
**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee**

Script

871st Meeting

Tuesday, 16 April 2013, 10 a.m.

Vienna

Chairman: Mr. T. Brisibe (Nigeria)

The meeting was called to order at 10.20 a.m.

The CHAIRMAN: Good morning distinguished delegates. I now declare open the 871st meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This morning we will begin our consideration of agenda item 5, Information on the Activities of International Intergovernmental and Non-Governmental Organizations Relating to Space Law.

We will continue, and hopefully conclude, our consideration of agenda item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

We will continue our consideration of agenda item 12, Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space.

During lunchtime today, there will be a Seminar hosted by Japan on “National and International Mechanisms of Space Law”, from 1.10 p.m. to 2.10 p.m. in Board Room B, followed by a reception at the Coffee Corner outside Board Room B. The Programme of this Seminar was distributed to delegations via pigeonholes.

This evening there will be reception hosted by the United States at 6.00 p.m. in the Mozart Room.

I would also like to remind delegations to provide the Secretariat with any written amendments to the provisional list of participants distributed as Conference Room Paper 2 by tomorrow, 17 April, so that the Secretariat can finalize it.

We shall also re-open item 11, General Exchange of Information on National Mechanisms Relating to Space Debris Mitigation Measures, Taking into Account the Work of the Scientific and Technical

Subcommittee, in order to hear a statement from the Czech Republic.

Information on the activities of international intergovernmental and non-governmental organizations relating to space law (agenda item5)

Distinguished delegates, I would now like to begin our consideration of item 5 on our agenda, Information on the Activities of International Intergovernmental and Non-Governmental Organizations Relating to Space Law.

The first speaker on my list is the distinguished representative of the International Law Association.

Ms. M. WILLIAMS (International Law Association): Thank you very much Mr. Chairman. Mr. Chairman, the ILA is very much aware that your mandate will be closed during 2012 and so will that of our Director of the Office for Outer Space Affairs, Dr. Mazlan Othman. So we would like to thank you for your support and for your help and we would like to commend you on the conduction of these meetings and would like to say that we really admire you on the way you steered through the many challenges and intricacies of all this.

Mr. Chairman, distinguished delegates, the ILA has submitted its reports over the years on its activities and the results of its research. So I shall mainly recall now that its headquarters are in London. That its biennial conferences happen every two years, of course, and the next conference will be in Washington in April 2014 and that the Space Law Committee was set up in 1958 and has worked without interruption to date on the various issues underlying space law and related subjects.

One of the traditional practices of the ILA is to work together with the other committees of the ILA on issues of common interest on general international law and also with intergovernmental and non-

governmental bodies such as the International Law Commission of the United Nations, where the ILA worked on the topic of “Responsibility of International Organizations”, and the Permanent Court of Arbitration, where members of the ILA Space Law Committee were called to contribute on the drafting of rules on arbitration for the settlement of disputes relating to space activities. These rules became effective on 6 December 2011. Also, *inter alia*, the Space Law Committee has contributed to the work of the Office for Outer Space Affairs, taking part in the Expert Group on the Development of an Education Curriculum in Space Law.

With respect to non-governmental organizations, just to name a few, I would list the International Institute of Space Law, the International Academy of Astronautics, the European Centre of Space Law, the London Institute of Policy and Space Law, and others.

So I will focus particularly on the 2012 seventy-fifth Conference of the International Law Association which took place in Sofia in August 2012.

There were two main topics that dominated the field in our fifth and final report to the Sofia Conference. The results of this Conference were refined and they advanced slightly, at the Workshop held in Buenos Aires last November, because many of the topics were included on that agenda as well.

The report on the Space Law Committee, Part I, concerned remote sensing and it also dealt with space debris, satellite data and court dispute settlement. And Part II of the report contained the model, the Sofia Guidelines on a Model Law on National Space Legislation and this was distributed to delegates on the first day of this fifty-second meeting. It contains the Articles of this Model Law plus explanations and so I am not going to pause on that bit because all of you have it.

So Part I of the report. Remote sensing. Mr. Chairman, the ILA Committee believes that in spite of being light years ahead as regards technological development from the time of the adoption of the 1986 United Nations Principles, State practice in some ways are reflecting those Principles. We observed further that one of the most controversial Principles on remote sensing in the early stages, namely Principle 12, on the right of access to information, was now losing its momentum due to the gradual axis of developing States to remote sensing technology. Moreover, developing States were steadily becoming sensing States as well

and this trend continued to develop as could be seen in many examples in recent times.

