
**Committee on the Peaceful
Uses of Outer Space**
Legal Subcommittee
Fifty-first session

Script

853rd Meeting
Wednesday, 28 March 2012, 10 a.m.
Vienna

Chairman: Mr. Tare Charles Brisibe (*Nigeria*)

The meeting was called to order at 10.16 a.m.

The CHAIRMAN Good morning distinguished delegates, I now declare open the 853rd meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

I would first like to inform you of our programme of work for this morning. We will continue and hopefully conclude our consideration of agenda item 10, capacity-building in space law. We will also continue our consideration of agenda item 11, general exchange of information on national mechanisms relating to space debris mitigation measures and agenda item 13, proposals to the Committee on new items to be considered by the Subcommittee.

There will be a technical presentation this morning by a representative of France entitled 'Overview of space debris activities in France'. The working group on the status and application of the five United Nations treaties on outer space will then hold its fourth meeting.

Are there any questions or comments on this proposed schedule?

I see none.

I would like to remind delegates that during lunchtime, at 2 p.m., informal consultations of the States Parties to the Moon Agreement will be held in meeting room M0E19.

Capacity-building in space law (agenda item 10)

Distinguished delegates I would now like to continue and hopefully conclude our consideration of agenda item 10, capacity-building in space law.

The first speaker on my list is the distinguished delegate of the United States.

MR. B. ISRAEL (*United States of America*)

Thank you Mr. Chairman for this opportunity to report on this important topic.

In past years we have reported extensively on the major programmes at US law schools dedicated to space law, including The National Center for Remote Sensing, Air and Space Law at the University of Mississippi School of Law and the LL.M. degree in Space, Cyber and Telecommunications Law offered by the University of Nebraska College of Law.

These programmes and others listed in the educational opportunities in the space law directory, compiled by OOSA, which has been distributed to delegations I believe. I will not revisit them in detail here but I would like to provide one update on these programmes since we last reported on this topic.

The University of Nebraska College of Law is now offering an online version of its LL.M. degree in Space, Cyber and Telecommunications Law which is designed for students with some legal experience and currently employed. This will hopefully present opportunities for students from a number of countries to earn a graduate degree in space law. Students in the online programme will generally participate in classes live synchronously for maximum benefit but the online programme also respects international time zones and work commitments of its online students in allowing waivers of the live synchronous participation rule.

Regarding capacity-building for developing countries, US government officials and law professors have had the pleasure of participating in capacity-building workshops sponsored by the United Nations Office for Outer Space Affairs. We think that these efforts, as well as others by OOSA, have been viable contributions to capacity-building in the area of space law.

I would also like to briefly note NASA's educational outreach efforts which include fellowships for foreign undergraduate and graduate students to

work and learn at NASA facilities on NASA missions involving human or robotic missions involving Earth science.

For example, NASA currently has an agreement with the Arab Youth Adventure Foundation which brings students from the United Arab Emirates to participate in these opportunities at NASA's Ames Research Center.

In addition, NASA is creating an international internship programme designed to provide a collaborative environment where foreign undergraduate and graduate level students can interact and work alongside American peers on NASA programmes. We have begun discussions regarding this programme with organizations in Ireland, Saudi Arabia, Lithuania and Poland and look forward to moving forward with this programme.

I would like to add one final note. In our view, the proposed agenda item on international cooperation has potential to further the Subcommittee's contributions to capacity-building. The resulting product reflecting member States diverse experience with international cooperation in the use and exploration of outer space could be of practical value who are just beginning space activities. Thank you Mr. Chairman.

The CHAIRMAN I thank the distinguished representative of the United States for his statement.

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

I give the floor to the distinguished representative of Spain.

MR. A. ZUNZUNEGUI (*Spain interpretation from Spanish*) Thank you Chairman. Mr. Chairman, in Spain we are attaching more importance to vocational training in space law both in general law degrees and in space science and technology education. Last year there were two training activities in space law in two different Spanish universities.

The University of Jaén, in cooperation with the International University of Andalucía, organized a workshop focused on environmental protection in international space. It covered the protection of the environment in outer space in several sessions. The workshop took place between 7-9 November and there were top speakers from Spain, Europe and the USA. About 30 students from different university disciplines came to the workshop.

The Ibero-America Institute of Aeronautical and Space Law organized a course on space and law from 15-17 November at the Polytechnic University of Madrid. It was for students of aerospace systems and there were speakers from all over Spain both from academia and the private sector. It covered subjects such as ethical aspects of space activities, legal aspects of remote sensing, the regulations governing the International Space Station and the legal regime of suborbital flights. There were students from the Aeronautical Engineering School in Madrid who attended and members of the public who found everything extremely interesting.

I would like to mention an interesting initiative which I think has been pioneering in Spain. This is a programme to provide information on space law. The programme was developed by the Planetarium Valladolid and is called the 'church of the moon'. It shows young people the origin of space law within the UN and its basic characteristics. Thank you very much.

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

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

I see none.

We have therefore concluded our consideration of agenda item 10, capacity-building in space law.

General exchange of information on national mechanisms relating to space debris mitigation measures (agenda item 11)

Distinguished delegates I would now like to continue our consideration of agenda item 11, general exchange of information on national mechanisms relating to space debris mitigation measures.

The first speaker on my list is the distinguished delegate of Japan.

MR. M. SUGAMIYA (*Japan*) (interpretation from French) Thank you Chairman, distinguished delegates. I am pleased to address the fifty-first session of the Legal Subcommittee of COPUOS regarding domestic mechanisms used by Japan in the mitigation of space debris activities.

Enshrined within Japan's basic space law, enacted in May 2008, is the notion that space exploration and utilization should be carried out with

consideration for the preservation of the space environment. The basic plan for space policy, published in June 2009 under the basic space law, states that it is necessary for Japan to observe space objects in order to understand the population of debris and to make efforts to minimize the generation of debris as well as to conduct research and development of technologies to remove current debris.

The Japanese Aerospace Exploration Agency (JAXA), which plays a core role in Japanese space activities, established the JAXA Space Debris Mitigation Standard in 1996. The current standard complies with UN Space Debris Mitigation Guidelines as adopted by the General Assembly in 2007 and with the ISO norm on space debris mitigation requirements as established by International Organization for Standardization (ISO) in 2010. In order to conduct appropriate space activities, JAXA has also improved on its organizational structure.

Mr. Chairman. In JAXA's domestic mechanism for space debris mitigation, spacecraft and launch vehicle design and operation plans are reviewed at the end of each development phase to ensure compliance with the JAXA Space Debris Mitigation Standard eventually UN Space Debris Mitigation Guidelines. These technical reviews are conducted and confirmed at the management level. For example, the JAXA Space Debris Mitigation Standard requires that all residual energy sources of launch vehicles and spacecraft be removed at the end of an operation to prevent explosions as these energy sources are major sources of deterioration of the orbital environment. As a result, Japanese spacecraft have not experienced break-ups which generated large amounts of debris.

Mr. Chairman. In accordance with the UN Space Debris Mitigation Guidelines and ITU recommendations, all Japanese commercial and JAXA geosynchronous satellites have been transferred to the protected region outside of the geosynchronous Earth orbit to preserve that region.

Concerning the spacecraft operating in the low-Earth orbital region, JAXA is allocating enough propellant to reduce the orbital lifetime or using natural force to limit orbital lifetime complying with the UN Space Debris Mitigation Guidelines. Furthermore, in order to avoid collisions among operating satellites and other objects, JAXA is analysing collision probability daily with its own tool and also coping with close approach notification provided by the United States and will conduct collision avoidance manoeuvres if necessary. A collision avoidance manoeuvre has been conducted only once in recent years.

The ground safety for re-entering objects is also considered and I am pleased to be able to present some recent examples of the successful controlled re-entry of mission-terminated space systems.

The H-II transfer vehicle, HTV or Kounotori, which transports cargo to the ISS and the second stage of the H-IIB launch vehicle were successfully controlled into a safe ocean area.

