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

Script

848th Meeting
Friday, 23 March 2012, 3.00 p.m.
Vienna

Chairman: Mr. Tare Brisibe (Nigeria)

The meeting was called to order at 3.00 p.m.

The CHAIRMAN Good afternoon distinguished delegates, I now declare open the 848th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This afternoon we will first watch a brief video provided by the delegation of France on the successful launch today of the third European Automated Transfer Vehicle, the ATV-3.

We will then continue our consideration of agenda item 4, General Exchange of Views. We will continue and suspend our consideration of agenda item 7(a), the Definition and Delimitation of Outer Space, pending the discussions in the Working Group on this item.

We will continue and conclude our consideration of agenda item 7(b), the Character and Utilization of the Geostationary Orbit.

We will continue our consideration of agenda item 8, Nuclear Power Sources in Outer Space, agenda item 9, Examination and Review of the Developments Concerning the Draft Protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment, and agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

The Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space will then hold its fourth meeting.

I would also like to remind delegates 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.

I would now like to invite Mr. Hucteau to present the video. You have the floor.

Mr. M. HUCTEAU (*France interpretation from French*) Thank you Mr. Chairman. Thank you for giving us this opportunity to screen video. It is a very long video so I am just going to be giving you certain excerpts. Possibly some day we will organize a meeting of COPUOS in French Guyana but here you are going to be indirectly viewing though this morning's launch at 5.30 a.m. in the morning. It was a very successful launch indeed. This was the third Automated Transfer Vehicle launched by ESA which, in five days time, is going to be docking with the ISS.

Before I do this, I would like to give the floor to my colleague from Germany by way of information that the launch is entitled "Bremen". This is a community of cities involved in the production of this launcher. That is why we baptised it "Bremen".

So here we are going to be showing you this video. I am taking my glasses ...

(continued in English) ... final tip of the iceberg, final moments of final countdown, 40 tons of powder. So we are very careful with that sort of thing.

Zero ignition and hoping to be followed by verifications and lift-off.

(Video) (in French)

Mr. M. HUCTEAU (*France*) well we lost it to the low clouds early but it made layers like this it is coming back out of the clouds.

Everything is normal, propulsion and trajectory, in a blaze of light and a trail of gold as Ariane-5 reaches into the skies above French Guyana, all the way to deliver ATV-3 which will make her way to the International Space Station next week.

We have lost it through the clouds. So the Launch Vehicle first clears the pad in a vertical rise and the Launch Vehicle has just passed Mach 1, has passed the speed of sound.

... and the launcher in the assembly building(?) when the launcher was handed over to Ariane Space. Two days later, the launcher was transferred to the final assembly building. The campaign then continued with the phase which allowed the customers to access the ATV now integrated upon the launcher, to carry out vital operations inside, like loading of the cargo. Then the ATV was encapsulated under the ferry, the upper stage was filled with propellant and altitude control systems were put in place.

Finally, after completion of final different operational procedures that correspond to the specific nature of the stage.

We then move on to the operations themselves that can take place at different sites, such as the back(?), which is the final assembly building or on the launch zones.

And I personally could not(?) be involved in Soyuz frigate and _____(?) stages. What I particularly like about my job ...

And that is what we exactly needed it for.

So we are in a ballistics phase, also I think a barbecue phase which you can see because the ATV is turning on herself. Why is it turning? We are going to have a very long coast phase and some parts of the spacecraft to the upper composite or what remains of it, it may be contacted with the Sun. So to equalize the thermal loads, you put the upper composite in a very small role holder, what we call barbecue so that you do not have a same point always aiming at the Sun and another point always in the shade, we should create a disequilibrium in the thermal loads.

The ATV is filling up. You can see what stuff is the composite of the 773 tons. You have the 20 tons of the ATV and the various adapters.

Downstairs to prepare an interview.

... many, many years in Europe and elsewhere, but I remember also the day when I flew for the first time over my hometown of Biarritz in France and that was a great moment of emotion to look back at the place where I grew up and dreamt of becoming an astronaut.

From the outset, this orbital outburst had been a project of international cooperation with the European Space Agency, a key partner, together with the United States, Russia, Japan and Canada. It is without doubt the most complex space programme technologically and politically that has ever been undertaken.

Into the first stage capture, ESA has contributed many essential modules, the most important being the Columbus Laboratory but also to connecting those, the ERA Robotic Arm, to be added next year, the Combolo(?) Viewing Tower and the Data Management System for the Russian segment of the Station.