Therefore, complaints on breach of sovereignty for being spied on by those using advanced technology were, in fact, subsiding and claims of sovereignty were steady giving way to the advance of the commercial aspects of Earth observation satellites.

The general stance of the ILA is that remote sensing technologies have been fairing well and no major claims have so far arisen. Some privacy issues remain outstanding and it is expected that they will take different shapes as technology develops. Google Earth is a clear example and furthermore the issue becomes rather sensitive where data protection trans-border data flow and the right of individuals to privacy are concerned. In this respect, a current trend is being detected in certain countries as the United Kingdom, for example, where freedom of the press was sometimes overridden by the protection of privacy.

The use of Earth observation satellites is growing fast. Among its most frequent applications, the ILA has highlighted the advances of remote sensing technologies to supervise the compliance with international obligations, particularly in connection with the protection of the environment and to strengthen the legal aspects of the verification of international agreements embodying disarmament measures.

Likewise, the application of Earth observation satellites for issues related to water management and the protection of fresh water were considered essential. These critical issues were already discussed at our previous presentation last year to the fifty-first session of the Legal Subcommittee.

Mr. Chairman, there is a sub-chapter for it is still being discussed, but before saying that, I would like to summarize our conclusion on remote sensing by saying that the political moment is not the best to move on to binding rules which is a reality we cannot ignore.

As the sub-chapter on satellite data and international litigation, the ILA is proud to announce the recent publication of a book, possibly the first on this topic. It touches evidence from Earth observation satellites emerging legal issues to which members of the Space Law Committee contributed. It was published early in 2013 by Niehoff in the Netherlands.

The matter is still controversial. In previous reports to the Legal Subcommittee, the ILA drew attention to questions arising from the use of satellite

imagery in court, describing the major issues involved. We went through the main case law, Qatar, Bahrain, Nigeria, Cameroon, Botswana, Namibia, Yemen and Eritrea and others at this moment surfacing in the Caribbean where the experts are preparing the maps using Earth observation satellites.

To summarize, raw data as such cannot be modified and problems arise when this data goes through a long chain of interpretations and this is a particularly sensitive issue, especially when international boundary questions are taken to court and it has to be decided on claims of land, water and islands.

The question was recently refined in the United Nations/Argentina Workshop on some aspects. All this is reflected in the report. I shall not in the interests of time pause on that, but I may say that the application of these technologies is much clearer now and the outlook more encouraging than in 1986 when the United Nations Principles on Remote Sensing were adopted. If we have in mind the pace decided in 1986 by the ICJ and the Burkina Faso/Mali case where the court holds that digital maps were not binding documents nor territorial titles by themselves whatever their precision and technical value unless the parties to a dispute had previously agreed on the value of that means of evidence.

There were voices suggesting that we draw some kind of guidelines on the production of satellite evidence in court but in general this was not thought convenient at the moment because, even if guidelines were to be adopted, the court would always remain the final authority to decide on the validity of such evidence.

To sum up, international lawyers and judges still have conflicting views on the value of satellite evidence in court and at times doubts on its credibility which is run in counter to the enormous benefits such as precision, provided by remote sensing technologies. This is less controversial in the recent years.

The Sofia Conference adopted seven conclusions on this point and I shall just mention those of substance and not those which are procedural.

First, the point of substance is that a light traditional photography where may changes on manipulations are insidious(?) to establish data collected by remote sensing technologies may be manipulated without no possibility of detecting ex-post factor changes.

For that reason, strict control of the whole process of data collection and interpretation is essential from the moment the raw data is collected until they become an end-product for submission to the court.

On this point, the ceiling of the archives has been suggested and to be kept, and this is what we are calling a chain of custody. So it would be always possible to return in controversial cases to what the raw data was saying.

Mr. Chairman, the second topic of Part II of the report is dispute settlement and this was in response to the perceived need of having procedural rules on the matter because the space law treaties did not or were not able to prove their effectiveness over the years, mainly because when they were drafted, only State Parties could be parties to dispute settlement mechanisms as we may see in the Outer Space Treaty, out of the three and in the Liability Convention.