Mr. Chairman. Japan is engaged in research and development work in cooperation with universities. Current research focuses on technologies for an observation of smaller objects, the protection from impact of tiny debris and see active and efficient removal of mission-terminated spacecraft. Active removal is especially important because collision among debris followed by a chain reaction of collisions will become a dominant factor leading to an increase of debris in the future.

In addition to this issue, we recognize that there are several issues which need to be solved by international cooperation in the near future. We hope that all nations and organizations will act in space with transparency with implementation of the UN Guidelines for the purpose to ensure the long-term sustainability of outer space activities. Thank you for your kind attention.

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

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

I see none.

We will therefore continue and hopefully conclude our consideration of agenda item 11, general exchange of information on national mechanisms relating to space debris mitigation measures, this afternoon.

Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-second session (agenda item 13)

Distinguished delegates I would now like to continue our consideration of agenda item 13, proposals to the Committee on new items to be considered by the Subcommittee.

We will now continue and hopefully agree our agenda for the next session, thereafter we will begin our consideration of organizational matters.

At this time, it is my understanding that there is a general consensus among delegations on retaining item 12, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space, on the agenda as a regular item.

It is also my understanding that there may be an agreement among delegations to retain item 9 as a single issue or item for discussion under the following revised title 'Examination and review of the developments concerning the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets'.

Furthermore, based on the discussions we had yesterday, it is my understanding that there may also be agreement on introducing a new agenda item to be considered under a multi-year workplan entitled 'Review of the international mechanisms for cooperation in the peaceful exploration and use of outer space' as proposed by the United States and China.

Also we have before us the proposal by the Czech Republic to be considered by the Subcommittee.

I would now like to open the floor for discussion on the question of our agenda for the next session.

If there are no objections I would like to propose that we take up the proposals one by one.

I give the floor to the distinguished representative of the Netherlands.

MR. R. LEFEBER (*Netherlands*) Thank you Mr. Chairman and good morning colleagues. Thank you for your attempt to summarize our debate on new agenda items for next year and retention of existing agenda items for next year with revisions of titles.

I am a bit surprised to hear you declaring consensus on something that we have been objecting to in the course of this week and that relates to current agenda item 9. It was my understanding from your summing up yesterday that you said, well we have to retain this agenda item in one way or another as a single issue item for next year or incorporate it in agenda item 6 as an information item because we need information on what is happening with this draft

protocol, or with the protocol as it is now, and we agreed to that.

We did make the point, and I am going to make it again, that we do not understand what is there to be examined and reviewed with respect to the protocol now it has been adopted. It has been on the agenda for a considerable number of years now when it was still a draft protocol and there were two issues that we had to discuss, the relationship with the United Nations treaties on outer space and the possibility of the United Nations becoming a supervisory authority but both those issues have gone away. We have to take stock and see how we can take this further.

I have heard that delegations believe that we want to kill the Protocol. Let me be very clear, that is not the case. The Protocol exists and it is the right of States to conclude treaties amongst themselves and the Protocol will not go away and we wish them luck with that. Furthermore, the Netherlands did not take part in the diplomatic conference and here the Kingdom of the Netherlands did not express its views on the Protocol itself and I can tell you that the Kingdom of the Netherlands has a neutral position for the time being on the Protocol, it is still being considered in the four countries of which the kingdom consists.

I also have heard other delegations objecting to the incorporation of this agenda item. I am a bit puzzled that, whereas I heard you conclude that it should be an information item, we are now going to retain it in its current form for next year.

The argument that you also made in the course of this week that the Protocol was only adopted a few weeks ago and therefore delegations still have to reconsider their position I find quite acceptable. I am happy to let it go for this year but I would like to come back to it next year, as was also pointed out by some other delegations. For us this is an organizational matter and we are going to discuss organizational matters later but really we do not see what we are going to do under this agenda item in the future. We will receive some information and that will be it. Thank you.

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

I should also take the opportunity to clarify my earlier statement with regard to the item which is based on the deliberations so far with respect to this item. I understand there may be agreement among delegations to retain the item as a single issue for discussion. The crux of the intervention really relates to the title that is

currently proposed as to what it is we will be examining and reviewing with respect to the developments concerning the Protocol.

I should also mention that my understanding to have the item retained is not my personal view but it is an understanding that has been informed by all of the interventions that were made by various States expressing their interest to retain this item. Hence we have had considered and proposed a title that has simply deleted the word 'draft' given that the Protocol was only recently adopted and neither is it my personal view that delegations require time to consider it. My understanding was informed by interventions which were made by respective delegations as far as the retention of the item is concerned and the current title that is proposed.

In all, I understand the intervention of the Netherlands to mean that we have a consensus now, which is a word I am using for the first time this morning with respect to this item, to retain it.

The second issue is the revised title. In respect of which, are there any delegations that would like to take the floor regarding the revised title that has been proposed which is 'Examination and review of the developments concerning the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets'.

I give the floor to the distinguished delegate of Belgium.

M. J. MAYENCE (*Belgium interpretation from French*) Thank you Chairman. We are not going to talk so much about the suggested title but we would like to support what the Netherlands has just said and we share their concern about keeping this item on the agenda as you have just recalled.

I would like to make a quick comment about the title. If we talk about development, that does not really enlighten us about the exact field of our discussion on this agenda, if we talk about implementation we can understand it better but development means that we have to wait until the Protocol is revised to be able to discuss it.

Our doubt stems from the fact that this item has been on the agenda for some ten years now because an organization, UNIDROIT in this case, wanted to have the opinion of COPUOS on the compatibility between the Protocol and treaty law. This first question received a positive response from COPUOS then the item was maintained on the agenda and I must confess

that Belgium was not able to participate in these deliberations because we are members of UNIDROIT and we did not want to interfere in any discussions in the organization.

We have one fear, Mr. Chairman, if we keep it on the COPUOS agenda as such then we are interfering in one way or another with our stance as a member of UNIDROIT, a stance which is covered by another department in the Belgian government so it is rather delicate and complex for us and we do not really see the interest in that. We understand that some delegations would like to maintain this on the agenda but we still think that the way these items are stated on the agenda now do not enable States to talk about the Protocol and we wonder whether every time there is an international agreement that will touch or cover space law we will need a new item on the agenda. We have already said that regarding the arbitration arrangements as presented last year and this year we should have expected COPUOS to discuss that. Why for one and not for the other? We do not wish to oppose consensus but, as the Netherlands has said, if a decision is made this year about keeping this item on the agenda we would like to reserve the possibility to come back to this in future years to see how we can arrange our agenda so that those States who wish can talk about the Protocol, its implementation and development, without giving the impression that this is a subject that is part of COPUOS domain. Thank you.

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

I now give the floor to the distinguished representative of France.

MR. M. HUCTEAU (*France interpretation from French*) Thank you Chairman for coming back to the comments of the delegates of the Netherlands and Belgium. We too initially would have liked to see this item merged with other agenda items because this is one for information. We understand that some delegations wish to keep it on the agenda and we understand why however, there is no consensus about the title as such.

I have a few comments to make. As our colleague from the Netherlands recalled, we should remember that we are not in the same format, all the States that participated in the Berlin conference are not members of COPOUS and vice-versa. It seems that the main field of review for COPUOS is the UN treaties and members of COPUOS. It is true the Berlin Protocol is an important text, we should welcome its

adoption by consensus but we should recall that it is an instrument of private international law.

If we keep an item on the agenda about this, in my opinion, it is just an item of information, informing us about the current state of ratification or new signatures and would enable us to exchange points of view and have a dialogue.

As far as the title is concerned, if possible it should be and I quote in English the following, an exchange of views on the Protocol adopted in Berlin. Thank you Chairman.

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

I should also like to revisit the deliberations which took place in the Subcommittee yesterday as well as the interventions that have been made respectively by the distinguished representatives of the Netherlands and Belgium.

