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

Script

849th Meeting
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Vienna

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

The meeting was called to order at 10.15 a.m.

The CHAIRMAN Good morning distinguished delegates and I will declare open the 849th 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 our consideration of agenda 4, general exchange of views. We will continue our consideration of agenda item 8, nuclear power sources in outer space and 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 continue and hopefully suspend our consideration of agenda item 12, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space, pending the discussions in the working group on this item.

The working group on national legislation relevant to the peaceful exploration and use of outer space will then hold its fifth meeting.

I would also like to remind delegations that any amendments to the provisional list of participants that was distributed as Conference Room Paper 2 should be provided 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)

Distinguished delegates I would now like to continue our consideration of item 4 of our agenda, general exchange of views. The first speaker on my list is the distinguished delegate of Cuba.

Mr. J. MARSÁN AGUILERA (*Cuba interpretation from Spanish*). Mr. Chairman, as this is the first time I am taking the floor, my delegation would like to congratulate you on your election as Chairman for this session of the Legal Subcommittee and we would like to express our desire to contributing to achieving the aims of this meeting.

I would also like to express my delegation's acknowledgement of the work of OOSA and its Director, Ms. Mazlan, in organizing this session. My delegation fully supports the statements made by the distinguished ambassador of Ecuador on behalf of GRULAC.

Mr. Chairman, as has been said on previous occasions, my delegation coincides with the criterion that treaties and principles, approved by the United Nations for outer space, are an important legal basis for peaceful space activities. Cuba is party to all of them except the Moon Treaty. My delegation is closely monitoring the efforts of this Subcommittee to assess the reasons why so few States are parties to the latter treaty. However resolution 62/20, adopted in December 2007 by the General Assembly by an overwhelming majority, reiterated and I quote 'the applicable legal regime for outer space does not guarantee in itself the prevention of an arms race in outer space'. It also stresses the need for new measures with verification provisions to prevent an arms race in outer space.

The adoption of these new measures and provisions is an increasingly pressing need given growing attempts of some powers to militarize space. My delegation is aware that the main weight of negotiations on such an essential subject is for the Disarmament Conference but we consider that COPUOS, and especially this Subcommittee, cannot remain outside this process. In my delegation's opinion there is nothing more practical and more pressing than dealing with this crucial problem, this includes all international stakeholders including COPOUS, and therefore we advocate a structured and permanent dialogue between COPUOS and the Disarmament

Conference. The danger of an arms race moving to outer space is growing. New versions of the Star Wars project with anti-missile shields and many other abhorrent and costly plans are a threat, not just to the peaceful use of space but also to the existence of humankind.

Mr. Chairman, my delegation would like to stress the specific importance that it grants to the definition of outer space. Current definitions do not help bringing security and trust in the peaceful use of outer space therefore they should be solved as soon as possible. We hope that there will be constructive proposals on this essential aspect within the group's discussions.

Another critical element that requires the priority attention of this Subcommittee is geostationary orbit. This is a limited natural resource, a very specific one, which is increasingly exposed to saturation. Its use should be based on the principle of rational and equal access for all States, taking into account the specific needs of developing countries. My delegation supports what other delegations have said here regarding the use of geostationary orbit. We consider that its use should be rationalized and extended to all States giving them the possibility of access in equal conditions taking into account the needs and interests of developing countries as well as the geographic location of certain countries in compliance with principles established by ITU and other standards and decisions of the UN.

Mr. Chairman, Cuba reiterates its belief that preserving outer space for peaceful means is an essential aim in order to guarantee the future of humanity. The efforts made by COPUOS and this Subcommittee to make the most of the benefits of space for the whole of humanity are essential. Thank you.

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

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

Mr. E. CURIA (*Argentina interpretation from Spanish*) Thank you very much Mr. Chairman.

Please allow me to congratulate you for your work chairing this Subcommittee and I would also like to acknowledge the efficiency of OOSA and its distinguished team of professionals in preparing the documentation and the organization for this meeting.

Mr. Chairman, within the framework of this Legal Subcommittee, I would like to ratify Argentina's permanent commitment to regional and international cooperation in order to promote the peaceful use of outer space. This belief can be seen in our will to share, in a comprehensive way, all the technical information stemming from our outer space activities as well as being involved in international academic activities.

Based on these criteria, my government has implemented the last two initiatives in the field of capacity-building, both in cooperation with the United Nations. First of all, the second international conference of the United Nations and Argentina, in cooperation with the European Space Agency and the General Secretariat of the Prince Sultan Bin Abdulaziz International Prize for Water, on the use of space technology in water resource management took place in March 2011 in Buenos Aires, this included the corresponding legal aspects of the question.