It can be noted that most of the pressurized parts are made in Europe, with Italy building several nodes, the connecting elements between modules.

Europe has been a contributor and a user. To date, over 20 European astronauts have visited the ISS, several with long duration missions and have conducted a large number of scientific experiments, many having direct implications for every day life on Earth. They have also acted as educators, providing startling images from space and inspiring youth in frequent link-ups with schools.

ESA's ATV Programme is the latest major contribution with the largest, heaviest and most complex space vehicle ever produced in Europe. Its regular missions as a cargo carrier and as a space tout to manoeuvre the orbital complex, are essential to the continued use of the Station. Since the end of the Shuttle flights, the ATV is one of the few spacecrafts servicing the ISS.

After the Eduardo Amaldi, two further ATV flights are planned, a fourth, the Albert Einstein and then the Georges Lamettré. After the fifth and last ATV in its current form, avenues are being studied that will ensure both that the Programme's advanced technologies are used in future projects and to serve as a bartering element in paying for Europe's share of the ISS running costs.

Less than half a minute until separation of the ATV. Again, look at one of these moments of high-concentration, just like before lift-off, high-concentration of _____ (*unclear*) tonight representing months or years actually of work for many people here and for people around the world.

You can see the mood here among the faces, rather focused. We are this point. We are at the end of

the mission. We are waiting for the very last point of separation.

And it has been confirmed. We have separation.

... for the ATV-3, a five-month mission. Over these last shots of the replay, we will say goodbye after tonight's launch, 67 Ariane-5, 47 straight for the Ariane-5, if you count Soyuz and Vega, that makes 50 straight for Ariane Space. The next launch of Ariane-5 is 15 May. You heard _____(?) say that. Vega's next flight at the end of the year. Until then, Joshua _____(?) here, on behalf of everybody here in the space base, my swimming buddy, Luca Ketyan(?), and my friend Leo Erst(?) of ESA, we are all saying thank you for being with us. We hope you enjoyed it. We certainly did. We look forward to being with you next time. Goodbye everybody.

Mr. M. HUCTEAU (*France interpretation from French*) That is it. I hope to have you with this when we next launch.

The CHAIRMAN I thank the representative of France, Mr. Hucteau, for this very interesting video. In my mind, I think, it puts it in very sharp perspective the nature of issues that the legal aspects that we are discussing in this Subcommittee and concerned. So thank you very much again.

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 South Africa.

Ms. L. MAKAPELA (*South Africa*) Thank you Chair. Thank you for allowing us the floor again. Firstly, allow me to note the remarks made by the distinguished delegate of Brazil regarding the India/Brazil/South Africa international cooperation. Given the multidisciplinary and international nature of space activities, South Africa places great value in forging partnerships, both regionally and internationally. We are pleased with the progress recently made in Cape Town.

The planning of the ESA Space Weather Satellite is in progress. A Planning Meeting is being arranged for May in India this year. We are looking

forward to continued cooperation with our fellow IBSA countries on the development of satellites.

In this regard, we would also like to report that the African Resource and Environmental Management Constellation project, the ARMC, is progressing well with good cooperation between Nigeria, Algeria, Kenya and South Africa.

Mr. Chair, in addition to our statement delivered this morning, we would like to provide the Legal Subcommittee with more information under this item.

South Africa is co-Chair and a founding member of the Group on Earth Observations and the Group on Earth Observations System of Systems, and has established an initiative called the National Space and Earth Observation Secretariat in 2011. The purpose of this Office is to coordinate space and Earth observation activities in the country through the establishment of forest(?) forums for the use of communities. These forums include the South African Group on Earth Observation, Communications, Navigation and Positioning, as well as space exploration. The Space Secretariat would also promote the operationalization of the South African Earth Observation System Portal.

In terms of the South African Earth Observation Strategy, this Office is working closely with the newly-established South African National Space Agency. SANSa has been officially operational since 1 April 2011 and we are satisfied with the progress in formalizing the National Space Programme.

Thank you Mr. Chair and distinguished delegates.

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

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

Mr. H. SHAFTI (*Islamic Republic of Iran*) Mr. Chairman, distinguished delegates, we are delighted to join our colleagues once again in the Legal Subcommittee and see you, Mr. Tare Brisibe of Nigeria, in the Chair as our Chairman. We have no doubt that your rich background and extensive experience, supported by the Secretary, Mr. Niklas Hedman, and the other members of the Bureau, is leading our meeting to full success.

