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

Script

850th Meeting
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Vienna

Chairman: Mr. Tare Charles Brisibe (Nigeria)

The meeting was called to order at 3.16 p.m.

The CHAIRMAN Good afternoon distinguished delegates, I now declare open the 850th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

I would first like to inform you of our programme of work for this afternoon. We will continue and hopefully conclude our consideration of agenda item 4, general exchange of views; agenda item 8, review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space; agenda item 9, examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment. We will also begin our consideration of agenda item 10, capacity-building in space law.

The working group on the status and application of the five United Nations treaties on outer space will then hold its first meeting under the chairmanship of Mr. Jean-François Mayence of Belgium.

I would like to remind delegations to provide the Secretariat with possible amendments to the provisional list of participants which was distributed as Conference Room Paper 2 to the Secretariat in writing by close of business today.

Are there any questions or comments on this proposed schedule?

I see none.

General exchange of views (agenda item 4)

I would now like to continue and hopefully conclude our consideration of item 4 of our agenda, general exchange of views. The first speaker on my list is the distinguished delegate of Belgium.

Mr. A. BOUSMAR (*Belgium interpretation from French*). Chairman, my delegation is taking the floor for the very first time at this fifty-first session of the Legal Subcommittee of the United Nations Committee for the Peaceful Uses of Outer Space. I would like at the very outset to congratulate you upon your election to the Chair of this Subcommittee. We are very happy that your expertise, your international experience in the field of space applications as well as your enthusiasm for issues relating to space law are going to be to the benefit of the Subcommittee and its member States.

Chairman, during the discussions which were held last week on the various items of the agenda, certain States communicated a resurgence of interest for the UN Agreement Governing the Activities of States on the Moon and other Celestial Bodies, dated 5 December 1979. As initiator of the joint declaration on the benefits of accession to the Moon Agreement by States Parties to the Agreement, as presented to the Subcommittee at its forty-seventh session of 2008, my delegation is very satisfied to see these States starting up a new thinking on this Agreement and its provisions.

As has been highlighted in the above-mentioned joint declaration, the Moon Agreement enshrines the most important principles relating to space exploration activities. It offers some elements of response to the crucial legal questions relating to the future of these activities, both short, medium and long-term activities. These questions are not just fine points of philosophy but rather concern practical and concrete aspects having to do with the exploration of celestial bodies. For example, we refer to the dissemination of scientific data resulting from these missions, the protection of the natural environment or the jurisdiction exercised onboard of stations and on installations on the ground.

In this fashion, Belgium is particularly satisfied to note the declaration made by Germany, with regard to the thinking which is being conducted

within its government, on the timeliness of acceding to the Moon Agreement. As member States of the European Space Agency, Germany and Belgium are already cooperating within the framework of programmes and activities to explore celestial bodies. The definition of an appropriate legal framework for this work is a very topical and relevant issue in this regard and we are convinced that the Moon Agreement could offer an adequate response to this issue.

Chairman, my delegation remains actively involved in work to foster better understanding, better appreciation and, finally, a more extensive application of the Moon Agreement and will continue to cooperate with other States along these lines. Thank you for your attention.

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

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

I see none.

We have therefore concluded our consideration of agenda item 4, general exchange of views.

Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (agenda item 8)

Distinguished delegates I would now like to continue and hopefully conclude our consideration of agenda item 8, review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

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

Mr. R. BECERRA (*Venezuela interpretation from Spanish*) Thank you very much Mr. Chairman. Since this is my first official statement here let me commend and congratulate you Sir on chairing this session. Also, through you, I would like to express our gratitude to all members of the Bureau and greet all delegates working here with us and I am happy to see them again.

Mr. Chairman. We recognize that the Principles Relevant to the Use of Nuclear Power Sources in Outer Space are subject to revisions in the light of new applications and space activities and in particular in the light of international recommendations

regarding safety, radiological protection and care for human beings and the environment, we are very interested in this agenda item.

In view of the above it cannot be denied that the current Principles Relevant to the Use of Nuclear Power Sources in Outer Space and other institutional guidelines in this area including the Safety Framework for the Use of Nuclear Power Sources in Space, approved by this Committee in its fifty-second session, constitute a step forward. However they are not sufficient to guarantee the life, the protection of the environment and the biosphere of our planet and the maintenance of peace.