Specifically on the issue of the developments that we anticipate associated with this instrument. We heard interventions, clarifying steps that will be taken on the one hand with respect to the establishment of a preparatory commission and the appointment of a supervisory authority in respect of which the candidate currently under consideration is the International Telecommunication Union subject to the approval of that body's Council which, in any event, does not totally eliminate the possibility of other candidates that were considered at the very beginning when this item found its way onto our agenda.

In the circumstances I am hard pressed to conclude that retaining the item on our agenda will simply constitute us receiving information on the status of ratification.

Secondly, I should highlight the fact that in terms of the title the Protocol has an official name, as I indicated in my statement yesterday, which was retrieved from the website of the Institution under whose auspices the Protocol was adopted at a diplomatic conference organized by the Federal Republic of Germany.

In the circumstances and given especially the intervention of the Republic of Belgium without reservation would like to revisit this item at a future date even though it is amenable to have the title as it is. In the spirit of consensus, may I recommend that we retain the item with the title 'examination and review of the developments concerning the Protocol to the

Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets' albeit with the intention that we will revisit this item and the developments pertaining to it at future sessions of our Subcommittee.

Are there any delegations that would like to take the floor on this item?

I give the floor to the distinguished representative of China.

MR. Y. XU (China) Thank you Mr. Chairman. First of all China would subscribe to your interpretation of the current status. Your explanation is crystal clear that we have devoted a lot of time and debate whether we should retain this item or delete it. The general feeling is quite consistent that we should retain this item. The problem for us is how to formulate the title of this agenda item. Your suggestion is quite correct that the current proposal you made on the title is carefully crafted. We do hope that we can retain the current wording of the title.

As to the essence of why we should keep this item. I should make quite clear that what is at stake is not whether we should have a very bright future for this protocol, that is not our concern. What we are thinking about is whether we, as member States of COPUOS, can grasp this opportunity that is the protocol offered as opportunity to develop space law. COPUOS must not limit itself only to review the UN treaty bodies. From the first General Assembly resolution it is quite clear that it is for the development and codification of space law which is much broader than UN treaties. We all clearly understand that this protocol is a first early harvest in 30 years in space law. It is the first achievement and privatisation of outer space law.

We cannot neglect the achievements we have done in Berlin but we are not talking about whether we should promote the protocol on our member States, that is for COPUOS to decide whether we can use this protocol as a vehicle to carry on our work on how to develop space law. That is a very fundamental question to ask although we can exchange information but the most important task for COPUOS, for the Legal Subcommittee, to think about what we can learn from this protocol, what we can do in this Legal Subcommittee to dealing with the challenges and opportunities offered for commercialization of outer space activities. That is very important for us. Thank you Mr. Chairman.

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

I give the floor to the distinguished representative of Brazil.

MR. J. M. FILHO (*Brazil interpretation from Spanish*) Thank you Chairman. We were going to say what the distinguished delegate of China has just said, it is really the heart of the matter. We are talking about the need to know more about the development of space law and, especially under this agenda item, a new instrument that has just been created one which sheds a new perspective on private space law. We know that we need to discuss this matter in more detail. Where are we going with this? What is the outlook for all of this with the approval of this new protocol which is a victory or conquest and it fits in perfectly well with our usual work. We can fulfil the work of our Subcommittee, so Brazil is in favour of keeping this item on the agenda.

In the past few days we made a suggestion about the title which would be as follows in English 'application and evolution of the protocol on matters specific to space assets'. This is a proposal that we made last week. However, if this proposal is a stumbling block regarding keeping this item on the agenda we can withdraw that proposal. In our opinion, what is important is to keep this issue on our agenda. Thank you Chairman.

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

Distinguished delegates, given all the interventions that have been made with respect to this agenda item, may I now inquire whether the Subcommittee would agree to retain item 9 as a single issue item for discussion under the following revised title: Examination and review of the developments concerning the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets. This would be without prejudice for the rights of member States to come back to this item during future sessions of the Subcommittee.

If there are no comments and if I see no objections.

It is so decided.

May I inquire whether the Subcommittee would agree to introducing a new agenda item to be considered under a multi-year workplan entitled:

Review of the international mechanisms for cooperation in the peaceful exploration and use of outer space, as proposed by the United States and China.

I give the floor to the distinguished representative of Saudi Arabia.

MR. M. TARABZOUNI (*Saudi Arabia*) Good morning and thank you Mr. Chairman. The review it is not just only China and the United States, there is Ecuador, there is Peru and Saudi Arabia. We would really like to keep this as a new agenda item in our Legal Subcommittee.

The CHAIRMAN I thank the distinguished representative of Saudi Arabia and give the floor to the distinguished representative of the United States.

MR. B. ISRAEL (*United States of America*) Thank you Mr. Chairman and thank you to my distinguished colleague from Saudi Arabia. I was also hoping to point out that my distinguished colleague is correct that, in addition to the United States and China, Ecuador and Peru have joined in co-sponsoring this item and other delegations have expressed interest in co-sponsoring as well, subject to approval from their capitals. Thank you.

The CHAIRMAN I thank the distinguished representative of the United States and give the floor to South Africa.

MR. T. KOTZE (*South Africa*) Thank you Mr. Chairman for allowing me the floor. The delegation of South Africa is in support of this new item to be included on our agenda, as proposed by the United States. Thank you.

The CHAIRMAN Thank you distinguished representative of South Africa.

Are there any other delegates wishing to make a statement on the agenda for the next session and in particular this new agenda item to be considered under a multi-year workplan?

I give the floor to the distinguished representative of Germany.

MR. B. SCHMIDT-TEDD (*Germany*) Thank you Mr. Chairman. Germany supports the US proposal, co-sponsored by China and other delegations, of adding a new agenda item on international cooperation. We think that this proposal is an excellent tool for

common understanding and for highlighting already existing international cooperation among States, be it developing countries or developed countries. In addition such a subject can further be developed touching remote sensing, national and international projects with respect to the exploration of outer space and its celestial bodies and also with respect to space debris mitigation which is a serious issue for our delegation for the time being. Its added value is also for fostering the development of all States and the development of understanding of space law and technology. Thank you Mr. Chairman.

The CHAIRMAN I thank the distinguished representative of Germany for his statement and give the floor again to the distinguished representative of Brazil.

MR. J. M. FILHO (*Brazil interpretation from Spanish*) Thank you Chairman. My delegation is satisfied to note the US/China proposal, other countries have also joined such as Ecuador and Peru. We are at present studying this proposal and we would like to discuss this with the American delegation because an important point should be included in this proposal. I do not know whether we have enough time but we would just like to refer to the idea we have in mind.

This is a proposal which is sound but we do believe that it would be useful to include a reference in this proposal about the possibility for countries who wish to, to self-assess existing mechanisms, which mechanisms have really borne the test of time in their experience, this would allow us to better understand which are the most effective mechanisms of actual work in this field. I have been involved in international cooperation for roughly two years and this is the everlasting question that keeps coming up. Which are the soundest mechanisms? The most effective ones which give us tangible cooperation results? What sorts of initiatives should be launched? This is a question that deserves being put here when we speak in terms of international cooperation especially in the outer space field.

Consequently, Mr. Chairman, we could add this idea here. We could say countries could, on a voluntary basis, assess the mechanisms which have been tried and proven which allow for the most effective international cooperation so if you could consider putting that idea in as well. Thank you.

The CHAIRMAN I should now give the floor to the distinguished representative of the United States.

MR. B. ISRAEL (*United States of America*)

Thank you Mr. Chair and my thanks to my distinguished colleague from Brazil for this observation which is really at the heart of our vision for this proposed agenda item and what we were thinking about when we initially put it forward.

I would like to direct the Subcommittee's attention to the proposed five-year workplan and to year 3. I appreciate that it is in between a lot of other text but year 3 reads

Exchange of additional or supplemental information on existing international space cooperation mechanisms, taking into account the report by the Secretariat. Examination in the working group of submissions provided in order to develop an understanding of the range of collaborative mechanisms employed by States and international organizations and the circumstances in which certain classes of mechanisms are favoured by States over other mechanisms.