Now we are aware of a reality of our times which is the commercial uses of outer space and hence the ILA Space Law Committee members took part in the drafting of these Rules. I shall just highlight the importance of these rules which were inspired partly in the ILA Convention on Dispute Settlement Related to Space Activities. The first draft 1984, the second draft adopted in 1998, where there was an Article establishing that the mechanism laid down in that Convention were also open to private parties.

Briefly, Mr. Chairman, there is much to be said for the great flexibility of the PCA Outer Space Rules and the procedural linked. Moreover, they have covered a number of gaps left by the United Nations treaties and dispute settlement mechanisms envisaged in the treaties which, I mean, really were never brought into force. They are consistent, these PCA rules with today's international scenarios in that they clearly apply to disputes other than those between sovereign States and like in the 1972 Convention.

The PCA Rules, before adoption, were subject to discussion at the Permanent Court of Arbitration with the States Parties to the Permanent Court, 115 at the moment, and most of them present, to discuss the compatibility with the outer space treaties in force and we found the general opinion was that the new rules on arbitration are likely to have a constructive role in revitalizing and enriching the existing procedures embodied in the United Nations treaties on outer space.

Mr. Chairman, I shall now move on to space debris and the ILA thought long about this topic over the years. The idea was to review the consistency of

the ILA instrument on space debris was a current international scenarios. In this last phase of our research, we consulted with a scientist because at the very beginning they were squarely opposed to having a definition on space debris. So the scientist, which normally consider the premature definition should be avoided, in this case, understood the need to have a definition in the framework of the ILA international instrument which was a document of a legal nature. Really, more than a definition, it was a non-exhaustive description of what should be understood by space debris.

The ILA firmly supports the Czech proposal in the sense that the COPUOS Guidelines on Mitigation of Space Debris should also reach the status of legal principles just like the 1992 Principles on Nuclear Sources in Space or the 1986 Principles on Remote Sensing.

This is not to be feared because, as well know, United Nations principles are not, by themselves, binding. They might become binding if and when they are declaring customary international law in accordance with Article 38 of the Vienna Convention on the Law of Treaties but this would be an extraneous element and it would not mean that the principles are binding by themselves.

In light of these comments, the outstanding issue of debris caused by military satellites remains a matter of concern to the ILA so we shall continue looking into this matter.

To conclude, Mr. Chairman, we have now a renewed or new mandate from the ILA to work on the following topics between 2012 and 2016 which are to continue work with the United Nations institutions on space law, including COPUOS and others and to work on dispute settlement relating to outer space activities to determine the reaction of these PCA Rules on Arbitration in the different circles.

Second, we are introducing a topic new to the ILA Space Law Committee, sub-orbital flights and their legal implications.

We shall continue looking at satellite data and international litigation to determine whether it is, in fact, true that the problems are subsiding and that the atmosphere is one of greater credibility than before on the value of evidence collected by Earth observation satellites.

And then we shall keep a general watch in brief over further developments in space law that may occur during the four-year mandate.

And in this sense, Mr. Chairman, this was suggested at the Buenos Aires Workshop last November, the idea was mentioned to study problems of the use of space technology for remote presence. We still know a little about this so we shall hold it until the next session of the Legal Subcommittee and report on the matter at that point in time.

So, Mr. Chairman, let me close on this note and thank you very much for your attention.

The CHAIRMAN: I thank the distinguished representative of the International Law Association for her statement.

Are there any other speakers on this item 5, Information on the Activities of International Intergovernmental and Non-Governmental Organizations Relating to Space Law?

I see none.

But before I proceed with the agenda, I will revert to the reference which was made by the representative of the International Law Association as it concerns the settlement of disputes and hope to address that question in detail when we come to agenda item 12, Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space.

Distinguished delegates, in the absence of any requests to take the floor on item 5, we will continue our consideration of this item, Information on the Activities of International Intergovernmental and Non-Governmental Organizations Relating to Space Law, this afternoon.

Distinguished delegates, I would now like to continue, and hopefully conclude, our debate of item 7 on our agenda, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

I do not have any speakers inscribed on my list. I see the distinguished representative of Brazil wishes to take the floor.