The second activity, within the framework of international cooperation, is the seminar on international space law co-organized between the UN and the Argentinian National Committee for Space Activities, this will take place in Mar del Plata in November this year. I would like to point out that we will be providing travel expenses and accommodation for 25 participants and, after the four-day meeting, we hope that we will be able to generate legal working documents of regional and international interest. As you know we are currently working on the agenda for this seminar.

I would also like to point out that, on a bilateral basis, we continue to work closely with Brazil. In 2011 Brazil participated in the preparation of the Aquarius mission for the SAC-D satellite, this will measure the temperature and salinity of the ocean surface. Our bilateral activities were strengthened this year with an historic visit by a high-level Argentinian delegation to the Alcantara Launch Center in Maranhão which is an important headquarters for safe, economic and competitive space launches.

Also at bilateral level I would like to mention that, in October 2011, Argentina signed a cooperation agreement with the United States through the Argentinian National Committee for Space Activities and NASA. This agreement deals with the peaceful exploration and use of outer space focusing on areas such as Earth observation and monitoring, space sciences and exploration systems.

Mr. Chairman, I would briefly like to consider some of the items on the agenda which are of special interest to my government.

Item 5, the status and application of the five UN treaties. My delegation welcomes the work undertaken by the working group and express our firm support especially for the efforts made to achieve the universal acceptance of those treaties. We are aware that when there is the need to develop new aspects of space law this should be done through complementary instruments without amending or undermining the essential principles of existing treaties. Other alternatives would involve the risk of having to undertake a huge amount of reviews and re-drafting of existing laws and this could lead to a risk of creating new obstacles, apart from those which already exist, for its acceptance and we know anyway that the international community has not yet accepted existing treaties.

Regarding the Moon Treaty which has been subject to a lot of work and analysis by this working group, chaired by Belgium, Argentina follows the process with interest. We are paying attention to what contributions States Parties are making and we welcome the possibility of reaching a more comprehensive consensus regarding its provisions.

Item 7, questions relative to definition and delimitation of outer space and geostationary orbit which is a constant here, I had the honour of chairing the working group in 1995 and 1996. Regarding the definition and delimitation of outer space, Argentina still believes in the need to pursue consensus regarding a differentiation between outer space and airspace with the application of a special legal regime.

The definition of outer space is linked to the need for scientific and technical consensus on space objects bearing in mind that this analysis is based on a functionalist conception of the limit of outer space. However the debate over the last few decades has not led to clear consensus on the feasibility of adopting functional or natural criteria in order to establish the limits of outer space. Then the increase of space activities due to growing technological developments shows the need to agree on a limit between airspace and outer space. This delimitation is linked to scientific and technical consensus but which will have a legal impact in many fields and thus we do need to continue with the work of the working group, chaired by Professor Monserrat Filho of Brazil.

Regarding section (b) of item 7, geostationary orbit, we ratify that we still need to guarantee the use

of geostationary orbit taking into account the needs and interests of developing countries. Within this framework, Mr. Chairman, I would like to mention the importance of the role of ITU regarding work related to the use of geostationary orbit and its regulatory framework regarding coordination among countries for the use of satellite orbits including geostationary satellites.

We would also like to reiterate that the competent authorities for the political and legal aspects of this item, that is to say geostationary orbit, are COPUOS and the Legal Subcommittee.

To conclude, I would like to refer to space debris. This is a question of obvious importance because of the dangers entailed in their increasing presence. Argentina is considering this with regard to future international activities so that our space activities will be in line with different international instruments especially directives on reducing space debris drawn up by COPUOS.

My delegation would also like to express its support to include in the considerations of this Subcommittee the possibility of including the initiative presented by the Czech Republic on legal aspects of those guidelines.

Finally, the Argentinian delegation associates itself with the statement made by my colleague from Ecuador on behalf of GRULAC. Thank you very much Mr. Chairman.

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

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

Mr. A. TALEBZADEH (*Asia Pacific Space Cooperation Organization*) Your Excellencies, Mr. Chairman, please allow me to congratulate you on your appointment as the Chair of the Legal Subcommittee and we look forward to productive years under your leadership, APSCO supports your activities. APSCO thanks Dr. Mazlan Othman, Director of UNOOSA, for her tireless efforts and leadership.