What we mean by this is that we hope that, in providing information to the Subcommittee and to the proposed working group, delegations would not only provide a catalogue of the mechanisms for cooperation that they employ but they would also, on a voluntary basis, provide insight about what mechanisms best suit their needs and the type of collaborative endeavours they are engaged in in various circumstances and that the working group would then consider these submissions by member States to see what common elements could be derived from this. Thank you.

The CHAIRMAN I thank the distinguished representative of the United States for this clarification and would now like to inquire conclusively whether the Subcommittee would agree to introducing a new agenda item, to be considered under a multi-year workplan, entitled 'Review of the international mechanisms for cooperation in the peaceful exploration and use of outer space' as proposed by the United States and China and, as we have further been informed now, has also been supported by the delegations of Ecuador and Saudi Arabia.

If there are no comments and if I see no further objections.

It is so decided.

Distinguished delegates may I inquire also whether the Subcommittee would agree to retain item 12, general exchange of information on national

legislation relevant to the peaceful exploration and use of outer space, on the agenda as a regular item?

I give the floor to the distinguished representative of China.

MR. Y. XU (China) Thank you Mr. Chairman. We would support your suggestion to keep this agenda item. I just have some ___? reflection on the title of this agenda item since we have just finished the multi-year workplan on general exchange of information. Maybe next year we will work on the recommendations on national legislation and any follow-up on that. I wonder whether there is a feeling of member States to change slightly the title of this agenda item to make it more broad rather than only general exchange of information, we can be flexible on that but just try to highlight the attention of the next phase of our work. We can live with this title but make sure that we all know that next year we will work on the recommendations as well as the follow-up on those recommendations. Thank you.

The CHAIRMAN I thank the distinguished representative of China for his statement and give the floor to distinguished delegates that would like to intervene or make statements with respect to agenda item 12, its retention on the agenda of the Subcommittee in its current form, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space.

I give the floor to the distinguished representative of Belgium.

MR. J. MAYENCE (Belgium interpretation from French) Thank you Chairman. We can support your proposal to retain this as a regular item of the Legal Subcommittee and we can also associate ourselves with the proposal made by China to have a somewhat more dynamic title. We can speak in terms of review of national legislation but we have to strike a balance between the discussion held within this Subcommittee and the fact that we do not wish to interfere in the national legislative processes nor in the laws already adopted. We would like to strike language which would very precisely describe our subject. Review of national legislations could be a good suggestion but we could consider supporting other language as well.

The CHAIRMAN Thank you distinguished representative of Belgium for your statement.

I now give the floor to the distinguished representative of Austria.

MS. I. MARBOE (Austria) Thank you very much Mr. Chairman. The Austrian delegation also supports the proposal to keep the agenda item as a regular item and is also flexible as regards its title. In order to find a solution on this issue, the Austrian delegation might suggest that we keep this open and have informal consultations, I do not know if we can find a consensus right now. Thank you.

The CHAIRMAN I thank the distinguished representative of Austria for her statement and, given we do not have an issue, I think we are all unanimous in our desire to keep the item on the agenda may I propose, taking into consideration the various recommendations that have been made about the title of this very important item to the Subcommittee and to all delegations as a whole, that we simply delete the general exchange of information on, and leave the item as national legislation relevant to the peaceful exploration and use of outer space.

Following which I should give the floor to the distinguished representative of China.

MR. Y. XU (China) Thank you Chairman for giving me the floor once again. We fully agree with your suggestion to keep it very simple and only mention national legislation. Another issue reminded by our distinguished delegate of Austria whether we should keep this one as a regular item or single item for discussion. In former years we kept it under the multi-year workplan but now from next year whether we will be dealing with it as a regular item or single item for discussion but we are flexible on that. We just want to get a general feeling from member States whether we should have a regular item or only keep it as a single item for discussion. Thank you Chair.

The CHAIRMAN I thank the distinguished representative of China for his statement and perhaps before I give the floor to other delegations that have expressed the intention to speak on this item, I should note that, with respect to the status of the item, so far it has currently remained on our agenda as a regular item as the distinguished representative of China clearly indicated.

The consensus that we came away with in the deliberations under this agenda item include the retention of the schematic document as a living document which we will continue to update regularly. Given that there are delegations and member States that already have fairly developed national statutes and instruments of legislation there are some others that are considering specific steps. My administration Nigeria, for instance, only just updated that document with an

act that was adopted in 2010 and several other delegations are currently considering enacting legislation, so we do have a document closely, I think it is a bit more than a document. We have almost like a repository that is closely related to this agenda item and I believe in how we retain this item on our agenda is a matter that we should consider.

I now give the floor to the distinguished representative of Czech Republic.

MR. V. KOPAL (*Czech Republic*) Thank you very much Mr. Chairman. My delegation shares your views on this item on its significance and also on its present title. I believe that it may be expected a longer development not only lasting one year and it would be, in my assessment, not quite practical to repeat every year the possibility of extending this item as a single issue item therefore it would be better to qualify it as a regular item. Thank you very much.

The CHAIRMAN I thank the distinguished representative of the Czech Republic and give the floor to the distinguished representative of Germany.

MR. B. SCHMIDT-TEDD (*Germany*) Thank you Mr. Chairman. We would follow your proposal and the argumentation of the Czech Republic and argue for a regular item. Thank you.

The CHAIRMAN I thank the distinguished representative of Germany and I give the floor to the distinguished representative of Brazil.

MR. J. M. FILHO (*Brazil interpretation from Spanish*) Thank you Chairman. I just wanted to endorse your proposal. I feel that it is a sound one and your decision is of historic importance. Thank you.

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

May I take it then that the Subcommittee agrees to retain agenda item 12 which will read, national legislation relevant to the peaceful exploration and use of outer space, on the agenda as a regular item?

If I see no objections.

It is so decided.

Distinguished delegates I would now like to proceed by considering the proposal by the Czech Republic. I will now open the floor for views on this proposal.

Are there any delegations wishing to make a statement or take the floor with respect to the proposal by the Czech Republic?

I give the floor to the distinguished representative of France.

MR. G. DUFRESNE (*France interpretation from French*) Thank you Chairman. In order to make headway on this item, we would like to state that we consider that putting this item on the agenda is premature at this juncture because the work, the thinking on long-term sustainability that we have started working on within the Scientific and Technical Subcommittee deals with the issues of space debris but not those alone, also orbital collisions are dealt with. We believe that it is useful to have headway made in that group and once there has been a fair amount of progress scored then this issue of transforming the guidelines, approved in New York by the 2007 resolution, this issue of evolution of these guidelines on space debris to be broached at a subsequent phase. We should make sure that this evolution is properly taken into due consideration in the Legal Subcommittee's work but only in useful time and not until next year in any case. Thank you.

The CHAIRMAN I thank the distinguished representative of France for his statement and now give the floor to the distinguished representative of Belgium.

MR. J. MAYENCE (*Belgium interpretation from French*) Thank you Chairman. We fully understand the French delegation's comments but it seems to us that we are at a point in time where everyone in the world is talking about space debris except the Legal Subcommittee. It would be useful to support the Czech Republic's proposal because it allows for us to take stock of the legal situation on space debris. We believe that putting this item on the Legal Subcommittee's agenda should encourage the Scientific and Technical Subcommittee's work, especially the work of the working group on regulatory aspects on long-term sustainability, to cooperate with us. We believe that it is the right time to show a proactive approach in the Legal Subcommittee so we would support the proposal of the Czech Republic. Thank you.

The CHAIRMAN I thank the distinguished representative of Belgium for his statement and give the floor to the distinguished representative of the United States.

MR. B. ISRAEL (*United States*) Thank you Mr. Chairman. I would like to reflect and comment briefly on the views expressed by the distinguished delegates of France and Belgium.

We certainly share the concern expressed by the distinguished delegate of Belgium that the world is rightly concerned about the problem of space debris and this is a problem the United States is very much concerned about and is actively considering how to address.