Mr. A. J. RYPL (Brazil): Thank you Mr. Chairman. Mr. Chairman, I would like to address this Subcommittee to inform that the Brazilian Association of Space and Airspace Law has started work on a draft project for a general space law for Brazil. And the

draft project is currently receiving comments and amendments proposed by stakeholders, and when finalized, it will be submitted to the Brazilian Space Agency.

The general space law will represent an important addition to the existing legislation, namely the laws and acts that created the Brazilian Space Agency, the National Register of Space Objects, the National System of Development of Space Activities and the Authorization Procedures for Space Activities.

And I would like to add that, while the existing legislation already incorporates elements from the draft recommendations on national legislation relevant to the peaceful exploration and use of outer space, the new law will greatly benefit from the report of the Working Group on National Legislation, chaired by Dr. Irmgard Marboe, as well as from the individual contributions on the topic of national legislation made by member States to this Subcommittee.

Thank you Mr. Chairman.

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

Are there any other speakers on this item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space?

I would sincerely encourage delegations to speak on this item because we intend to conclude the debate at this time.

Yes, I see the distinguished representative of Austria.

Ms. I. MARBOE (Austria): Thank you very much Mr. Chairman. The Austrian delegation would just emphasize once again, as it was already presented in the general statement, that Austria is currently preparing the Implementing Ordinance to the Outer Space Act of 2011 and also point out that this is an additional challenge, so to say, to the Austrian Administration, to really formulate concrete conditions on authorization. So it shows that it is important that the law itself remains rather general and contains important principles of authorization and continuing supervision as well as registration. But then the more concrete obligations of the operators have to be implemented by a decree or by an ordinance, regulation, whatever the term may be, under the respective Administration and in Austria it is called Ordinance, in the official translation, which allows the Ministry to adapt regularly these more concrete

conditions and adapt them to developments and the technical level other requirements which turn out to be important for the safe and sustainable use of outer space.

In addition to this Ordinance, or as a tool for this Ordinance, we are also preparing a form which should be available to operators who intend to make an application for an authorization of a space activity. This also presents a challenge, as it has not been done in Austria so far, so the Austrian Administration is here confronted with very new challenges and is very grateful for the opportunity to exchange best practices with other delegations also represented here, in particular the United Kingdom procedure which is very useful and publicly available on the website, after the British National Space Council, and the Belgium Decrees which are publicly available, easily accessible and which have served and still serve as a model for our forms and ordinances.

Thank you very much Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Austria for her statement and, as I indicated earlier, it is our intention to conclude the debate on this item this morning whilst in the afternoon we will concentrate on the draft recommendations which are contained in document A/AC.105/C.2/L.289.

In the absence of any delegations wishing to speak on this item, perhaps I can raise a question which struck me earlier as I considered all of the documents that are before the Subcommittee on this item 7 and note that the distinguished representative of the International Law Association, whilst delivering her statement, made reference to the draft Model Law on National Space Legislation and the Explanatory Notes. I believe that document is contained in CRP.6, that is, document A/AC.105/C.2/2013/CRP.6 and it would be interesting to, I think, for delegations to go through that document in order to ascertain what sort of activities alternative organizations have undertaken with respect to preparing precedents that States can rely upon as they draft their respective legislation in order to implement their international obligations.

Distinguished delegates, in the absence of any further speakers on this item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, we will conclude our general debate on this item this morning and in the afternoon we will concentrate, as I indicated earlier, on the draft recommendations which are contained in document A/AC.105/C.2/L.289.

Review of international mechanisms for cooperation in the peaceful exploration and use of outer space (agenda item 12)

Distinguished delegates, I would now like to continue our consideration of agenda item 12, Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space.

The first speaker on my list is the distinguished representative of Canada.

Ms. D. ST.-ARNAUD (Canada): Mr. Chairman, distinguished delegates, Canada welcomes the new agenda item on the review of international mechanisms for cooperation in the peaceful exploration and use of outer space.

This will help develop an understanding of the range of cooperation mechanisms employed by States and international organizations and the circumstances in which certain mechanisms are chosen over others.

Canada has a long tradition of international collaboration in a number of programme areas. In the space sector, international partnerships have quickly become the norm.

The Canadian Space Agency, the CSA, has a relation of collaboration with many space nations and, generally, international cooperation is an integral part of the successful implementation of the Canadian Space Programme.

