Faso) said that space law needed to be harmonized and further strengthened in order to prevent the militarization of outer space, regulate all space activities, control pollution and reduce the threats to international peace and security. In that connection, his delegation reaffirmed its support for the draft treaty on the prevention of the deployment of weapons in outer space and of the threat or use of force against outer space objects introduced by China and the Russian Federation at the 2008 Conference on Disarmament.

2. The benefits of space applications and space technology in many socio-economic domains, including the field of information and communication, were well known. Unfortunately, space applications were not sufficiently accessible to States, especially developing States.

3. Burkina Faso was vulnerable to natural disasters and recognized the value of space applications in disaster management. It was strengthening its disaster management capacities and had launched a digital mapping project to provide reliable data. In that regard, data provided by the United Nations Platform for Space-based Information for Disaster Management and Emergency Response (UN-SPIDER) had been of considerable help to his Government in limiting the humanitarian consequences of flooding. Space technologies should be taken into account in national risk prevention and disaster management strategies, and regional, national and local capacities should be developed. Greater cooperation was needed so that countries that were vulnerable to natural disasters would be able to benefit from the support of UN-SPIDER.

4. **Mr. Valero** (Bolivarian Republic of Venezuela) said that all States, whatever their level of scientific, technical or economic development, were entitled to have access to outer space under conditions of equality. Accordingly, his delegation supported efforts to strengthen the politico-legal regime aimed at preventing the militarization of outer space and the deployment of advanced weapons, including in particular the initiatives that had been put forward at the Conference on Disarmament. The Committee on the Peaceful Uses of Outer Space (COPUOS) was playing an invaluable role in promoting cooperation in outer space activities, which would particularly benefit developing countries. Venezuela deplored actions that restricted the access of developing countries to space technology since space technologies and applications would help the countries of the South attain their development objectives and gain technological independence.

5. Venezuela's policies with regard to the peaceful use of outer space aimed to promote technological independence and enhance its people's welfare. Bilateral cooperation agreements had been signed with Argentina, France and the Russian Federation, among other countries, and cooperation with China had led to the successful launching of two Venezuelan satellites. The Simón Bolívar satellite was providing rural telephone services, Internet access, and tele-health programmes, and national radio and television broadcasting; the recently launched Miranda satellite, was designed to strengthen Government decision-making in such fields as environmental protection, agriculture, health and risk management and provided valuable data for the purposes of integrated research on geomorphology, neotectonics and geology.

6. **Mr. Govender** (South Africa) said that the United Nations must take the lead in ensuring the use of earth observation applications to contribute to the objectives of global United Nations conferences on sustainable development, particularly with regard to poverty eradication, focusing on such areas as natural resource management, food security, environmental protection, climate change, early warning and monitoring of natural disasters, and global health. UN-SPIDER played a particularly important role through its technical advisory missions to assist Governments in improving their disaster risk management practices.

7. The United Nations must facilitate access by all countries to applications such as tele-health, tele-education, clean energy and drinking water. The peaceful uses of outer space implied sustainable development of the outer space environment which must translate into collective benefits to humanity in general and developing countries in particular. The assistance provided by the United Nations Programme on Space Applications was highly useful in that connection; South Africa supported the call for

additional financial support for the Programme through voluntary contributions.

8. His delegation was encouraged that COPOUS was continuing to build strong relationships with regional and interregional intergovernmental entities and mechanisms for cooperation and coordination of space activities. It supported the long-term strategy for enhancing mechanisms at the national, regional and global levels to strengthen the use of space science and technologies in support of sustainable development and global capacity-building.

9. South Africa had played a significant role in promoting space science and technology. As an emerging space actor, it had ratified the Convention on International Liability for Damage Caused by Space Objects and had acceded to the Convention on the Registration of Objects Launched into Outer Space and had established a national register of space objects. The University of Pretoria was offering courses in space law, and Cape Peninsula University had launched a programme in satellite engineering. South Africa was also working to develop its scientific and technological capacities in the domain of space science under cooperation agreements with established and aspiring space-faring nations, including Algeria, China, France and the Russian Federation. The African Resource Management Constellation, consisting of four satellites belonging to four different countries, would promote the advancement of Africa in such domains as agriculture, climate monitoring, housing and farm settlements. At the national level, South Africa was using space technology to promote human development in remote areas. It had established 86 telemedicine sites across the country and signed telemedicine agreements with other African States. It had also been selected, together with Australia, to host the Square Kilometre Array telescope, a major component of which would be an extensive array of antennas, half of which would be hosted by other African countries.