We also share the concerns expressed by France that the Czech proposal is premature at this time. We certainly admire and appreciate the ambition of the proposal but how to approach the problem of space debris is a problem that we are giving, and continuing to give, a lot of thought to and we are not convinced at this time that elaborating the debris mitigation guidelines into a General Assembly resolution is the way forward.

The problem of debris in general is something that we continuing to consider and we do not disagree that there might be some role for the Legal Subcommittee in addressing the legal aspects of this problem, there are just some elements of the Czech proposal at this point that we cannot support. Thank you.

The CHAIRMAN I thank the distinguished representative of the United States and give the floor to the distinguished representative of the United Kingdom.

MR. R. CROWTHER (*United Kingdom*) Thank you Chair, I do not think we actually did raise our hand..

The CHAIRMAN I must have been mistaken then.

I shall now give the floor to the distinguished representative of Saudi Arabia.

MR. M. TARABZOUNI (*Saudi Arabia interpretation from Arabic*) Thank you Chairman. The world was almost subjected to an accident last year and this is why we have to go into the legal aspect of this problem. Here I would like to support the Czech proposal. I believe that it is necessary for us to take more seriously the concerns which have been aired by certain delegations. If we discuss this matter in the future why not start this discussion as of now? We believe that having this discussion in the Scientific and Technical Subcommittee does not exempt us from this

matter here. We should look into the legal aspects in our group. I believe that we should go into this matter more seriously, considering the guidelines that could be adopted to preserve mankind and the environment.

The CHAIRMAN I thank the distinguished representative of Saudi Arabia and now give the floor to the distinguished representative of Venezuela.

MR. R. BECERRA (*Venezuela interpretation from Spanish*) Thank you Chairman. Well, when you talk about time I am extremely concerned. When you look at space and realize the ongoing crisis, are we waiting for there to be a serious accident? Who is refusing for this to be studied here, the main polluters of space, so where is the morality there. We therefore have to support the idea of this being analysed as quickly as possible because we are lagging behind. I do not understand why we have to wait and see what the Technical Subcommittee is doing, we should be working together and we really are behind. There are a lot of things that should have been studied and researched and have not been done. Thus I repeat that, we have to focus on our own responsibilities, humanity is telling us that this is our duty and we need to do it now without wasting any time. Thank you.

The CHAIRMAN I thank the distinguished representative of Venezuela and now give the floor to the distinguished representative of Brazil.

MR. J. M. FILHO (*Brazil interpretation from Spanish*) Thank you very much Chairman. Our delegation would like to express once again its support for the proposal made by the Czech Republic. We believe it is very timely and it allows for joint work as underscored by the Belgian delegate. This would be joint work between the Legal Subcommittee and the Scientific and Technical Subcommittee. This is a very timely issue. It is difficult to understand why there are supposedly no reasons for joint work between those who study the technical aspects of a question and those that study the legal aspects.

In the world today there are many meetings, conferences, workshops, seminars, on a myriad of technical and legal questions relating to this. We believe that it is not just a question of technology, of course technology is there, but there is more to it than that, it is also a political and a legal issue. We need stronger measures, more comprehensive measures, it is so important because it is a question of the sustainability of space activities in the long term, it is a question of safety. We need to be able to examine these questions within our Subcommittee. It really is hard for us to understand, with all due respect to other

delegations, why there would be opinions against this research because these issues have been discussed all over the world today in different fora and at many international organizations. It is really important for our Subcommittee to study this. When I say study, I do not mean necessarily making decisions, what is important is to make progress with our ideas, points of views, opinions. It is not an easy question, it is a very complex one that will require a lot of time and we need the opportunity and the place to do that. The opportunity for that debate is not incompatible with the technical and scientific studies. Thank you.

The CHAIRMAN I thank the distinguished representative of Brazil and, before I give the floor to the next delegate from Belgium, recall that the discussion that we are having pertains to the proposal of the Czech Republic and an item for our agenda distinct from matters pertaining to increasing the ___? and relationship with our sister, the Scientific and Technical Subcommittee, in a procedural context.

I shall now give the floor to the distinguished representative of Belgium.

MR. J. MAYENCE (*Belgium interpretation from French*) Thank you Chairman. We have listened to delegations with a great deal of attention since we last took the floor and there is perhaps still room for consensus. If the US have recalled the timing and the fact that the Czech proposal has perhaps arrived at the wrong time, given the work of the Scientific and Technical Subcommittee, then we could still explore the legal aspects of this issue.

Belgium has, for a long time, shared the French and US stance which is, let the Scientific and Technical Subcommittee do its work and wait and see what happens. Now that we have some experience of the Scientific and Technical Subcommittee's work, especially regarding long-term sustainability, we cannot really see any links between the work of the Scientific and Technical Subcommittee and its subsidiary bodies and the mandate of the Legal Subcommittee. Even a link between the expert group responsible for the regulatory aspects of long-term feasibility and our Subcommittee has not been possible this year, that raises a question.

We understand that the formulation provided by the Czech delegation could be slightly tweaked so as not to prejudice any result. If we are working to transform COPUOS guidelines into a resolution then we understand that some States may see this as reaching a foregone conclusion. Perhaps we could look at the Czech proposal and see whether we could set up

a forum on the agenda of the Legal Subcommittee to discuss the international aspects of space debris. We already have an item regarding national regulation and we think that international regulations and international cooperation definitely deserve to be discussed under an agenda item of the Legal Subcommittee. We are not just talking about reducing space debris but in other fora, apart from COPUOS, we are discussing evacuation, techniques for orbiting debris and the legal aspects to all of this are extremely complex. When the Legal Subcommittee is invited to participate in debates then we need to be careful because we could be presented with a *fait accompli* that we can no longer question.

So, we do think that the Czech proposal could be slightly reformulated or re-worded so that we can talk about and discuss the international legal aspects of space debris. Thank you.

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

I shall give the floor to the distinguished representative of Russia and then France, Algeria and for the distinguished representative of the Czech Republic.

I now give the floor to the distinguished representative of Russia.

MS. L. KASATKINA (*Russia interpretation from Russian*) Thank you very much Mr. Chairman for giving me the floor. I will be brief. The Russian Federation also supports France and the US on this point.

We believe that the initiative of the Czech Republic is of real interest and we cannot fully reject it, we can come back to it later on but we consider it to be rather premature right now. Thank you.

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

I now give the floor to the distinguished representative of France again.

MR. M. HUCTEAU (*France interpretation from French*) Thank you Chairman and allow me just to add some comments.

It is obvious that the question of space debris is a crucial and important issue for the long-term feasibility of space activities and, for many years now,

France has been supporting work on this subject. France is a launching State with the Kourou base in French Guiana. We know that it is a complicated issue to tackle and I would invite you to listen to me and my technical presentation when I will talk about the current state of affairs and the measures we are taking to reduce space debris.

To come back to what our colleague from Belgium said. At the end of my presentation I will talk about active space debris removal which is a problem that we are starting to discuss within the framework of long-term feasibility and, in the future, there will be questions raised but we believe it is still premature, there is still a lot of technical work to be done.

Another comment is that this working group on long-term feasibility has, by consensus, defined the organization of our group within four subgroups A, B, C and D and subgroup D, in our opinion, is a sort of bridge and the start of reflection within the scientific and technical group, based on the work of subgroup D, we should be able to provide a feed into the Legal Subcommittee. It started its work only a month ago and we started our thinking in February, we could have had some informal meetings of subgroup D but that has not yet happened. As far as this is concerned, we need to continue to work on the questions raised within the long-term feasibility group and, perhaps at the plenary in June, we could analyse the work of that group and see whether in 2013, 2014, this item could be more formally included on the agenda of this Legal Subcommittee. Thank you.

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

I now give the floor to the distinguished representative of Algeria.