Over the past two decades, the CSA has been involved in more than 180 international partnership arrangements of varying breadth and depth, from binding to non-binding, formal to informal, complex to less detailed with one or more partners.

It currently has over 75 active arrangements involving international partners.

From the CSA perspective, we can group cooperation mechanisms under three broad themes. First, preliminary partnership arrangements. Second, framework agreements, and three, complex agreements.

Preliminary Partnership Arrangements. There are specific circumstances in which preliminary partnership arrangements may be favoured over other mechanisms. Exchange of Letters, Declarations, Administrative Arrangements, Joint Press Communiqués are often used to explore new partnership opportunities with established partners or

with emerging space nations that offer great potential for future cooperation.

This type of mechanism is often of an exploratory nature that serves to frame the discussions between the CSA and new international partnership. It allows to identify concerns and opportunities that could be explored later through more formal agreements. They are usually formed without legal binding terms but they articulate the common understanding of the participants regarding their intentions. As they often establish a framework to guide discussions in the collaboration process, the CSA has found these arrangements to be an effective way to initiate and grow partnerships.

Framework Agreements. In the case of mature discussions or relationship, there is often a need to use more formal mechanisms of a legally-binding nature to establish a framework of cooperation with a partner. These agreements are required to address specific questions such as respective roles and responsibilities, intellectual property, costs, deadlines, duration, conflict resolution, etc. The Framework Agreements essentially constitute a “chapeau” to govern the overall relation. Project-specific arrangements complement the Agreement. They may or may not be of legally-binding character depending on the nature of the projects, the facts of the particular situation and the process to be followed, but more importantly, depending on the intention of the parties reflected in the arrangements. In either case, the Framework Agreement can be seen as an effective way to set general terms and conditions to govern the projects of cooperation.

Framework Agreements have been successfully concluded with our closest partners. They reflect a desire by the partners to work regularly on joint initiatives.

Complex agreements. Complex agreements are concluded for major multilateral projects. They are legally-binding agreements or treaties. The best example of a successful major multilateral partnership is the Inter-Governmental Agreement, known as the IGA. This is cooperation with a degree of complexity, multiple partners and a collection of legal instruments. The object of the IGA is to establish a long-term multilateral framework among the partners, for the design, development, operation and utilization of the International Space Station in accordance with international law.

Mr. Chairman, taking advantage of the work programme approved for the Working Group, Canada

will prepare a review of its lessons learned through international cooperation which we will submit as a contribution to next year's session of the Legal Subcommittee.

In conclusion, my delegation looks forward to participate in the activities of the Working Group that should be created next year and to continue to exchange information on this important topic.

Thank you Mr. Chairman.

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

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

Perhaps I should make an observation then, distinguished delegates, if you will allow me. In the course of some of the statements which heard yesterday when this item was first introduced, item 12, Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, and the questions that followed the presentation as it concerned the settlement of disputes and the relevance of the treaties on outer space, taking into consideration the statements we heard this morning that provided a bit more detail on mechanisms for the resolution of disputes. I find this is interesting and curious that we also have, and I think this is reflected in some of the Conference Room Papers which have already been kindly submitted by delegations under this item, a reference to the cross-waiver of liability which could be understood to mean that essentially each party to the agreement would assume its own risks inherent in the cooperative activity and would contain a mutual promise by both parties, not to sue each other for losses, costs, by any of the activities that take place under the Agreement subject to a few exceptions.

In that context, and given the reference to international law, the treaties that is that I referred to earlier, developed under the auspices of COPUOS, I wonder to what extent the States that apply these cross-waiver of liability provisions and, of course, the entities that they licence, for instance, in one aspect of say the provision of launch services because I am aware that these cross-waiver of liability provisions are probably also standard in the provision of launch services but how does an arrangement like this impact on the possible application of the 1972 Liability Convention? Because in effect, what this cross-waiver of liability-type of arrangement facilitates is that each party would assume responsibility for damage that is caused as a consequence of activities that are

conducted jointly. I find that very fascinating, particular as what it is we are discussing here is not only the various mechanisms and platforms for cooperation, whether they be voluntary, again the term voluntary is used in a specific context because States would in any event enter into any arrangement voluntary. I do not believe that any State can be compelled to enter into an arrangement that it does not wish to enter into, but the instruments that underpins such an arrangement could be, for the lack of a better word, non-binding, in some instances it could be binding in the sense of an agreement or a treaty or a code or a convention in which we would find specific mechanisms and provisions some of which have already been referred to in the statements made by delegations and some others in the Conference Room Papers that we have received.