In this context, any principle, norm or technical regulation or any other expression of concern about the use of nuclear power sources in outer space must be put in place in compliance with international law, the United Nations Charter and the United Nations treaties on outer space and this is a duty of all of us to promote these norms.

Furthermore, this delegation recognizes the need to use nuclear power sources for the sustainability of certain inter-planetary missions however, we must further deepen research related to the optimization of the use of other options of energy sources which are safer and have proven their efficiency. It must also be inscribed within an international legal framework therefore we endorse Principle 3 of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, guidelines and criteria for the use of such sources in conditions of safety which states that, the use of nuclear power sources in outer space shall be limited to space missions which cannot work other than with nuclear power sources.

In the same vein, this delegation believes it is highly risky to even consider using nuclear power sources in Earth's orbit in the light of reported failures, breakdowns and possible collisions which pose a threat to humanity and the environment and the biosphere of our planet. For that reason it is really inadmissible to use nuclear reactors or any other source of nuclear power in these orbits. We call on all States to promote a modification of this type of practice as part of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

Here I would like to pause to make very clear the request made by Venezuela. We suggest that the Principles eliminate the use of nuclear power source in the Earth's orbit. It is the same proposal that Venezuela made last year but, to this day, we have heard no objection to it. Therefore we believe that, if there is no

objection, we are all in agreement that the Principles Relevant to the Use of Nuclear Power Sources in Outer Space should be modified accordingly and we ask the Secretariat to carry out the necessary work.

Finally, to conclude, we must deepen research into the optimization of the use of this type of energy. It is indispensable to promote a process for developing binding international norms that would regulate the use of nuclear power sources in outer space considering the current Principles and the Safety Framework regarding the use of nuclear power sources in outer space. For that purpose we must strengthen interaction between this Subcommittee and the other subcommittee. To this date, this delegation does not understand why, as part of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space and the Safety Framework, we have not subjected it to a legal analysis. The same goes for space debris. It is the responsibility of this Subcommittee and it must be done as soon as possible. I will not take any more of your time, thank you very much Mr. Chairman.

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

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

Mr. M. TARABZOUNI (*Saudi Arabia*) We welcome the recommendations being made by some distinguished members of COPUOS. Our delegation would like to extend our gratitude to the Secretariat for facilitating the planned workshops. My delegation would like to ask those member States who are going to launch any space objects carrying NPS to notify other member States about their plan and to give enough time of the possible launch so that other States will be aware and get ready and act with any risk that could happen.

As we look forward to the future we believe that the adaptation of the Safety Framework with the widest ___? implementation of usage of NPS will provide assurance to the global community. Therefore we encourage member States to look again at the legal position of this Safety Framework and eliminate the use of NPS in orbit around the Earth for the safety of the environment and mankind. Thank you Mr. Chairman.

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

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

I see none.

We have therefore concluded our consideration of agenda item 8, review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

I will give the floor again to the distinguished delegate of Venezuela.

Mr. R. BECERRA (*Venezuela interpretation from Spanish*) Thank you very much Mr. Chairman. I am not going to take a lot of time but we do not want to keep repeating the same thing. We did make a proposal last year, and I hope the Secretariat took note of that proposal, which I have just reiterated and I would like to hear some explanation. We make a proposal, we meet with silence! Nobody says anything and time goes on. These are very important issues for many delegations here and they want to see the international norms associated with the use of nuclear power sources to be revised, to be modified. Therefore we would really appreciate a response to what we have just said. To have a discussion maybe and hear the opinions of other delegations. If we hear nothing then it means that we are all in agreement, that everyone agrees with Venezuela's proposal. If we are all in agreement then the norms should be modified accordingly and the Secretariat must carry out the work. If there are objections then we should hear them. I am really concerned with inaction since last year, please we need to act on this. Thank you.

The CHAIRMAN I thank the distinguished representative of Venezuela for his statement and I note that two speakers on this item so far have expressed their appreciation to the Secretariat for the workshop that was organized under the auspices of the Scientific and Technical Subcommittee.