Our delegation, Mr. Chairman, assures you with the pleasure of its full support in this direction.

Our sincere gratitude also goes to the United Nations Office for Outer Space Affairs for their excellent effective and efficient organizing and support, led by Dr. Mazlan Othman.

My delegation will be pleased to express appreciation to the successful efforts made by your predecessor, Mr. Ahmed Talebzadeh, and his Bureau.

Mr. Chairman, from the early days of establishment as one of the loyal co-founders of the COPUOS, we have constantly supported and contributed to the advancement of space science and technology and has been active in various fields of peaceful uses of outer space with a particular concern on its legal aspects.

We consider that the capacity-building in space law and establish a relevant infrastructure is of great importance. In this connection, we have given great attention to the issue of space law by developing educational programmes and courses at the academic level, in the higher education institutions and research centres in the country.

And in the shadow of organization and restructure of the Iranian Space Agency, focus on space law in research centres play an important role, both directly under this Space Agency, and also under the Ministry of Science, Research and Technology. Furthermore, a very close relationship with universities continues. We are look forward to the opportunities to use this potential as our contribution to arrive at the more comprehensive legal regime.

As far as the privatization is concerned, the policy will be followed in the framework of national 20-years regional planning and as this plan progresses, the necessity for a domestic legal framework in space affairs will become more and more apparent and tangible in our country.

Mr. Chairman, as far as the issue of the use of nuclear power sources in outer space is concerned, the same as many other members, we also believe that the safety matters are vital in space flights and launches and, as a result, the Principles related to the use of nuclear power sources in outer space and its legal aspects, should be given high importance and full attention by all concerned.

Mr. Chairman, the Islamic Republic of Iran advocates peaceful uses of outer space and has

consistently followed the common and mutual benefit in the development of space cooperation. In this regard, we consider the issue of the space debris and its important relation to the safety of space flights and launches, also security and safety of our citizens.

With this in mind, we believe that the world community should cooperate in terms of exchange of information and expertise to attain a favourable status relevantly.

Supporting the topic of the general exchange of information on national mechanisms relating to space debris mitigation measures, followed by the Legal Subcommittee, we anticipate that the information exchange would assist States in understanding the different approaches including the development of national regulatory frameworks that States have taken to mitigate and prevent the increasing space debris.

Mr. Chairman, we believe that the United Nations Committee on the Peaceful Use of Outer Space and its two Subcommittees have promoted international cooperation in the peaceful use of outer space through the elaboration of treaties governing outer space activities and offering an adequate and suitable environment to discuss matters that have great impact in the development of nations.

In this context, intensifying the interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee will serve as a good purpose, enhancing synchronization and development of space law in line with such major scientific and technical advances in this area.

Mr. Chairman and distinguished delegates, more than half a century has passed since man's entry into outer space which inspired the States Parties by the great prospects opening up before mankind. Believing that the exploration and use of outer space should be carried on for the benefit of all people, irrespective of the degree of their economic or scientific developments, with the hope that cooperation under the United Nations treaties will contribute to the development of mutual understanding and strengthening of friendly relationships between States and people.

It is now, Mr. Chairman, up to us to carry this heavy responsibility and do all possible in seeking practical ways and means to make these dreams come true in all aspects.

My delegation sincerely wishes that our mutual efforts and understanding make these dreams come true and remain sustainable.

Thank you.

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

Are there any other speakers on the general exchange of views at this time?

I would now like to give the floor to the observer from EUTELSAT.

Mr. C. ROISSE (*European Telecommunications Satellite Organization interpretation from French*) Thank you Mr. Chairman and good afternoon ladies and gentlemen, distinguished delegates. First of all I would like to congratulate you on your election, Sir, and express on behalf of my Organization, our appreciation to the Office for Outer Space Affairs and the Secretariat for having so effectively supported members of the Committee, as well as observers.

I am going to present some information regarding the activities of the intergovernmental organization EUTELSAT.

Without necessarily going into detailed background, I would like to provide some information about the supervisory role performed by our Organization and myself and my colleagues. The Organization continues to regularly monitor the evolving regulatory framework in countries under our purview, in particular evaluating the consequences that might have on EUTELSAT S.A. and its ability to respect basic principles.