Thank you very much for giving me the floor as an official representative of the Asia Pacific Space Cooperation Organization (APSCO), I would like to report on the progress of last year.

Being the first regional space agency, APSCO is dedicated to space cooperation in space science, space technology and their applications. The top governing body of APSCO, the Council, has decided to conduct eight major projects under APSCO while continuing to ascend? APSCO a force in education, training and space law.

In 2011 until now the data sharing service platform of APSCO has been completed and all member States have completed the training for the operation of this system. It will be used not only for the study of remote sensing data but also for remote education and training as well as space policy and space law study in the near future.

Mr. Chairman. APSCO consistently supports space law study of the United Nations and by itself in the course of establishing an Asia Pacific research centre for space law. We have jointly organized a number of symposia and workshops. We are currently organizing a space law workshop, jointly with Beihang University in China in June, for discussion of space law progress in the Asia Pacific region. All distinguished delegates are invited to this event.

Other programmes that are being implemented cover the domain of telecommunication satellites, a smaller student satellite, navigation application and joint observation of space objects. APSCO will continue its efforts in promoting regional space cooperation for the benefit of this region. Thank you very much.

The CHAIRMAN I thank the distinguished representative of the Asia Pacific Space Cooperation Organization 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 continue and hopefully conclude this afternoon 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 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 China.

Ms. YANG (China) (interpretation from Chinese) Mr. Chairman, the use of nuclear power sources in outer space is an objective need for the sustained activities in the peaceful exploration and use of outer space. This is a common understanding reached by all States when the Principles Relevant to the Use of Nuclear Power Sources in Outer Space was adopted. However, how to ensure the safety of nuclear power source applications is an issue we must pay attention to both technologically and legally. As to important outcomes of the endeavours of COPOUS and IAEA to ensure the safe application of nuclear power sources, the Principles Relevant to the Use of Nuclear Power Sources in Outer Space and the safety framework for nuclear power source applications in outer space provide technical guidance for States to safely apply nuclear power sources and have laid a foundation for gradually setting up the relevant legal regime. We believe the promotion of wider adherence to and implementation of these two documents is conducive to the safe application of nuclear power sources in outer space.

Mr. Chairman. Regarding the safety of the use of nuclear power sources in outer space, China endorses the relevant standards in the safety framework. At the Scientific and Technical Subcommittee session, held in February this year, Chinese experts submitted to the Subcommittee documents which elaborate China's basic position on, and the practice concerned with, the use of nuclear power sources in outer space. Nuclear power sources will be used for the first time on board China's lunar probe scheduled to be launched in 2013. By referencing the Principles and the safety framework we will formulate corresponding plans for safety prevention and emergency response to ensure the safe application of relevant equipment in outer space.

Mr. Chairman, we support the discussion of the use of nuclear power sources in outer space in the Legal Subcommittee and we also support the Subcommittee to maintain communication on this issue with the Scientific and Technical Subcommittee and also with IAEA and to continue to explore the feasibility and the necessity of amending the Principles. Thank you Mr. Chairman.

The CHAIRMAN I thank the distinguished representative of China for her 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 8, review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, this afternoon.

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 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.

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

I see the distinguished representative of France.

MR. G. DUFRESNE (*France*) (interpretation from French) Thank you Mr. Chairman. I would just like to return to the debate we had on Friday afternoon about this and the comments formulated by different delegations such as Brazil, China and our German colleague. Our concern is to ensure that we have a proper agenda for 2013, it is important to be able to keep this item on the agenda so that we know about the ratifications and to keep up the debate when a text has been adopted at the Berlin Conference. However it is also important to have a more focused or concentrated agenda. There was a possibility raised by the German delegation of merging 9 and 5, maybe this is not suitable because of course we have the UN treaties on the one hand and then laws on the other. In an endeavour to reach consensus I would make the following suggestion which could enable us to monitor the protocol that we reached in Berlin which is to make item 6 a sub item so that would merge the two items, then we would have a sub item which would allow us to continue to exchange points of view regarding Berlin. Thank you.

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

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

I recognize the distinguished representative of Japan.

Ms. S. AOKI (*Japan*) Thank you very much Mr. Chairman. My delegation would like to join France about the merger of agenda item 9 and 5. We would also like to join France, the Netherlands and other countries which support the removal of this agenda item in order to streamline all agenda items and to merge it so that we can further discuss and address the matters about the Space Asset Protocol about future developments. Thank you very much.