I thought to share this with you. It is a general statement that I have perceived as I have listened to delegations intervening, this statement and hope that questions of this nature will be considered by the Subcommittee as we pursue our deliberations under this item which, in my view, actually underpins the very essence of the Committee and this Subcommittee, given that it was established essentially at the time to foster international cooperation.

Are there any delegations wishing to take the floor on this item at this time?

In the absence of which, we will continue our consideration of agenda item 12, Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, this afternoon.

General exchange of information on national mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee (agenda item 11)

Distinguished delegates, as I indicated earlier, we will re-open our consideration of agenda item 11, General Exchange of Information on National Mechanisms Relating to Space Debris Mitigation Measures, Taking into Account the Work of the Scientific and Technical Subcommittee, in order to hear a statement by the Czech Republic.

You have the floor.

Ms. M. SMUCLEROVA (Czech Republic): Thank you Mr. Chairman. The Czech Republic holds that we should strengthen our cooperation in order to

cope with the problem of space debris mitigation, as space debris poses an important and indiscriminate threat to all spacecraft and space activities. The overall amount of tracked and catalogued orbital debris and of active objects in orbit continues to increase which augments the risk of accidental collisions on the already congested orbits. Mitigation of space debris constitutes the prerequisite for the sustainable access to and use of outer space and its security.

As we mentioned under item 3 in the general exchange of views, we believe that granting the Space Debris Mitigation Guidelines a higher legal status might help to reinforce the regulatory framework on a global level. The transformation of the Guidelines into a United Nations General Assembly resolution might represent a satisfactory option for the near future. The current implementing legislation adopted by several States on a national level is an essential progress and the international community should support such efforts globally in order to attain a unified and consistent policy with respect to the common fundamental standards.

The Czech Republic acknowledges the extension of the scope of item 11 introduced firstly for this fifty-second session of the Legal Subcommittee that enables to discuss, besides the information on national mechanisms relating to space debris mitigation measures, further development of the standards in this field.

In order to reflect the matter in its updated stage with respect to new developments and challenges to the outer space activities, we should take into account in 2014 the results of the Working Group on the Long-Term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee, in particular of its Expert Group B on Space Debris, Space Operations and Tools to Support Collaborative Space Situational Awareness and of the Expert Group D on Regulatory Regimes and Guidance for Actors in the Space Arena.

The proposed guidelines of the Expert Groups should be presented to the Working Group of the Scientific and Technical Subcommittee in 2014.

We hope that all States and organizations will join in the effort to ensure the long-term sustainability of outer space activities.

Thank you for your attention.

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

Distinguished delegates, I would now like to re-open item 8 on our agenda, Review and Possible Revision of the Principles on the Peaceful Uses of Nuclear Power Sources in Outer Space, in order to hear statements from Venezuela and Indonesia.

I should give the floor to the distinguished representative of Venezuela.

Mr. M. CASTILLO (Bolivarian Republic of Venezuela) (*interpretation from Spanish*): Thank you Mr. Chairman. I would like to thank you for giving us an opportunity to re-address this agenda item.

Mr. Chairman, this delegation has followed with great interest this agenda item, the current review of Principles pertaining to the use of nuclear power sources in outer space. I apologize, says the speaker.

In view of the new types of space activities and in particular in view of the international recommendations regarding security, radiological protection, human wellbeing and the environment. Under these Guidelines, it is undeniable that the current Principles pertaining to the use of nuclear power sources in outer space and other institutional guidelines, including the Safety Framework for the Use of Nuclear Power Sources in Outer Space, approved by the Committee in its fifty-second session, are a step forward in the development of international law and its codification. However, they are not sufficient to guarantee the preservation of life, the environment, the biosphere and peace on Earth. In this context, any principle, norm, technical regulation or any other manifestation of thinking regarding the use of nuclear power sources in outer space has to be in compliance with international law, the United Nations Charter and the United Nations treaties on outer space.