In May 2011, the Assembly of Parties noted that the French Space Operations Act of 4 June 2008 had entered into force on 10 December 2010 and since then the international organization, intergovernmental organization EUTELSAT continued to monitor the potential impact of the law of the implementation decrees and technical regulations on the ability of the company to respect basic principles.

On behalf of my Organization, I would like to state that more than a year after its entry into force, while the application of the legislation has undoubtedly given rise to considerable additional administrative activities for the company, it has not had a negative impact, given the importance of the cooperation that

arose between the entities concerned and given that the company was able to maintain its choice of launchers.

Now I would like to dwell briefly on some developments regarding the decision made by the World Conference on Radiocommunications, held from 23 January to 17 February 2012 in Geneva, aimed to address an issue of importance for all member States regarding frequencies. I think it is important to share this with members of this Legal Subcommittee of COPUOS to supplement the panorama you already have of what is happening in that regard.

Amendments made by the Conference to the International Procedures for Coordination and Registration of Satellite Systems to ensure the equitable and efficient use of these resources, spectrum resources, were approved with the signature of the Final Acts which revise Radio Regulations as they are known.

In view of the importance of the subject under consideration, and I personally attended that Conference, at least some of it, and followed all the proceedings closely, I would like to provide a summary of the principle issues that were raised and discussed, to share them with you.

First of all, the Conference approved an amendment of the text of Article 15 of the Provisional Final Acts concerning deliberate interference. This amendment reinforced the scope and importance of the issue and clearly stated that the ITU's Constitution and Convention on Radio Regulations required stations to ascertain facts and take the necessary action against any radio station under its jurisdiction which is of the origin of such interference.

Next, an important decision of the World Radio Communication Conference, it considered the priority rights for the assignment of frequency used by EUTELSAT at 25.5 degrees East and 26 degrees East used by the Zuray-2(?) Network and some of these frequencies in the latter case were submitted by Iran, Zuray-2 is an Iranian network, the ITU Radiocommunication Bureau presented the progress report on actions taken. Changes were included into the final text of the report. The Administration of the Islamic Republic of Iran, as well as radio stations of France, acting as Notifying Administration for EUTELSAT, and Saudi Arabia acting as the Notifying Administration for ARABSAT, were urged to make their utmost efforts to find a resolution to the matter and they should take into account in so doing the recommendations made by the fifty-eighth meeting of the Radio Regulations Board.

Furthermore, several member States of EUTELSAT collectively submitted a document requesting confirmation of the procedure whereby an Administration could bring into use or continue to use frequency assignments for one of its networks by making use of a space station that is assigned to the responsibility of another Administration only on condition that this other Administration did not object to its use for such purposes. This was agreed by the Conference.

During World Radiocommunications Conference 2012, another thing was recognized. The Administration of Iran requested an Act of Leniency for the reinstatement of the Zuray-I Network at 34 degrees East. During the Conference, France, acting as the Notifying Administration for EUTELSAT and the Administration concerned, that is Iran, were able to conduct coordination discussions on this issue and on 15 February 2012, the Conference endorsed the reinstatement of the Zuray-1 Network, taking into account the reports from both Administrations.

An agreement was negotiated very fast between the representatives of EUTELSAT and the Iran representative and made it possible to establish the Terms and Conditions for such coordination. The EUTELSAT operator, operating at 32 degrees East and 35 degrees East, and Zuray-1(?), the Iranian Network at 34 degrees East. So the frequencies would be thus used in a coordinated fashion based on the Terms and Conditions agreed. So the agreement was reached and obviously will be monitored. Its compliance will be monitored by the Radiocommunications Office in respect of the Radiocommunications Regulations.

During this Conference, World Radiocommunications Conference 2012, a similar request was made by the Bulgarian Administration, also asking for indulgence and the Administration concerned provided the requisite notification regarding a frequency of 1.9 degrees East and was accepted as an acceptable measure. Again, the World Radiocommunications Conference acceded to that exceptional request.

Regarding the request of the Administration of Belarus that it should be considered Notifying Administration for satellite networks assigned to INTERSPUTNIK, we had a presentation from Belarus in that regard. I am not going to dwell on that issue any more. No decision was made other than to reject the request of Belarus.