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

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

Ms. I. MARBOE (*Austria*) Thank you Mr. Chairman. The Austrian delegation has also discussed the matter on removing or retaining agenda item 9 of the agenda and has considered the proposals to merge with agenda item 5 or item 6. However the Austrian delegation just wants to submit that the item would not really suit either of the agenda items. Agenda item 5 has already been discussed because it is not a treaty on public international law and on 6, the Austrian delegation does not have very strong feelings but just wanted to point out that the Protocol is not any more a UNIDROIT protocol so it does not really constitute an activity of an international non-governmental organization. It has already been adopted by a diplomatic conference in Berlin so the status has changed considerably so we just wonder if it would really fit under an agenda item 6. Thank you Mr. Chairman.

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

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

Mr. Y. XU (*China*) Thank you Mr. President. Very briefly China just try to echo what has been said by the Austrian delegation. We also feel that the Protocol is not so squarely fitted with item 6, we would prefer to keep it as an independent item on the agenda. Thank you Mr. President.

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

I now recognize the distinguished representative of Brazil.

Mr. J. FILHO (*Brazil*) (interpretation from Spanish) Thank you Mr. Chairman. The Brazilian delegation would like to support the comments made by the delegations of Austria and China. We believe that this agenda item should be maintained because this is a very important document, it is very specific in nature and it should be accompanied by an examination of its development and evolution in the future. Thank you Mr. Chairman.

The CHAIRMAN Thank you distinguished representative of Brazil and I give the floor to the distinguished representative of the Czech Republic.

Mr. V. KOPAL (*Czech Republic*) Thank you Mr. Chairman. Needless to say that I am of the same opinion as has been spelled out by the distinguished delegations of Austria and China and supported also by Brazil. I would only add that it is for the reasons that I already expressed earlier because it is, after a long time, the first international treaty, a legally binding instrument, and second it is the first instrument in the field of private international law and this is also an important field for the legal activities in outer space. Thank you very much.

The CHAIRMAN I thank the distinguished representative of the Czech Republic. I now give the floor to the distinguished representative of Saudi Arabia.

Mr. M. TARABZOUNI (*Saudi Arabia*) (interpretation from Arabic) Thank you Mr. Chairman. My delegation would agree to keep this item as is according to what was said by the distinguished representative of Austria and we join the Czech Republic, China and Brazil in what they have said. We cannot see any use in trying to merge here many items especially if they are unrelated. Thank you.

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

Mr. R. BECERRA (*Venezuela interpretation from Spanish*) Thank you Mr. Chairman. We do not want to take up much of your time, we just want to express our agreement with Austria, China, Brazil and Saudi Arabia and others. Thank you.

The CHAIRMAN Thank you distinguished representative of Venezuela and I will give the floor to the distinguished representative of Canada.

Mr. C. SCHMEICHEL (*Canada*) Thank you Mr. Chairman. Canada just wanted to lend its support to the proposition by France and some others that this agenda item, namely agenda item 9, could be merged with item 6 principally as it is usually a representative, hopefully in the future from UNIDROIT, that comes to give us regular updates. I suspect that, if this item were retained next year, it would once again be UNIDROIT that comes to present updates on it therefore, as it is an international organization, at least for next year we could merge 9 and 6 together, receive any report or statement from, likely the delegate from UNIDROIT, and then assess once again for 2014 whether this needed to be an independent item or could remain as a continuing report by UNIDROIT rep under item 6. Thank you Mr. Chairman.

The CHAIRMAN Thank you distinguished representative of Canada. I will give the floor again to the distinguished representative of France.

MR. G. DUFRESNE (*France interpretation from French*) Yes, thank you Chairman. I have been listening to the comments of our distinguished colleagues and to be very clear our proposal was not to eliminate the item on the Berlin Protocol it is just that we could keep it as a sub item of item 6.

Please allow me to ask an open-ended question. We have a negotiated text, one that was the object of long negotiations, we did reach a consensus, so what do we have left to do in COPUOS? Is it a question of ratification and signatures or additional information from UNIDROIT which would be legitimate? Does this justify keeping it as an item on the agenda? Thank you.

The CHAIRMAN I thank the distinguished representative of France and I will give the floor to the distinguished representative of Algeria.

Mr. M. OUZEROUHANE (*Algeria interpretation from French*) Thank you Chairman. We too believe that we should keep this as a separate agenda item. Thank you.

The CHAIRMAN Thank you distinguished representative of Algeria and I will give the floor to the distinguished representative of South Africa.