During earlier deliberations of this item we heard specifically statements and interventions from: the United States of America and China and I have put the question to the floor already. Are there any other delegations wishing to make a statement under this agenda item. So far I have had a statement from Venezuela and a statement from Saudi Arabia. So we do not have absolute silence we just do not have enough of a debate yet. Whether that constitutes enough impetus for us to now take a step as a Subcommittee to review these Principles Relevant to the Use of Nuclear Power Sources in Outer Space, I would hesitate.

Are there any other speakers that would like to take the floor on this item at this time?

I see none.

We have therefore concluded our consideration of agenda item 8, review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

Examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment (agenda item 9)

Distinguished delegates I would now like to continue and hopefully conclude our consideration of agenda item 9, examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment.

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

Mr. T. KOTZE (*South Africa*) Mr. Chair, thank you for allowing me the floor. The South African delegation wishes to express our sincere gratitude to the Federal German Government for the excellent arrangements for the diplomatic conference for the adoption of a draft protocol to the Convention on International Interests in Mobile Equipment on matters specific to space which was held recently in Berlin.

Mr. Chair. His Excellency Ambassador Stofile, during our opening statement at the diplomatic conference, stated that the delegation of South Africa is concerned about the rights of debtors. The delegation of South Africa followed the statement up with a proposal for a resolution and our rationale for this proposal was as follows.

The Cape Town Convention and the draft space protocol provided for numerous extraordinary remedies in favour of and to the benefit of creditors. However, neither the Cape Town Convention nor the draft space protocol specified any express benefit that accrues to the debtor. The provision of benefits for the debtor was consequently based on the premise that the market will provide discounted financing rates to the debtors and our proposal was to codify the practice as we understand it to be in the market in any event.

In short, Mr. Chair, we want the delegates to a diplomatic conference to consider that developing nations in particular do need discounts in order to ___? space industry. We are happy to report that our proposal was eventually included as resolution 4 to the Final Act.

Mr. Chair, the delegation of South Africa signed the Final Act of the diplomatic convention but it should be noted that we understand that the adoption and our signing of the Final Act does not bind the Republic of South Africa. The Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space still has to be subjected to further consultation with our stakeholders in the South African space industry and subsequently to our constitutional processes for the signature and ratification of an international instrument.

Mr. Chair, regarding the discussion of this morning, the delegation of South Africa would prefer that the Space Assets Protocol remain on the agenda of the Legal Subcommittee as an independent item as we believe it is important to continue to be informed regarding developments and evolution of the Space Assets Protocol.

Mr. Chair, my thanks.

The CHAIRMAN Thank you distinguished representative of South Africa for your statement.

The next speaker on my list is the distinguished representative of China.

Mr. Q. YI (*China interpretation from Chinese*) Mr. Chairman, the Chinese delegation congratulates UNIDROIT for the adoption of the Space Assets Protocol after deliberation at the Berlin diplomatic conference. China supports the continued examination and review of the Space Assets Protocol by the Legal Subcommittee. We would like to share with other delegations the understanding and views of China on this matter.

Mr. Chairman. The adoption of the final text of the Space Assets Protocol is important for the orderly development of the space financing market and it is also important for the wholeness of the space legislation. The Protocol in the process of formulation draws on the views of governments, legal experts and the space industry, differences have been breached and important results have been achieved. The Chinese Government always attaches importance to the elaboration, negotiation and review of the Space Assets Protocol. We participated in a constructive manner in a series of important negotiations including the Diplomatic Conference held in Berlin in March. As a member of the drafting committee, China has contributed actively to the deliberation and negotiation of the Protocol. China believes that the Convention on International Interests in Mobile Equipment and the Space Assets Protocol has established a registration

and priority system which forms a unified, clear-cut and predictable legal framework for transnational space asset financing. It also ensures the universal recognition and protection of international interests based on space assets. Therefore it enhances the transparency and existing interests in space assets. This also removes misgivings of creditors with regard to the inconsistency of national laws and lowers the cost for financing of debtors. Therefore this brings about a legal environment which is more equitable and conducive to competition for the commercialization of space activities. It will also give more access to many small and medium-size entities and allow them to grow therefore promoting the prosperity of global space commercial activities.