10. **Mr. Sahraei** (Islamic Republic of Iran) said that his delegation attached great importance to international cooperation in the domain of outer space as a means of making the benefits of space technology available to all States; however, such cooperation would achieve the desired results only if fully supported by efforts to prevent a possible arms race. At the same time, space activities must be carried out in a manner compatible with the sovereign rights of States, including the principle of non-intervention. Sustainable development could not be achieved without taking advantage of outer space and space-based activities; as technology advanced and the number of space actors increased, the existing shortcomings in treaties and principles governing space activities must be remedied.

11. Any initiative on outer space should be negotiated on a multilateral basis within the framework of COPOUS. Iran was actively engaged in regional activities, including cooperation with the Asia-Pacific Space Cooperation Organization. With the cooperation of the United Nations Office for Outer Space Affairs, a number of workshops and symposia on space law, UN-SPIDER and space science and technology applications had been organized in Iran in recent years, promoting awareness of such benefits as tele-epidemiology, tele-health/telemedicine and tele-education. Moreover, as a disaster-prone country, Iran was an active partner in implementing the programmes of UN-SPIDER.

12. Iran attached high priority to capacity-building in space science and technology and was making significant strides. Its space structure laboratory and aerospace centre had been inaugurated in 2011, and the Iranian Space Agency had recently launched a satellite to provide data in the domains of atmospheric and meteorological science and natural disaster management.

13. **Mr. Kalinin** (Russian Federation) said that his delegation wished to congratulate the United States of America on the fortieth anniversary of the Landsat programme, which had made a significant contribution to Earth observation and international cooperation in space exploration. In 2013, another important anniversary would be marked: 50 years since the first space flight by a female cosmonaut, Valentina Tereshkova.

14. New challenges were constantly emerging in the field of space activities, creating a need for greater international cooperation. Space technologies were taking on increasing importance in addressing global problems, and the long-term sustainability of outer space activities was becoming a priority. Thanks to the work of COPUOS, peaceful space activities were increasingly seen as a strategic resource for the whole of humanity. He looked forward to a constructive discussion of the working paper entitled “Safety in space, in the context of the theme of the long-term sustainability of outer space activities” submitted by his delegation at the fifty-fifth session of COPUOS.

COPUOS should retain its role as the central forum for international cooperation on the exploration and use of outer space for peaceful purposes.

15. Welcoming the progress made in the context of UN-SPIDER, he said that the Russian Federation had offered to host a UN-SPIDER regional support office and was also planning to build a number of spacecraft for emergency response purposes by 2015. His Government's development of equipment for remote sensing of the Earth would enable it to expand cooperation with foreign partners as part of the international programme to establish a global integrated Earth observation system.

16. The Russian Federation had fully deployed the Global Navigation Satellite System (GLONASS), which comprised 31 spacecraft, and was continuing to develop its potential for promoting socioeconomic development and innovation. It hoped to expand international cooperation in that regard.

17. Effective measures by States to address the problem of space debris, including the implementation of the Space Debris Mitigation Guidelines adopted by COPUOS, would help ensure that space debris did not impact negatively on future space activities. His Government was taking appropriate action in that area, with due regard for the practices of other States and space agencies.

18. His delegation's previous initiatives aimed at comprehensively and progressively adapting the entire system of space law to current realities, in a single treaty under United Nations auspices, remained relevant. The ultimate aim of those initiatives was to ensure that outer space was used exclusively for peaceful purposes and to widen access to the benefits of space activities.

19. **Mr. Zhumabekov** (Kazakhstan) said that his delegation consistently supported the work of COPUOS as a forum for promoting cooperation on space exploration and strengthening confidence-building measures in the context of international space law. His delegation wished to join the sponsors of the draft resolution on international cooperation in the peaceful uses of outer space (A/C.4/67/L.2/Rev.1). Kazakhstan had also been one of the sponsors of General Assembly resolution 65/271 on the International Day of Human Space Flight, not only because it attached great importance to the development of its own space activities and international cooperation in that regard, but also because the very first human space flight – by the cosmonaut Yury Gagarin – had been launched from the Baikonur complex in Kazakhstan. Baikonur remained one of the largest launch sites in the world and offered facilities for the launch of various types of rockets and spacecraft with international crews.