Mr. T. KOTZE (*South Africa*) Thank you Mr. Chair for giving me the floor. The delegation of

South Africa also believes that this item should be kept as an independent item on the agenda. Thank you.

The CHAIRMAN I thank the distinguished representative of South Africa and now give the floor to the distinguished representative of Spain.

Mr. S. ANTÓN ZUNZUNEGUI (*Spain interpretation from Spanish*) Thank you Chairman. It is obvious that there is not consensus regarding the French proposal. The Spanish delegation would like to support that proposal which it considers to be constructive and with a clearly rational basis. Once the text has been adopted in Berlin it makes sense to monitor the evolution of the text but that situation would not seem to merit a whole agenda item that takes up several sessions of this Subcommittee, so we would like to express our support for the French delegation. Thank you Chairman.

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 and the exchange of views and statements that have already been made on this item by various delegations?

Distinguished delegates I perceive overall an interest to retain this item in our deliberations. The crux of what seems to be common across all member States is the form in which we will carry on this activity i.e. whether we retain the item in its current state as it is worded in our work programme or whether we merge the item, based on one of two proposals. Either item 5 on the status of the UN treaties which I now perceive does not have a consensus. There has been the proposition that perhaps it be considered under item 6 as a sub item albeit with the argument that given that the Protocol itself has already been adopted perhaps it might not fit squarely with that item because it is no longer under the auspices of an international intergovernmental organization which is what UNIDROIT, in its own right, constitutes.

I have also heard a proposal specifically from the Canadian delegation. Perhaps, and this to echo the intervention of the Spanish delegate, to arrive at a constructive consensus of the Subcommittee which is to retain the item in its current state for the next year because there will be the need for the organization itself, UNIDROIT, to report to us on developments with respect to ratification of the Protocol. More importantly there are outstanding steps, I understand from the statement which was delivered by the representative of UNIDROIT himself, with respect to

activities in relation to a preparatory commission on the one hand as well as matters pertaining to the establishment of a registry and the appointment of a registrar. In these circumstances what we could then do is to consider the item in the coming year and ascertain at that time whether it would be necessary to either amend the title because perhaps the gravity or weight given to this item on our work programme is significantly reduced or if we want to consider merging it under another existing item of our work programme.

Distinguished delegates I perceive this to be the consensus and common view in the room representing the statements and views that have been exchanged by all delegates.

Are there any other delegations that would like to take the floor?

I see the distinguished representative of the Netherlands.

Mr. R. LEFEBER (*Netherlands*) Thank you Mr. Chairman and good morning colleagues. This is not how I understood the interventions of some delegations where they suggested to merge it with agenda item 6 and then to consider next year whether it should be retained as an independent item or not but I do not think we are there yet. What is more, last week when we had this discussion, you concluded that we should discuss this under organizational matters and I thought that was a wise conclusion at the time and that discussion we still have to have so, pending that discussion, I do not see any consensus emerging at least not one that we can join. Thank you.

The CHAIRMAN I thank the distinguished representative of the Netherlands for clarifying this procedural issue.

Perhaps I should recall if the distinguished representative of Austria would like to take the floor again to clarify specifically why it is we should not have this item under 6(a) because it does not fit precisely. I am acutely aware that, as the distinguished representative of the Netherlands has indicated, we will return to this item under the work programme but it is important for all delegates here that we understand.

I perceive that one possibility is to retain the item as it is, the other is to merge it as a sub item under 6, although we have had a very important intervention especially from the Canadian delegation suggesting that we retain the item in its current form for one more year before we then consider the possibility of considering this item under 6(a). Perhaps what would

help this debate, without prejudice towards returning to this item under the work programme during the course of this week, it would be interesting to begin by giving the floor to the distinguished representative of Austria to be a bit more precise about this item and then I will give the floor to the Canadian delegate so we can have a clear indication of the views here.

Ms. I. MARBOE (*Austria*) Thank you very much Mr. Chairman. I think we must have anyway a discussion on the title of the agenda item as it will not fit any longer, separated from the issue if we keep it as an item for discussion but certainly we must re-draft and reformulate the title, this is one. It is in fact the status of this document has significantly changed from a draft protocol, from an endeavour put forward by a non-governmental organization, UNIDROIT, very famous and well known for private international law drafting. UNIDROIT has already a large record of such similar documents and mostly very successful. This change in status was the main point I made regarding hesitation in merging it with agenda item 6, this is one point.