MR. M. OUZEROUHANE (*Algeria interpretation from French*) Thank you Chairman. I would like to recall the position of our delegation, expressed last year, which is also that of the African group. We are in favour of examining this question as part of the Subcommittee and we are also in favour of interaction with the Scientific and Technical Subcommittee. However, the second part of the title of the Czech delegation's proposal is rather difficult for us because we still think it is premature to make the guidelines into a principle or a resolution. Thank you.

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

I should now give the floor to the distinguished representative of the Czech Republic.

MR. V. KOPAL (*Czech Republic*) Thank you very much Mr. Chairman. Mr. Chairman I have heard some arguments for our proposal and also some other arguments against this proposal for different reasons. Either for very serious reasons concerning this issue that it would be premature to discuss this point in the Legal Subcommittee and that we should wait until the end of all considerations in the technical bodies, either in the Scientific and Technical Subcommittee or in the considerations of the sustainable development groups.

I would like only to recall that these arguments are not new, they sounded exactly as they were presented here in 1999 during the Third United Nations Conference on Outer Space which was held here in Vienna and where this point was also raised and discussed. It was just after the termination of the work of the Scientific and Technical Subcommittee which presented a technical report on space debris that was elaborated in a special working group headed at the time by Professor Rex of Germany. Again, though the proposal to start discussing the legal issues was raised and supported by many States, consensus could not be reached because it was affirmed that it was too early, premature, and so on and so on.

Our paper that we have presented I do not wish to repeat its content because I did it last year and also in an abbreviated way this year. I only wanted to discuss the question of including the results of the considerations of the Scientific and Technical Subcommittee which were spelled out and led to the adoption of the Guidelines of the Committee on the Peaceful Uses of Outer Space only that these conclusions, or these guidelines, that have themselves a certain normative character should be considered as the basis for a General Assembly resolution because though the General Assembly approved the report it did not insert it in a special resolution and did not fully endorse, it means as a document of the General Assembly of the United Nations, the result of the considerations in the Scientific and Technical Subcommittee and then of the Committee.

So this was my only intention and therefore it was included in the title of our working paper, the part with a view to transforming the guidelines into a set of principles to be adopted by the General Assembly.

We also indicated some points that were missing among the guidelines but it would depend on the considerations of the Legal Subcommittee to discuss these matters and either to approve these

missing points or simply reject them. It would depend on the proceedings of the discussion.

I believe that the time for the start of discussions on legal aspects of the space debris started and it started many years ago at the Third United Nations Conference in 1999, if not before. I believe that this point is very important because as we have seen from a presentation that was made here during this session of the Legal Subcommittee and it was one of very few presentations and as we evaluated it was a very important presentation, very useful for the work of the Scientific and Technical Subcommittee. Time is indeed right, conditions concerning the ___? of space debris is worse and worse particularly during the years between 2005 and 2009 as has been correctly stated and confirmed by the scientific presentation that we heard and for which we are grateful to the authors.

Well, it depends on delegations to decide but I believe at least one thing is undeniable, it means for a necessity to include the consideration of legal issues in the work of the Legal Subcommittee and the development of cooperation with the Scientific and Technical Subcommittee in this respect and eventually other bodies that have been established or are being established under the item sustainable development. That is all that I wanted to say. Thank you.

The CHAIRMAN I thank the distinguished representative of the Czech Republic and now give the floor to the distinguished representative of Venezuela.

MR. R. BECERRA (*Venezuela interpretation from Spanish*) OK, we have to show respect when others respect us. This seems to be a bizarre world, one which is upside down. If we should be doing the work which is our responsibility, we have been too patient, we have waited for too long and we are not going to continue to do so. Once and for all, if there is no consensus, there are other ways and other solutions and we will have to vote because otherwise there will be no report from the Legal Subcommittee because we will not agree unless there is a serious and responsible decision made in this course. The time is nigh, this is enough of jokes and not taking us seriously. This is something that should have been studied a long time ago as the Professor said. Historically, we have to remember the importance of this Subcommittee, the one which actually gives life to COPUOS and I do not understand why we have to wait for others, we should be working with others and in fact we should be the first in many cases.

We have heard from many countries and I do not know how they have the nerve to oppose such a

move when they are the polluters. If we have this crisis it is because of them and now we are trying to find a solution and they are against that. We are not going to let that happen. Too much time has passed, if there is no consensus then we will vote because we have to deal with this case, otherwise there will be no final report of this Legal Subcommittee because we will not agree with what is going on. We need to do our work, we need to get to work and if we do not do our work there will be no report. Thank you Chairman.

The CHAIRMAN I thank the distinguished representative of Venezuela for his statement and now give the floor to the distinguished representative of Chile.

MR. C. CRISOSTOMO (*Chile interpretation from Spanish*) Mr. Chairman I have requested the floor to reiterate the position of my delegation, expressed last year, to support the excellent proposal made by Professor Kopal for this to be discussed at the Legal Subcommittee. Listening to the opinions of other delegations, especially Brazil, this subject here at this meeting is something that we are discussing, listening to opinions on. It is not really a question of this becoming the definitive rules because I would consider that to be premature. What we are considering here is whether we subject this to debate, any kind of debate or discussion can only enrich the proposal. Of course the proposal could be improved upon, of course it can change and I reiterate my delegation's position because it is important for this item to be on the agenda. Thank you.

The CHAIRMAN Distinguished delegates I apologize and thank you for your patience. I should now give the floor to the distinguished representative of Argentina.

MS. G. HUARTE (*Argentina interpretation from Spanish*) Thank you Chairman. As was expressed by my delegation under item 4, we would like to ratify our position in favour of including the Czech proposal on the agenda in the terms expressed by Chile and Brazil. Thank you.

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

Distinguished delegates I have listened very carefully and between ourselves we have listened to one another about this proposal that has been put forward by the Czech Republic. We have heard interventions and statements from member States, in effect all acknowledging the importance of this item albeit requesting time. In contrast to which we have

also heard and time specifically in the context of 2013, 2014, I remember a statement from a delegation to that effect on the one hand.

On the other hand we have also heard with respect to the title of the presentation with a view to transforming the guidelines into a set of principles to be adopted by the General Assembly. [gap in recording] ... that perhaps, and I suppose this is common to all of the interventions that have been made, there are legal aspects of space debris mitigation that deserve and as well space debris removal that deserve discussion within the Subcommittee.

The question now seems to be when do we begin to discuss this and in what form. Perhaps I would request that delegations consult with respect to this proposal to which we can return in the afternoon and, if there are no other statements to be made on this proposal and on the agenda for the next session, we will now begin our consideration of organizational matters.

I would like to bring to the attention of distinguished delegates that, for their consideration of organizational matters under this agenda item, delegations have before them the following documents.

A Conference Room Paper on good practices used by other comparable United Nations entities on the structure of reports of intergovernmental bodies, prepared by the Secretariat as requested by the Subcommittee at its fiftieth session. This Conference Room Paper is contained in document A/AC.105/C.2/2012/CRP.14. This Conference Room Paper is to be considered together with the Bulletin of the Director-General and Executive Director on standards for the preparation and submission of manuscripts of United Nations documents and publications dated 4 March 2010 and contained in document UNOV/DGB.22-UNODC/EDB.22. This document has also been distributed to delegations in the pigeon holes last week.

Furthermore, delegations have for their consideration a Conference Room Paper containing a review of the financial and other implications of webcasting the sessions of the Subcommittee. This Conference Room Paper is contained in document A/AC.105/C.2/2012/CRP.15.

Are there any delegations that would like to make further statements with respect to this item?

I now give the floor to the distinguished representative of France.

MR. G. DUFRESNE (*France interpretation from French*) Thank you Chair. Yes, we are quite rightly this morning considering the substance of the Legal Subcommittee in future sessions. We believe that for reasons of effectiveness it is also important to look at the optimal allocation of resources and see how we organize our work. This is not a novel issue, it was already extensively debated at the preceding session and this was reflected accordingly in the report of the Subcommittee last year. However, in a very difficult budgetary period it is of imperative importance to make best use of our contributions to the UN and it is more important than ever before. Enriching the substance of work we believe necessarily has to go hand in hand with optimal use and rationalization of our work and that from two points of view. We have better allocate the resources of COPUOS firstly and secondly working method has to be focused on. Here, I would like to thank the Secretariat of COPUOS for having given us interesting documents to work on.