20. His Government had made the development of a fully-fledged space industry a national priority, and it followed the recommendations of COPUOS in the implementation of its national space programme. In 2012 it had adopted a new law on space activities. It also cooperated with a number of different countries on the exploration and use of outer space for peaceful purposes.

21. Space-derived data was of great importance for the purposes of water resource management and disaster management, particularly in developing countries, and for environmental monitoring and the development of global navigation satellite systems. His delegation supported the efforts of COPUOS to raise awareness of the benefits of space science and technology, which could be used to help achieve the Millennium Development Goals.

22. **Mr. Ri** Kwang Nam (Democratic People's Republic of Korea) said that in the past, space development had been regarded as the exclusive privilege of developed countries, but now developing countries were taking part in space programmes and, as soon as financial resources and technology became available, launching satellites for various purposes of importance to their economic and sustainable development.

23. Since the 1980s, the Democratic People's Republic of Korea had undertaken independent research and development and had launched several satellites manufactured with its own resources and technology. His Government's access to and use of outer space was an exercise not only of an independent right of a sovereign State but also of legitimate rights under international law as it was a State party to the 1967 Outer Space Treaty and the 1975 Registration Convention His delegation wished to stress the importance of providing equal and non-discriminatory access to outer space for all countries. His Government would continue to exercise its right of space development by launching practical satellites in accordance with international law.

24. **Mr. Pocar** (Permanent Court of Arbitration) introduced the "Optional Rules for Arbitration of Disputes Relating to Outer Space Activities" (Outer Space Rules), which the Court's Administrative Council had adopted in 2011, following over two years of work by a group of international experts, in conjunction with the Court's International Bureau. With the steady rise in space-related activity, there was clearly a need for a voluntary and binding dispute settlement mechanism for disputes involving the use of outer space by States, intergovernmental organizations and private entities. Existing mechanisms presented several lacunae, in particular because they were limited in their personal or material scope, which made them either unavailable to private parties or available only for restricted ranges of disputes. An effective dispute settlement mechanism must be international, accessible to a variety of public and private parties, and capable of responding to potentially high demand for dispute settlement.

25. International arbitration had multiple advantages for the settlement of space-related disputes. It was open to all parties, whether States, State-controlled entities, international organizations or private parties. It was a voluntary mechanism, premised only on the consent of parties, and could not be unilaterally imposed on unwilling parties; that was particularly important for States, which might be more willing to agree to binding dispute settlement under discrete agreements or concerning specific disputes than to enter into a new multilateral treaty. Arbitration resulted in final and binding decisions, in contrast with the recommendatory nature of decisions under such instruments as the Convention on International Liability for Damage Caused by Space Objects. Arbitral awards were internationally recognized and enforceable in all signatory States of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. Parties to arbitration could choose their own decision-makers, and, in contrast to a court hearing, could select arbitrators with specialized competence in the relevant fields. The arbitral procedure was flexible and could be modified by agreement of the parties; and arbitration could preserve the confidentiality of sensitive information, since hearings need not be public and awards need not be published.

26. The Outer Space Rules relied primarily on the rules of the United Nations Commission on International Trade Law, thus tapping into on a wealth of precedent, and also drew on the rules of procedure of the Permanent Court of Arbitration. They took into account the unique aspects of space-related disputes such as technical complexity and sensitivity or confidentiality of information, and were aligned with the major treaties and conventions governing the principles of international space law. They constituted a ready-made procedural framework that could be adopted by parties for the adjudication of rights under existing space-related agreements and to facilitate dispute settlement in general.

27. Under the Outer Space Rules, the Court's secretary-general was mandated to compile a standing list of arbitrators with expertise in space-related matters, most of them nominated by member States of the Court, thereby ensuring wide geographical representation. The use of the list was optional, as the parties were free to appoint other arbitrators. Also, where its technical and scientific knowledge proved insufficient to decide on a dispute, the arbitral tribunal could appoint experts to assist it, and the secretary-general was required to compile a list of such experts.

28. The Permanent Court of Arbitration could have an active role under the Outer Space Rules. The Court's international bureau would provide registry services and secretarial support, and the secretary-general was the default appointing authority with the responsibility, upon request by a party, to appoint, replace and decide challenges against arbitrators. Because of its unique status as an intergovernmental organization with broad membership and extensive experience managing arbitration involving States or State entities, the Court was better positioned than private arbitral institutions to manage arbitration involving the range of parties involved in outer space activities. However, the eventual success of the Outer Space Rules would depend on the confidence they inspired in the international community.

The meeting rose at 11.15 a.m.