In accordance with the relevant resolution, China will take part in the establishment of the preparatory commission of the States as well as the selection of the registry. China would like to work together with others to adopt a constructive approach in following up the Space Assets Protocol related work and we hope that the Legal Subcommittee will attach importance to the Space Assets Protocol which is a milestone in the development of space law and continues to provide guidance and assistance to the Protocol related work. Thank you Mr. Chairman.

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

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

Mr. M. TARABZOUNI (*Saudi Arabia interpretation from Arabic*) Thank you Mr. Chair. We have listened with great interest to the Chinese statement and we fully support it. We have also noticed that all States participating in a diplomatic conference have supported it after starting negotiations on this Protocol for ten years. We would not like to have this item merged with another one, perhaps we could rename this item Berlin Protocol of 2012 on Matters Specific to Space Assets, we could then change the name of the title. Thank you.

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

I will now give the floor to the observer from the International Telecommunication Union.

Mr. A. MATAS (*International Telecommunication Union*) Good Afternoon. Thank you very much Mr. Chairman. I would like to inform you in my statement about ITU's position related to the

Berlin diplomatic conference related to space assets which recently finished.

ITU participated in this conference as observer and, in our statement at the conference, we expressed our interest to become a supervisory authority of the International Registry for Space Assets subject to the consideration by the governing bodies of ITU and without prejudging the decision of the governing body of ITU which is the ITU Council and also without final approval of the highest ITU governing body which is the ITU Plenipotentiary Conference which will be held in 2014.

The conference accepted the ITU interest and it is reflected in resolution 2 of the Final Act. This resolution is inviting the governing body of ITU to consider the matter and to take necessary action and after that ITU is invited to inform the Secretary-General of UNIDROIT about the results of the consideration by the ITU bodies. We are going to inform this year in the ITU Council, to be held in July in Geneva, about the Final Act and resolutions and after that we will discuss these matters in ITU.

Additionally ITU will participate as an observer in the other two supervisory authorities, ICAO which is the aircraft supervisory authority and OTIF which is the supervisory authority for carriage by rail in the work of the provisional supervisory authority and we are waiting for the invitation by UNIDROIT, I understand that the governing body of UNIDROIT will meet at the end of this year and we expect after that the start of the work of the preparatory commission or the provisional supervisory authority.

In resolution 1, there is one other item to say that if ITU will inform UNIDROIT that it is not able to take the position of the supervisory authority, after that the UNIDROIT Council have to take this consideration and decide about further steps but today, following the resolution 2 of the Final Act, ITU is the only candidate related to the execution of the function of supervisory authority of space matters.

I am ready to reply to any questions if there is interest. Thank you very much.

The CHAIRMAN I thank the distinguished representative of the International Telecommunication Union especially for this detailed overview of the steps that will be taken moving forward in respect to not only the resolutions which were adopted at the diplomatic conference but specifically some of the practical steps that will have to be taken in order to

implement the operational aspects of the Protocol that has just been adopted.

I should open the floor to questions. Perhaps there might be delegates that would like to put questions to the observer of the International Telecommunication Union with respect to this instrument that was recently adopted and a Protocol organized by the Government of Germany.

I see the distinguished representative of Indonesia.

Ms. L. SIDQI (*Indonesia*) Thank you Mr. Chairman. I would like to go back to the proposal of having agenda item 9 to be merged into another agenda item. In this regard, my delegation recognizes the need to discuss the updates of the Berlin Protocol, however it is our view that it is to be discussed in a separate item therefore, in this regard, we would like to support the proposal made by South Africa, China and the Kingdom of Saudi Arabia, to have the agenda item remain independently. Thank you.

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

Are there any other delegations wishing to make a statement on this item?

I recognize the distinguished representative of the Czech Republic.

Mr. V. KOPAL (*Czech Republic*) Thank you very much Mr. Chairman for your giving me the floor, I will be very brief. As a matter of fact my delegation has already expressed its opinion on this particular question. We said at the time that the Space Protocol, approved at the Berlin Conference this year, is a very important contribution to the development of the law of outer space because for many reasons but particularly because it is for the first time again an international treaty, it is a binding source of international law and second, it is a first instrument that was adopted in the field of private international law.