On resource allocation, just as last year, to perfectly inform the Secretariat in New York we would like to have reflected in the report every element having to do with the duration of the sessions. Last year, several delegations expressed the view that allocation of the meeting time of the Legal Subcommittee to benefit the plenary session of COPUOS was to be considered and that the plenary should decide on the matter itself. One year down the road I believe that this issue has become ever more pressing. In 2013 and 2014 for example, we are going to be having a lot of work involved on examining the initial results from the long-term sustainability of outer space issue and the corresponding experts group. There it is crucial for the plenary to be properly informed as to the follow-up given as precisely as possible.

Recently we heard from various delegations that they feel that it is necessary to have proper linkage between the two subcommittees, between working group D and the Legal Subcommittee. In plenary we could have an exchange of views and proper summing up of the results attained. For this reason we would like to have this important issue re-examined i.e. the possible reallocation of some of the Legal Subcommittee meeting time to benefit the plenary. We believe that this is very important, this could be done on a strictly experimental basis for 2013 and 2014, for example during the work of the LSC and something that could be changed if necessary. It is just a matter of making the best of the COPUOS resources in coping with future work, anticipated work. Thank you.

The CHAIRMAN I was advised the distinguished representative of Spain would like to take

the floor but now I should, in their absence, give the floor to the distinguished representative of the United Kingdom.

MR. R. CROWTHER (*United Kingdom*)

Thank you Chair. We would like to endorse the comments just made by the French delegation in particular regarding the allocation of days to the full Committee. We believe that it is important to optimize the coordination of the work of the Scientific and Technical Subcommittee working group on long-term sustainability and that of the Legal Subcommittee. We believe that the French proposal has potential to achieve this in a focused and efficient manner and we would support it. Thank you.

The CHAIRMAN I thank the distinguished representative of the United Kingdom and give the floor to the distinguished representative of Peru.

MR. B. ROCA REY ROSS (*Peru*)

Thank you Mr. President. Thank you for giving the floor. On behalf of Algeria, Argentina, Brazil, Chile, China, Cuba, Ecuador, Indonesia, Iraq, Islamic Republic of Iran, Kenya, Mexico, Nigeria, Pakistan, Peru, Russian Federation, Saudi Arabia, South Africa and Venezuela, we would like to state that the duration of the Legal Subcommittee should remain unchanged for the following reasons.

We are convinced that there are a number of important questions to be discussed to guarantee the rule of law in space activities, the progressive development of space law and the peaceful use of outer space as the province of mankind. There are several items which are of global importance but particularly for developing countries and which must be addressed as soon as possible such as, international cooperation, long-term sustainability of space activities, capacity-building, space debris, use of nuclear power sources, among others.

Furthermore, every year there are new agenda items being proposed which, if approved, will require time for its consideration. In that sense, delegations should also bear in mind the cyclical nature of the amount of work of this Subcommittee which defers from year to year. We are absolutely sure that this Subcommittee has an historical mission that should not be underestimated or undermined.

Therefore, the countries mentioned above reiterate that the duration of the Legal Subcommittee should remain as it is. Thank you Mr. Chairman.

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

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

I now give the floor to the distinguished representative of Canada.

MR. C. SCHMEICHEL (*Canada*)

Thank you Mr. Chairman. Prior to the commencement of this session of the Legal Subcommittee, the Canadian delegation to the Scientific and Technical Subcommittee, the Legal Subcommittee and the plenary session in June got together to discuss organizational matters. It was the consensus of all present that, at least for the time being, the workload that was envisioned for the plenary session and for the Scientific and Technical Subcommittee as a result of the working group on the sustainability of outer space strongly suggested that a reallocation of resources, on a temporary basis, to the plenary would be of extreme benefit for all involved. As the Canadian delegation noted at the outset in its general exchange of views, Canada is placing a very high priority on the working group in the long-term sustainability of outer space and therefore would agree with the suggestion made by the distinguished representative of France, and echoed by some other delegations, the reallocation of resources, on a temporary basis, would be in the best interests of all involved in order to carry out the important work being done by the working group on long-term sustainability of outer space, that does not in any way diminish the importance of the work being carried out in the Legal Subcommittee which Canada also places a very high premium on. Thank you.

The CHAIRMAN I thank the distinguished representative of Canada and now give the floor to the distinguished representative of the Netherlands.

MR. R. LEFEBER (*Netherlands*)

Thank you Mr. Chairman. Although this is not the first time I am taking the floor, it is on this occasion that I would like to congratulate you on your election as Chair of the Subcommittee. We take special pride in your election as you obtained your doctorate from the University of Leiden in the Netherlands with a dissertation in space law.

Mr. Chairman, the Netherlands sincerely hopes that the Subcommittee under your leadership will regain its prominence in contributing to the development of activities in outer space through the codification and progressive development of outer space law.

We would like to state that to achieve this not only political will is required on new agenda items and the political will to address those items on substance but also an improvement in our working methods. The Netherlands has identified four areas which merit our attention in this respect. The length of meetings, reporting, webcasting and schedule of work.

The length of meetings and this has been addressed in previous interventions. We have noted that, over the last couple of years, there has been a structural underutilization of the allocated meeting time in conference services during recent sessions. Let me add that this week has started very promising, we have been using all our time this week but last week it was less than 75 per cent and of course we have to realize that this year we have to finalize the work on national legislation and in particular by formulating a new GA resolution which takes more time, it will be different next year if we cannot agree on new agenda items.

Under these circumstances we do extend our support to the proposal made by France. However, if we would agree this week on all the new agenda items that have been proposed, we probably would have to reconsider because then we are going to need the time and are going to need the two weeks available to us.

Second issue, and I come now to the issues to which we attach great importance in terms of hopefully achieving some consensus on improvement in our working methods. Reporting, we thank the Secretariat for information on good practices on reporting by other comparable United Nations bodies. For us the trend is very clear. The reports of those other bodies are becoming more action-oriented and do no longer contain extensive and repetitious reflections of positions.

Mr. Chairman, action-oriented reports are not only more cost-effective but also more useful as it will allow for a structured review of implementation of actions agreed upon. We call upon this body to start following those good practices, preferably as of this meeting but more realistically probably as of next meeting.

Webcasting. Again we would like to thank the Secretariat for the information on the cost of webcasting and the practice of comparable United Nations bodies, this is much appreciated because we insisted on this document last year. Again, the trend is clear, webcasting seems to be the future. Webcasting in our view is not only essential for reasons of transparency and accountability but it is also cost-effective. Evidently there are costs connected with

webcasting which are relatively low compared to the overall cost of this meeting with the availability of deliberations on the Internet will facilitate shortening our report as everything said will be accessible on the Internet.

The final issue I would like to address and that is the schedule of work. Mr. Chairman, the underutilization of the allocated meeting time in recent sessions has also allowed for the ineffective use of that time but this is not a good enough reason to condone it. Earlier this session our colleague from China pointed to length of some statements in which information is provided that is also available in written form. His statement concerned a particular instance where the intervention was more than 30 minutes but it was not by no means the only instance.

Mr. Chairman, there are guidelines on the length of statements and we appeal to you to remind delegates of those guidelines when appropriate.

Our colleague from France pointed out in his opening statement that a simultaneous opening of several agenda items is very ineffective and it is also not conducive to having a good exchange of views, to having a good debate. I would like to add that I am not aware of any other body that follows this practice so perhaps, Mr. Chairman, we can abolish that practice as of the next meeting.

Finally, development of action-oriented reports requires an agenda that is suited to this objective. Let me say that we are encouraged by the agreement this year to develop and maintain two living instruments, one on State practice relating to the definition and delimitation of outer space and another containing a schematic overview of national regulatory frameworks for space activities. We think this is a very good result of this session because that produces a result that we all benefit from and is something we have to maintain over the years and we are very much encouraged by that.