Regarding the assignment of frequencies, a useful clarification was provided for all operators and

Administrations concerned. New provisions supplementing the relevant Article of the Radiocommunications Regulations state that frequency assignments in the geostationary orbit would be considered as commissioning respective satellites once they have operated in that position for at least 90 days. Starting from that point after 90 days, no term of operation had been defined previously and that posed some problems. Some stayed active, some operators stayed active just a week or even three days and the assignment of frequencies had not been thus done effectively so that was addressed.

Another issue addressed by the Conference had to do with the orbital positions and associated frequencies of what is commonly referred to as common heritage of the former INTELSAT intergovernmental organization.

A resolution was added to the Provisional Final Acts endorsed under having use of satellite orbital positions and associated frequencies to deliver international public telecommunications services in developing countries.

If I were to draw a conclusion on that point, I would say that, to quote a phrase that recently appeared in the Satellite News Journal, "unfortunately God has not created enough frequencies for satellites". So it is a matter that will recur and particularly with regard to the geostationary orbit, there are very few frequencies left for new joiners and greater discipline and greater regulatory provisions, stricter regulatory provisions need to be applied from hereon after.

We observed a reaction of frustration on the part of a number of countries. Some of the decisions that were taken were opportunistic in the sense that they were considered appropriate at that particular moment in time, at the time of the World Radiocommunications Conference, by the Conference and the Committee in charge of these regulations. But decisions will continue to be made and some of them on an exceptional basis. However, if too many exceptional decisions are made, it would perhaps jeopardize the entire painstakingly created structure, created over many years. It could pose a general problem.

A final comment. It would seem that one way to alleviate or remediate the problem would be to go to a new band of frequencies, a specifically studied band 4 in that regard.

One final point I wanted to draw your attention to, not to take too much of your time, Mr. Chairman,

with your permission, I wanted to address the issue of deliberate interference with broadcast of TV and radio programmes for EUTELSAT. Unfortunately, that is a phenomenon that has existed for a long time and does not affect only EUTELSAT but ARABSAT, NIYASAT(?) and INTELSAT as well.

I wanted to say that in the light of the most recent information we have at our disposal, deliberate interference with broadcasts has intensified lately and reached unprecedented levels. This interference or jamming affects many satellite transmissions since 24 December 2011 to March 2012 to date, we have observed a considerable rise in incidents of deliberate interference, originating from an increased number of States. As a result, the number of television channels affected by these harmful activities has increased although it has not been technically possible to locate the origin of a number of these jamming incidents. To provide more specific information regarding an increase in interference from 24 August to 23 December 2011, 20 cases of deliberate interference were identified, 15 of which were located as originating from a country which was mentioned in my report to the forty-ninth session of the Legal Subcommittee of COPUOS. From 24 December 2011 to 7 March 2012, 225 cases of deliberate interference were identified, an average of almost 2.6 incidents of jamming per day. A record number of 12 separate incidents of jamming occurred in one day, 17 February 2012. In 75 of these incidents representing 38 per cent of interference, the source could be located. Fifty-eight deliberately jamming operations, nearly 80 per cent of all incidents were located as originating from a country currently experiencing considerable disorder where developments are monitored by the United Nations and 15 cases were located in Bahrain. And the two remaining cases from the country mentioned in 2010.

All in all in that period, 117 of the 122 incidents of interference, of which the source could not be located, targeted the Atlantic Broad(?) Satellite. In any case, for countries that I referred to earlier, this affects also Zeera(?), Ultra Zeerha Sport, BBC, CNN, Press TV, EVI(?), and the various language services of the BBC and others. Again 117 of these incidents of interference affected the Al-Jazeera channels.

In accordance with the recognized procedures, the French National Frequency Agency acting as Notifying Administration for EUTELSAT networks made official requests to three countries which have been identified as sources of jamming to cease the jamming and take all necessary measures in the future. These requests were copied to the ITU Radiocommunications Office.

Among all these cases of jamming, as I indicated earlier, Press TV and Al-Jazeera were particularly affected, both TVs of Iranian network, of course, carried by the satellite network. The necessary notification was sent to the French Frequency Agency.

I wanted to report on this because I think it is of interest to this Legal Subcommittee and in general the United Nations Committee on the Peaceful Uses of Outer Space and obviously it affects the overall legal regime applied to satellite transmissions worldwide. So I wanted to provide this information to you.

And to conclude, if we observe systematic, deliberate jamming in the future, it could put at jeopardy up to a point the use of satellite telecommunications technology and obviously it is an important problem.

Thank you Mr. Chairman.

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

Are there any other speakers on the general exchange of views at this time?