Secondly we would also, to a certain extent, share the view of the Czech delegation that it is a document representing a specific area of law, namely private international law, which becomes increasingly important due to the privatization and commercialization of space activities. While in the past it was only States which carried out space activities, increasingly we have private actors involved and definitely the Legal Subcommittee should also look to private international law issues of that, so private actors are much more concerned of private law issues than perhaps public international law which only concerns them indirectly.

We could take this draft protocol, as the Czech Republic also indicated, as a possibility of considering these issues as aspects of private international law perhaps even more broader but also it gives us an opportunity to address UNIDROIT matters or matters of private international law. As it comes now out of the discussion regarding finding a consensus I also have the feeling that this is a very new problem which has just recently emerged because of the very recent adoption of the Protocol so I feel that delegations have not had enough time for considering if they would really like to keep it and what would be the advantages and disadvantages of keeping it on the agenda.

So the proposal I would suggest now is for the time being to change the title that it reflects the legal status of the Protocol at the moment and raise this issue and perhaps postpone it until next year to have a

discussion and delegations will have more time to consider if they find it useful also in the future to have this item on the agenda. Perhaps it is a little bit premature, a bit quick, after the very recent adoption of the Berlin Protocol and delegations might not have properly reflected so far what would be the use of having it or not having it in the future on the agenda of the Legal Subcommittee. Thank you very much.

The CHAIRMAN I thank the distinguished representative of Austria.

Would the distinguished representative of Canada wish to take the floor very briefly just to reiterate the statement that you made earlier?

Mr. C. SCHMEICHEL (*Canada*) Thank you Mr. Chairman. Canada's position is quite simply this. Now and in the foreseeable future it will be UNIDROIT that is likely going to present developments on the Space Assets Protocol therefore Canada could certainly see merging or creating a sub-topic under item 6 so that UNIDROIT could come and report. However if there is strong sentiment on behalf of some delegations, which it appears there is, to keep the item then I suggest that it only be kept for one more year, next year, to assess what the exchanges are going to be. As I suspect it will likely be UNIDROIT that comes to report to us. If that is again the case, next year under item 9, then Canada strongly suggests that this item could be merged into 6, or we could call it 6(a), where UNIDROIT comes every year as an international organization and reports on the progress. Again, I understand that some delegations have some strong attachments to this item therefore, if there needs to be some time period to assess whether that will work or not, we can foresee leaving it on the agenda for one more year but we would strongly urge delegations to consider the fact that it is still an international organization that is going to be providing updates therefore it could easily fit under item 6 going forward. I will leave that for the consideration of delegations. Thank you Mr. Chairman.

The CHAIRMAN Thank you distinguished representative of Canada.

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

Mr. V. KOPAL (*Czech Republic*) Thank you very much Mr. Chairman. I do not wish to repeat what has been so eloquently said by our distinguished colleague from Austria, Professor Irmgard Marboe. I only want to agree with your suggestion namely that it is now, at this stage, more the question of the form and

then a question of substance. If we have an independent point or sub item it is practically the same as to the request for time and for discussion and for a report that is usually submitted by our distinguished colleague from UNIDROIT. I only wanted to say that we could return to it once again when discussing the organizational matters as has been suggested by our distinguished colleague from the Netherlands. We could agree on it right now and to spare some time on further discussion. I only believe that it is necessary to delete one word from the present item 9 namely, draft, because it is now the Space Protocol not draft protocol. Otherwise I would be satisfied with a compromise solution to leave it and of course to discuss this matter and particularly to listen to the real development that will occur during the next year. I appreciate the willingness of the distinguished representative of Canada for finding a mutual approach to this item and I believe that it might be agreed that we will take care of the next development of this important instrument and listen to any information that might be useful for own work. Thank you very much.

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

Mr. J. FILHO (*Brazil interpretation from Spanish*) Thank you Chairman. My delegation fully respects divergences of opinions however we do believe that this is a very important item on the agenda, it certainly deserves to be on the agenda. Possibly we could revisit the title, we would suggest the following.

The examination of the status, evolution and application of the Protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment, adopted at the UNIDROIT conference in 2012. Thank you.

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

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

I recognize the distinguished representative of France.

MR. G. DUFRESNE (*France interpretation from French*) Thank you Chairman, sorry to take the floor again. Thank you to all our colleagues for their efforts to try to reach consensus on this approach. Thank you to the Canadian delegation as well as the Czech Republic for its comments. I think this reasonable, pragmatic approach allows us to be

relevant in our agenda on COPUOS, allows us to have a good calendar of work and have a proper and effective coordination of the Committee's work.