We have concerns with respect to other agenda items that are not suited to action or have not resulted in action and can be adequately covered by other agenda items. I have been picking on UNIDROIT for the last two weeks and I have heard statements that delegations think that useful work can be done, we are certainly looking forward to their interventions next year in order to see how those contributions could lead to action by the Subcommittee.

We have similar concerns relating to the agenda item on nuclear power sources. Let me say that

the Netherlands would support the development of a legally binding instrument on nuclear power sources in outer space but apparently there is no consensus on that and that results in two, three, four, statements every session but not leading to anything. The same is true for the item general exchange of information on national mechanisms relating to space debris. We supported this agenda item when it was proposed, we support the proposal by the Czech Republic but again we have an agenda item, we have a couple of statements and that is it and that could, in the future, be adequately covered by the agenda item relating to national space legislation. Thank you Mr. Chairman.

The CHAIRMAN I thank the distinguished representative of the Netherlands for his statement and should now give the floor to the distinguished representative of Germany.

MR. B. SCHMIDT-TEDD (*Germany*) Thank you Mr. Chairman. We do not want to repeat this argumentation of Canada and the Netherlands. In line with those reflections, we also would support the French proposal as an experiment for the next two years. Thank you.

The CHAIRMAN I thank the distinguished representative of Germany and finally give the floor to the distinguished representative of Italy.

MS. A. PASTARELLI (*Italy*) Thank you very much Mr. Chair and thanks a lot for the way you are conducting our work in this session. This is just a brief remark to recall what we have already been saying during the general exchange of views, that is that our delegation remains committed for a more efficient conduct of our work in all UNCOPUOS subcommittees but especially with the Legal Subcommittee. We express our concern on the use of time for last week where we noted that some sessions were closed earlier but we recognize the linkage between the identification of new agenda items and the work within this Subcommittee and we are very constructive in supporting new agenda items.

We would like also to thank the Secretariat for CRP.14 and CRP.15 which are a very constructive way on which we could work on having a better and more efficient work in this Subcommittee. We believe that it is very important also to identify possible savings in writing our reports in the end more action-oriented and take the example of practice in UNODC for instance and to adopt it within this Subcommittee would be a very efficient way of looking at the issue.

We are open to consider all the proposals presented previously by France, the Netherlands and so on but we would be willing also to continue working with you on an informal basis in order to identify possible areas of improvement in our work without taking too much of our time here in the plenary if this is possible. Thank you very much.

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

Before I open the floor for a technical presentation I would just note my desire to work with all delegations here, taking into consideration the statements that have been made and to call on delegations to consult with respect to the proposals to the Committee on new items to which we will return this afternoon.

Distinguished delegates I would now like to proceed with the technical presentation. Noting our deliberation with respect to the use of time, which is indicated in documents circulated to all delegations, about statements lasting 10 minutes and technical presentations lasting 15 minutes which I repeat every day.

I would now like to invite the presenter, Mr. Mario Hucteau of France to present to us the presentation entitled 'Overview of space debris activities in France'.

Technical presentation

The CHAIRMAN Thank you Mr. Hucteau for your presentation.

Is there any delegate who has questions for the presenter?

The distinguished representative of Saudi Arabia.

MR. M. TARABZOUNI (*Saudi Arabia*) Thank you very much. I think it was a very good presentation and he took 22 minutes. If we open a question and answer session it will take more than 10 minutes so I do not think 15 minutes is enough for a presentation. We are really thankful to him giving us this very helpful methodology being done by France and I would like to look into the time which has been suggested by the Secretariat for 15 minutes. Thank you very much.

The CHAIRMAN I thank the distinguished representative of Saudi Arabia for his statement.

I will now give the floor to the distinguished representative of Brazil.

MR. J. M. FILHO (*Brazil interpretation from Spanish*) Thank you Chairman. Very quickly I would like to compliment the French delegate on his very interesting presentation which was also very useful.

I would like to bring up a practical question. In Maranhão in Brazil, two or three weeks ago a heavy sphere fell to ground, it weighed about 40 kilos, fortunately it did not injure anybody or damage any property but our experts think that it could be part of Ariane. I would like to ask the French delegate whether he has any information about this part that fell to Earth in Brazil and caused a lot of alarm among the population. Thank you.

The CHAIRMAN Would the French presenter like to respond to the question from the distinguished representative of Brazil?

MR. J. HUCTEAU (*France interpretation from French*) Thank you for that question. We have space objects in orbit and concerning these non-controlled atmospheric re-entries we can say that this is a subject which we can discuss between France and Brazil, within my deadline I could not refer to this but we are ready to talk to Brazil about this bilaterally.

The CHAIRMAN In the absence of any further questions for the presenter I would like to return to the very important statement made by the distinguished representative of Saudi Arabia.

I make this statement noting that, in the course of last week, we were privileged to listen to speakers in the context of a symposium which was organized by the International Institute for Space Law and the European Centre for Space Law on the transfer of ownership of space objects and related liability and responsibility issues. Clearly there is a lot of interest in having presentations delivered to the Subcommittee albeit what, in my mind, seems to be missing is that these presentations in numbers need to be delivered in a structured fashion.

For instance we have had so far, thank you to the distinguished representative of France, two technical presentations. We have had one technical presentation from the German delegation and we have had two presentations from the distinguished representatives of Japan here in this Subcommittee and

at lunchtime. So perhaps we should be looking at how, and all delegations are welcome to deliver presentations, but I do not believe that we are hindered in organizing a symposium or clustering our presentations around our agenda items. It is a suggestion given that the presentation is timely and comes right after a very extensive debate we have had on organizational matters, efficiency of the Subcommittee and the use of our time.

Distinguished delegates I will shortly adjourn this meeting so that the working group on the status and application of the five United Nations treaties on outer space can hold its fourth meeting. Before doing so I would like to remind delegates of our schedule of work for this afternoon.

I see that the distinguished representative of Venezuela would like to take the floor.

MR. R. BECERRA (*Venezuela interpretation from Spanish*) Thank you Chairman, I will be very brief. I am sorry for going back slightly but what the delegate of Brazil has just said was very interesting, this object that fell to Earth in Brazil. I am not trying to attack anyone, the technical studies will say what its origin was but the point is that this was an object that fell out of space. How long do we have to wait for this Legal Subcommittee to deal with this issue? Are we waiting for someone to die? Fortunately nothing has happened, we cannot let time go by, this is an urgent issue, we need to do something. When will the right time be? When something falls on someone's head? That is all, thank you Chairman.

The CHAIRMAN I thank the distinguished representative of Venezuela for his statement and would like again to remind delegates of our schedule of work for this afternoon.

We will meet promptly at 3 p.m. At that time we will re-open and conclude our consideration of agenda item 6, information on the activities of intergovernmental and non-governmental organizations relating to space law in order to hear a statement by George Pocar of the Permanent Court of Arbitration relating to the Permanent Court of Arbitration optional rules for arbitration of disputes relating to outer space activities which were briefly introduced to the Subcommittee last week by the observer for the International Law Association and which has been distributed to delegations in Conference Room Paper A/AC.105/C.2/2012/CRP.17.

We will then continue and hopefully conclude our consideration of agenda item 11, general exchange

of information on national mechanisms relating to space debris mitigation measures. We will also continue our consideration of agenda item 13, proposals to the Committee on new items to be considered by the Subcommittee and I would ___? all delegates to please consult, particularly on the second proposal which we spent a significant amount of our time this morning debating. The working group on national space legislation will then hold its eighth meeting.

Are there any questions or comments on this proposed schedule?

I see none.

I would like to remind delegates that, during lunchtime at 2 p.m., informal consultations of the States Parties to the Moon Agreement will be held in meeting room M0E19.

I now invite Mr. Jean-François Mayence of Belgium to chair the fourth meeting of the working group on the status and application of the five United Nations treaties on outer space.

This meeting is adjourned until 3 p.m.

The meeting closed at 1 p.m.