We also took position with regard to the question of whether it should be renamed or whether it should be merged with or included into the mandate of a working group or under one of the existing other items. We listened very carefully to proposals that were made also this morning, some of them are very interesting, but it seems to me that probably the most suitable would be if we keep it as it is now with the only exception of deleting the word 'draft'. As a matter of fact we now do not have to discuss about draft but

about the Space Protocol as it was elaborated and approved at the Berlin Conference. I believe that this name enables us indeed to hear, to listen to, statements about the new developments and eventually to discuss them and there will be such developments. For example, there will be the establishment of the preparatory commission which was mentioned here in several interventions. There will also be the establishment of the register which will be very important to know and eventually analyse for the purposes of our own discussion and there will be other important information, for example, the progress in signing the Protocol, the ratifications and, after all, if there are indeed first ten ratifications about the entry into force of the Protocol.

I believe all these questions are covered by the present title if we omit only the word 'draft' so that it would read, examination and review of the developments concerning the Protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment. Maybe it is a little long but we cannot omit mentioning the Convention on International Interests in Mobile Equipment because the Space Protocol forms an entity with the Convention so that the full title should be kept in the heading of this particular point. That is all what I wanted to say. Thank you very much Mr. Chairman.

The CHAIRMAN Thank you distinguished representative of the Czech Republic and I should also thank all of the delegations that have intervened and made statements on this agenda item this afternoon. From South Africa, China, Saudi Arabia, Indonesia and certainly the intervention of the observer from the International Telecommunication Union was most informative.

I recognize the distinguished delegate of France would like to take the floor.

MR. G. DUFRESNE (*France interpretation from French*) Thank you Mr. Chairman. I do not want to excessively prolong the debate on this issue and we spoke about it this morning already and there was some constructive proposals on both sides. Just a question, regarding the exact title of the Protocol, the exact language. Are we discussing item 13?

And also a question. If I am not mistaken, and if I am please correct me, we are waiting for additional information from UNIDROIT and continue dialogue and exchange of views among States and maybe, at this point, we should adopt simpler language which would fairly and accurately reflect the discussion we have had here regarding this Protocol which is a protocol on

private law and we are discussing it within the framework of the Legal Subcommittee of COPUOS. Thank you.

The CHAIRMAN Thank you very much distinguished delegate of France.

We are certainly not discussing agenda item 13 substantially because this will be discussed later on but clearly we have a regular item that is being discussed and we are currently taking statements from various States particularly because of where the Subcommittee is at with this item. The fact that the instrument we are referring to was only adopted very recently and we have had a very constructive set of interventions so far and it is only appropriate that, at this stage, we take into consideration what it is for the sake of time because we already have an indication of a consensus of where the Subcommittee is and where we would like to get to when we come to the organization of work.

Having said this and with respect to the title, just for the sake of clarification we have a proposal from the Czech Republic to delete the word 'draft' in the current item as it currently stands and with an explanation that it would not necessarily be appropriate to delete reference to the Convention, which in itself is a protocol, because the protocol does not stand alone and can only be read, in fact if I remember correctly there are several provisions in this instrument that are intricately linked to specific provisions of the Convention itself.

On that note, we were informed by the representative of UNIDROIT itself in his statement that so far there have been three States that have signed up to this Protocol. I understand there may well be specific name of the protocol. Perhaps the distinguished representative of Saudi Arabia, that has actually signed up to this instrument, can tell us what the exact name of the instrument is which was adopted at the diplomatic conference.

Mr. M. TARABZOUNI (*Saudi Arabia interpretation from Arabic*) Thank you Mr. Chairman. The title is Berlin Protocol in accordance with previous protocols such as the Luxembourg Protocol for trains or the Aircraft Protocol. As far as I know the two previous protocols only had the name of the protocol as well as the authorities in charge of it. Therefore I would prefer that the title be Berlin Protocol on Matters Specific to Space Assets. It is true that the Protocol is part of the Convention and the Convention has its own title which is Cape Town Convention therefore why add this whole title to the protocol. We should avoid mistakes by stating such a long title.

The CHAIRMAN Thank you distinguished delegate of Saudi Arabia for this clarification.

Are there any other delegates that would like to take the floor on this agenda item at this time?