Therefore, this delegation recognizes the need to use nuclear power sources to ensure the viability of certain inter-planetary missions but research must be carried out at greater depth with a view to optimizing the use of other options of generating safer energy in an efficient way and there has to be an appropriate international legal framework for that. Therefore, it seems appropriate to refer to Principle 3 of the Principles Governing the Use of Nuclear Power Sources in Outer Space, guidelines and criteria for their use and the conditions of safety. This Principle 3 deals with, and I quote, "the use of nuclear power sources in outer space which shall be limited to space missions that cannot function with non-nuclear power sources" In the same vein, this delegation believes that it would be highly risky to use nuclear power sources in Earth's

orbit, especially in the light of reported failures, possible collisions which threaten humanity, the environment and the biosphere. For that reason, it is inadmissible to use nuclear reactors and/or other sources of nuclear power in these orbits.

Therefore, we call for a modification of these type of practices, also in the way they address in the Principles for the use of nuclear power sources in outer space. In particular, this refers to Principle 3 of the Guidelines and criteria for safe use wherefrom item 2, Nuclear Reactors, we should eliminate sub-paragraph (a), indent three, which refers to Earth's orbits.

Furthermore, we suggest deleting N(?), item 3, Isotopic Generators, sub-paragraph (a), where it refers to use in Earth's orbits, based on the premise that any activity carried out in outer space must be governed by the principle of the preservation of life and maintaining peace.

Finally, we must deepen research required to optimize the use of this type of energy. It is indispensable to develop binding international standards that would regulate the use of nuclear power sources in outer space while considering the current Principles and Safety Framework as a basis but the legal analysis has not yet been carried out by this Subcommittee.

Thank you very much Mr. Chairman.

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

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

Mr. T. DJAMALUDDIN (Indonesia): Mr. Chairman, Indonesia is concerned with the sustainability of outer space and the survival of humankind. Therefore, although it does not use nuclear power sources in outer space, Indonesia is concerned with the security, safety and safeguards of the use of nuclear power sources. In this context, Indonesia is of the view that the principle use of nuclear power sources should be in line with international regulations, including the NPT principles, IAEA Safeguards, and other IAEA regulations, as agreed by the members of the IAEA.

Mr. Chairman, Indonesia would like to encourage the States possessing and using nuclear power sources to comply with the Safety Framework. Furthermore, the review and possible revision of the Principles Relevant to the Use of Nuclear Power

Sources in Outer Space should be based on scientific research.

Mr. Chairman, since the risk of using nuclear power sources will be borne by all countries, regardless of their economic and social development, we would like to encourage all members to take part in the discussion and the development of review and possible revision of the Principles relevant to the use of nuclear power sources. In this light, we support the arrangement by the Secretariat to have technical presentations on the implementation of the Safety Framework at the fifty-first session of the Scientific and Technical Subcommittee in 2014.

I thank you Mr. Chairman.

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

Distinguished delegates, based on the work before us and in the absence of speakers and statements on the various items that have been scheduled for debate this morning, you leave me no choice but to adjourn this meeting of the Subcommittee.

Before doing so, I would like to inform delegates of our schedule of work for this afternoon.

We will meet promptly at 3.00 p.m. At that time, we will continue our consideration of agenda items 5, Information on the Activities of International Intergovernmental and Non-Governmental Organizations Relating to Space Law, item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, mainly to consider the draft recommendations in document A/AC.105/C.2/L.289, and we will begin our consideration of agenda item 10, Capacity-Building in Space Law.

We will continue our consideration of agenda item 12, Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space.

There will be one technical presentation this afternoon by a representative of Japan entitled "Recent Progress of Capacity-Building in Space Law in Japan: the Case of JAXA".

Are there any questions or comments on this proposed schedule?

I see none.

Distinguished delegates, today at 1.10 p.m. in

this Board Room, there will be Seminar hosted by Japan entitled “National and International Mechanisms of Space Law”, that will last until 2.10 p.m., followed by a reception at the Coffee Corner outside this Board Room. All delegations are cordially invited.

Also this evening there will be a reception hosted by the United States at 6.00 p.m. in the Mozart Room.

The meeting is adjourned until 3.00 p.m.

The meeting adjourned at 11.24 a.m.