As per the Brazilian proposal and how it relates to have topical items. We could have a more concise heading, topical elements and exchange of views on the Berlin Protocol.

The CHAIRMAN I thank the distinguished representative of France for his statement and inasmuch as I will recall the intervention of the distinguished representative of the Netherlands and the fact that ideally we should discuss this topic later in the week when we are looking at organizational matters perhaps, as the distinguished representative of the Czech Republic has already indicated. Given that we already have these views in the room, are there any delegations that have comments to make with respect to the more or less three proposals we have seen to change the title of this item? I note the most precise, and this echoes the intervention of the distinguished representative of France, is that which we have received from the Czech Republic which simply suggests that we delete the word 'draft' in the current title as it stands.

Are there any delegations that would like to take the floor with respect to these proposals?

I recognize the distinguished representative of Venezuela.

Mr. R. BECERRA (*Venezuela interpretation from Spanish*) Thank you. I think everyone has explained their position very well. We would like to support Brazil, we think that paragraph is very satisfactory. Thank you.

The CHAIRMAN Very well then. Distinguished delegates, in the interests of time and to matters that we will return, we currently have, if I understand all the views that have been expressed by delegations so far, more or less three proposals on how the wording of this agenda item should read simply in terms of what we will be doing with this item as we move forward.

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 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, this afternoon.

General exchange of information on national legislation relevant to the peaceful exploration and use of outer space (agenda item 12)

Distinguished delegates, I would now like to continue and hopefully suspend our consideration of agenda item 12, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space, pending the discussions in the working group on this item.

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

Ms. L. TLEPBERGENOVA (*Kazakhstan interpretation from Russian*) Chairman, the delegation of the Republic of Kazakhstan would like to congratulate you with your assumption of the position of chair of the fifty-first session of the Legal Subcommittee and would like to thank OOSA for this possibility to speak and we would also like to thank OOSA and the Secretariat of this Subcommittee for all the work that it has done organizing and conducting the fifty-first session of the Legal Subcommittee.

We fully support the activity of the Legal Subcommittee of COPUOS to solve the most important issues in relation to the development of international outer space law. The delegation of Kazakhstan would like to stress the importance of exchanging information on national legislation on the study and use of outer space for peaceful purposes. This sort of information is very valuable in studying and using this by States for the purpose of the development of their national outer space laws.

We would like to share with you the following facts. The Republic of Kazakhstan, on 6 January 2012, adopted a law called 'Space activity' which we believe is a very important step towards the development of our national outer space sector. The provisions of the law on space activity are based on the standards of international outer space law and create a mechanism to regulate and stimulate the development of outer space activities in our country and to strengthen the international cooperation of our Republic with other States.

We would like to point out that in developing the draft bill we studied and factored in the existing legislation and normative provisions relating to outer

space of States such as Australia, USA, Russia, Japan, South Africa, UK, etc. The adoption of this law allowed us to refine the legislation of the Republic of Kazakhstan and to make more systematic the legal regulation of the various activities in outer space. I would like to briefly refer to the main points of this law.

Outer space activity in our Republic is going to be based on the following principles. Having national interests comply with ensuring the defence and national security of our country, complying with standards of international law with regard to outer space activity, State support of the priority thrust of outer space activity, economic stimulation of outer space activity, enhancing the attraction of investments to the development of our outer space activity, effective and rational use of outer space and the outer space infrastructure of Kazakhstan, complying with requirements in the field of technical regulation, ecological safety and ensuring health and epidemiological welfare of our population, compensation to be afforded to natural persons having suffered damage, environmental damage, damage to the natural and legal persons assets on the part of the State for outer space activities conducted and the following stresses should be placed by our outer space activity. The creation and use of outer space sector objects, the study of outer space planets and solar/Earth links, remote sensing of Earth's spatio-temporal and navigation support of outer space, communication development in use in outer space, conducting launches of space objects, the development of space services market, the development of international cooperation and studying and making use of outer space for peaceful purposes.

The law defines the competence of the government of our Republic in ensuring governmental regulation control of outer space activity as well as the competence of the appropriate authority for these activities, that is, empowering the national space agency of our Republic. The law states that the financing of outer space activities should be from State budget resources and other sources which are not specifically prohibited by our Republic's legislation. It also ensures and makes obligatory State registration of outer space objects and in 2006 we have a registry set up.