I see none.

We will return to the item and the various proposals and the title of the item when we address the programme of work later in the week.

Distinguished delegates we have therefore concluded our consideration of agenda item 9, examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment.

Capacity-building in space law (agenda item 10)

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

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

Ms. K. PAN (*China interpretation from Chinese*) Thank you Mr. Chairman. Mr. Chairman, capacity building is good for the participating countries especially developing countries to have a deep understanding of the rules in space law so that they will get involved in the formulation of space law, this will be helpful for their equal participation in the drafting of space law.

Mr. Chairman. China highly takes importance of building capacity. In recent years, in research and promotion a whole series of areas we have adopted a series of positive measures and we have achieved new progress. In order to promote research in space law the relevant government departments have regularly organized seminars, organized scholars, space scientists as well as government officials to jointly discuss the issues relating to space law.

The Chinese Space Law Society has also organized the research organizations and the research on space safety and space debris mitigation as well as some of the leading topics in space law and provided assistance. The academic journals in the institutions of higher learning have also set special columns for space law and the relevant research findings and space law studies in China were published in these columns.

In the education of space law a lot of Chinese special institutions of law have set down their curriculum for international law relating to space and lectures on space law have been organized periodically. Some institutions have organized special mock courses, mock simulations. In December 2011, the Chinese Space Law Society organized the successful sessions in Beijing International Space Law Moot Court contest. The winning teams will be participating in the Manfred Lachs Space Law Moot Court Competition organized by the International Institute of Space Law.

In addition the research institutions in China in the space area and the relevant government institutions have organized training courses, published space law periodicals and also some articles relating to the dissemination of scientific knowledge. By doing this and learning opportunities were provided to professionals and also the knowledge of space law has been disseminated to the general public.

Mr. Chairman. Being a developing country, China still has a long way to go in terms of building up the Chinese space law. We would like to share our experiences with the international community. We would like to learn from other countries, the advanced practices of international organizations. Therefore, China supports UNOOSA, the efforts to promote international cooperation to strengthen capacity-building of developing countries. We support OOSA and the relevant agencies to play a more active role in this regard. We would like to work with the relevant countries, organizations and make common efforts to the joint capacity-building of space law. Thank you Mr. Chairman.

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

The next speaker on my list is the distinguished representative of Brazil.

Mr. L. SACCHI GUADAGNIN (Brazil) Thank you Mr. Chairman. My delegation would like to stress the importance of capacity building in the field of space-derived geospatial data. As it is widely known, Brazil has supported here and in other forums such as the Group on Earth Observations the idea of data democracy. This means not only adopting an open and free data distribution policy but also creating infrastructure and promoting capacity building in developing countries so that they receive, process, interpret and add value to geospatial data.

Mr. Chairman. In this area Brazil and China have pioneered with the adoption of an open and free data distribution policy for the images of the CBERS satellite. In fact Brazil adopts this policy for all its Earth observation satellites.

To conclude, Mr. Chairman, I would like to stress the importance of space-derived geospatial data and therefore of capacity building to the Rio+20's objectives as clearly stated in the COPUOS contribution to that conference which Brazil much appreciates. Thank you.

The CHAIRMAN Thank you distinguished representative of Brazil.

The next speaker on my list is the distinguished representative of Germany.

Mr. H. WASSERMANN (Germany) Thank you very much Mr. Chairman. Germany welcomes and underlines the importance of promoting space law. Regarding the OOSA space law database, the German government has transmitted at this Legal Subcommittee, the English version of the new space strategy for Germany. The space strategy marks a cornerstone in shaping the future of Germany's national space policy. Furthermore, I would like to draw your attention to the well-known 2011 Annual Report of the Cologne University Institute of Air and Space Law which will be distributed at this Legal Subcommittee as well the reports of former years.

Thirdly, I would like to inform you that volume 2 of the Cologne Commentary on Space Law (CoCoSL) will be published in the second half of this year. With this commentary approach the editors and author intend to offer basic access to the UN space treaties including the historical background.