It also establishes certain obligations to licence the activities of natural and physical persons in outer space use ensuring the project expertise, ensures the disposal of outer space objects and the decommissioning of technical resources the life of which has come to an end. It also regulates the use of

communication systems in outer space, Earth remote sensing, high accuracy SatNav and it also determines the legal status and social insurance of cosmonauts.

Special stress is laid on the safety of outer space activity, it is necessary to preserve the environment and human health as well as to ensure the integrity of assets of natural legal persons and participants in outer space activity must ensure that they conduct effective environmental monitoring checks. In conducting outer space activity, the law prohibits the creation of direct threats to life and health, the launching into orbit and placement in outer space of weapons of mass destruction, the use of outer space technology or celestial bodies for negative impact on the environment, the violation of international standards and norms on environmental pollution.

To promulgate this law, 18 more specific normative acts have been specified by the law and these rules have to do with planning outer space photography, taking, processing and distribution of Earth remote sensing data by the national operator of such services, rules for organizing and making available Nav support service provision by the national operator of high accuracy SatNav, rules having to do with the creation and use of outer space systems, rules governing State registration of objects, rules having to do with the disposal of outer space objects and decommissioned objects and rules having to do with the marking of outer space objects. In this fashion the adoption of the law on space activities has really marked a major milestone in the development of outer space legislation of the Republic of Kazakhstan, ensuring that it further develops and is refined.

The delegation of the Republic of Kazakhstan endorses the views of the Subcommittee that the exchange of information on national legislation can enable States to better identify general principles and procedures of legal regulation about a space activity. This can, in turn, facilitate achieving consensus with regard to the direction of international outer space law as well as the adoption and implementation of principles and provisions as enshrined in the instruments of the United Nations on outer space.

In this connection, the text of the law of the Republic of Kazakhstan on space activity has recently been sent by our national space agency to the Ministry of Foreign Affairs and this for forwarding to OOSA. Thank you very much for your attention.

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

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

I see none.

I give the floor to the distinguished representative of Spain.

Mr. R. MORO AGUILAR (*Spain interpretation from Spanish*) Thank you Chairman. Mr. Chairman we consider this item, exchange of information to be of maximum importance because it is the practical application of UN space treaties.

In Spain there may be new legislation in the near future. There is growing interest in Spain and the rest of the world for manned flights and these may be launched from our territory and this has given rise to a first regulation which is of limited scope but it is still significant in this field. This is an article within the new regional airport law of Catalonia approved in 2010. That article concedes the regional airport authority of Catalonia the authority to promote space tourism in Catalonia's airports.

Mr. Chairman. We believe that the development of space technology in general and manned sub-orbital flights will take place imminently. As that development has an impact on the national legislation of COPOUS member States we believe that this Subcommittee should be timely informed of that as suggested by the US delegation when talking of these flights last week and we agree with them. Thank you very much Mr. Chairman.

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

I give the floor to the distinguished representative of Austria.

Ms. I. MARBOE (*Austria*) Thank you Mr. Chairman. The Austrian delegation just briefly wants to congratulate the delegation of Kazakhstan for its recent adoption of its space activities law which is certainly a major achievement in this country which has also a launching facility on its territory and we appreciate very much your efforts which certainly have not been easy and we appreciate and congratulate you on your success.

Also I thank the distinguished delegate of Spain for the information on developments in Catalonia. This shows once again, to the Austrian delegation, the importance of this agenda item and so

the delegation wants to confirm their proposal made earlier to keep this agenda item on the agenda in the future. Thank you very much.

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

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

I see none.

We have therefore suspended our consideration of agenda item 12, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space, pending the discussions of the working group on this agenda item.

Distinguished delegates I will shortly adjourn this meeting so that the working group on national legislation relevant to the peaceful exploration and use of outer space can hold its fifth meeting under the chairmanship of Madame Irmgard Marboe.

Before doing so I would like to remind delegates of our schedule of work for this afternoon. We will meet promptly at 3 p.m. At that time we will continue and hopefully conclude our consideration of agenda item 4, general exchange of views and agenda item 8, review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer

Space and 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.

Are there any questions or comments on this proposed schedule?

I see none.

I would also like to remind delegations that any amendments to the provisional list of participants that was distributed as Conference Room Paper 2 should be provided to the Secretariat in writing by close of business today.

I now invite Madame Irmgard Marboe to chair the fifth meeting of the working group on national legislation relevant to the peaceful exploration and use of outer space.

This meeting is adjourned until 3 p.m. this afternoon.

The meeting closed at 12.58 p.m.