Fourth, while speaking about the academic approach on space law, I would like to inform you that from 30 January to 10 February 2012, Professor Stephan Hobe, Director of the Cologne University of Air and Space Law, read for the second time an all-African course on international law, air and space law, as well as on the international law of telecommunications. The course took place at the University of Pretoria in South Africa. The cooperation between the University of Pretoria and the University of Cologne is aimed at developing a full Masters course as early as next year in Pretoria.

Finally, speaking about new ways of achieving progress in capacity building, my delegation wants to underline the importance of the Optional Rules for

Arbitration of Disputes Relating to Outer Space Activities which were adopted by the States Parties of the Permanent Court of Arbitration in The Hague on 6 December 2011. Germany played a leading role in the finalization of the Optional Rules for Arbitration of Disputes Relating to Outer Space Activities. The Optional Rules were finalized by a group of experts in which my country was represented by Professor Hobe who was with us as a member of my delegation. Legally the Court of Arbitration gets more power, according to these Optional Rules parties remain free to decide whether or not they accept the Rules as binding for the arbitration of disputes. Parties of the dispute might be either States or private persons. The new provisions follow closely the Optional Rules for Arbitration of Disputes in international environmental law. Thank you very much.

The CHAIRMAN I thank the distinguished representative of Germany for his statement and note in addition to the informative report about capacity building refer to the Optional Rules for the settlement of disputes which were adopted under the auspices of the Permanent Court of Arbitration.

I should like to recall the statement that was made by the distinguished delegate of Indonesia in the context of this item capacity building and the training programme that was offered to students with respect to dispute settlement arising from outer space activities.

Thank you again for your statement.

Are there any other delegates that would like to take the floor on this item at this time?

Austria.

Ms. I. MARBOE (*Austria*) Thank you very much Mr. Chairman. I remember that there was last year a draft curriculum on space law which was the preliminary result of an expert group of professors in space law which put together a very useful outline of a course on space law including literature, points of discussion, supporting documents, very useful. But as I recall it, it was still in a draft or am I mistaken? If it is still a draft I would like just to have some information on the status of this document, if it is already concluded and if it is available somewhere? Thank you very much.

The CHAIRMAN Thank you distinguished representative of Austria.

I shall give the floor to the Secretariat to provide the Subcommittee and the distinguished

delegate of Austria with the status regarding the curriculum I understand was prepared in the context of the Centres on Space Science and Technology education.

Mr. N. HEDMAN (*Secretariat*) Thank you Mr. Chairman. Yes, indeed. As delegations recall at the last session of the Legal Subcommittee in 2011 there was a Conference Room Paper, an extensive conference room paper, comprehensive, prepared Conference Room Paper 12 if I am not mistaken, containing the draft curriculum for the regional centres. As also reported by the Director in her statement to the Subcommittee on the first day, the Office is now reviewing the entire curriculum because there is a need to go through the curriculum for consistency so that the different modules are actually able to be used even by lecturers and teachers that are maybe not professors in space law but they could come from other institutions and they need to be able to teach that curriculum. The Secretariat is going through that for consistency reasons and we are also updating the sources that presently are included in some languages in the curriculum as you will see in the document from last year's Legal Subcommittee but we still have things to do there. So that is the status as far as the curriculum is concerned. The document is available as a conference room paper of the 2011 session of the Legal Subcommittee and you have it on the website. Thank you.

The CHAIRMAN I thank the Secretariat for providing all delegations with an update on this which is clearly a very important document.

Are there any other delegates wishing to make a statement under this agenda item at this time.

I see none.

We will therefore continue our consideration of agenda item 10, capacity-building in space law, tomorrow morning.

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 first meeting under the chairmanship of Mr. Jean-François Mayence of Belgium.

Before doing so, I would like to remind delegates of our schedule of work for tomorrow morning. We will meet promptly at 10 a.m. At that time we will continue our consideration of agenda item 10, capacity-building in space law. We will also begin

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 one technical presentation tomorrow morning by a representative of Japan on, capacity-building in space law in Japan: the case of JAXA.

The working group on the status and application of the five United Nations treaties on outer space will then hold its second meeting after that. The working group on national legislation relevant to the peaceful exploration and use of outer space will then hold its sixth meeting.

Are there any questions or comments on this proposed schedule?

I see none.

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

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

The meeting closed at 5.59 p.m.