I see none.

We will, therefore, continue and hopefully conclude our consideration of agenda item 4, General Exchange of Views, on Monday morning.

Definition and delimitation of outer space (agenda item 7(a)), and the character and utilization of the geostationary orbit (agenda item 7(b))

Distinguished delegates, I would now like to continue and suspend our consideration of agenda item 7(a), the Definition and Delimitation of Outer Space, pending discussions in the Working Group on this item. I would also like to continue and conclude our consideration of agenda item 7(b), the Character and Utilization of the Geostationary Orbit.

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

I see none.

We have, therefore, suspended our consideration of agenda item 7(a), the Definition and Delimitation of Outer Space, pending the discussions in the Working Group on this item.

We have also concluded our consideration of agenda item 7(b), the Character and Utilization of the Geostationary Orbit.

Nuclear power sources in outer space (agenda item 8)

Distinguished delegates, I would now like to continue our consideration of agenda item 8, Nuclear Power Sources in Outer Space.

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

I see none.

We will continue our consideration of agenda item 8, Nuclear Power Sources in Outer Space, on Monday morning.

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?

The distinguished delegate of Austria.

Mr. P. BITTNER (*Austria*) Thank you Mr. Chairman. I would just like to briefly come back to the proposal by the German delegation this morning to keep this agenda item on our agenda in the future in order to allow reporting on the progress of implementation. Austria would like to support this proposal.

Thank you.

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

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

Mr. M. A. TARABZOUNI (*Saudi Arabia*) Thank you Mr. Chairman. Concerning this object, I think we should keep it on the agenda and, as a matter

of fact, since Saudi Arabia, it is one of the first three who signed the Protocol so I think really we should keep this. So that means at least we can know how will be the implementation of this Protocol.

Thank you very much.

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

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

Mr. G. DUFRESNE (*France interpretation from French*) Thank you very much Mr. Chairman. Just to echo the comments made by our colleagues this morning, our colleague from the Netherlands, I believe, France also welcomed in its national statement the consensus-based adoption of that Protocol in Berlin. It is also important to closely monitor that work and to the extent possible get up-to-date information. We suggested removing this item from the agenda but in the spirit of compromise maybe. We can continue discussing updates to this Protocol and the ratifications that will take place. Why not? Maybe every year we could consider this under item 5 which is about the status of outer space treaties and the rule of law in that regard.

Thank you.

The CHAIRMAN I thank the distinguished representative of France for his statement and, as I indicated in my statement earlier on this item, we will come back to this issue in the course of next week.

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

The distinguished representative of Germany.

Mr. R. LASSIG (*Germany*) Thank you Mr. Chairman. In the light of what has been said on keeping agenda item 9, the German delegation is of the opinion that the compromise just made by France would be acceptable to us, to the German delegation, discussing the state of signature and ratification of the Berlin Space Protocol under agenda item 5 as we do with other outer space treaties, would be both streamlining the agenda and keeping the UNIDROIT Protocol posted.

Thank you.

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

Mr. Y. XU (China): Thank you Mr. President. Although China does want to make a comprehensive statement under item 9 next week since we will have a delegate from our Ministry of Commerce attend this meeting who is in charge of the negotiation on this Protocol, and the point as to whether we should retain the item or merge it with item 5, we do think that we should give our careful consideration because item 5 is concerning the Outer Space Treaty which we all know what means the Outer Space Treaty of the United Nations family. But if we talk about the Berlin Protocol, it is quite unique in its nature and not only the ratifications should be followed up but there are many preparatory work have to be done to follow up this Protocol. So as for our preference, we would keep the item 9 for the time being until the Protocol will come into force and all the preparatory work has been completed.

Thank you Mr. Chairman.

The CHAIRMAN I thank the distinguished representative of China for his statement and I will give the floor to the distinguished representative of the Czech Republic.

Mr. V. KOPAL (Czech Republic) Thank you very much Mr. Chairman. As a matter of fact, my delegation also wanted to draw the attention of the delegations to the fact that the Space Protocol that was recently brought to a successful end at the Conference in Berlin is of a different nature than the United Nations Space Treaty and in this respect, the comments just made by the distinguished representative of China is quite correct. I believe that indeed we should not mix up these two different kinds of international instruments. At the same time, I would like to emphasize that the Space Protocol has a very special meaning. This has been the first international treaty dealing with private international law and I think this is also a part of the development of space law and a part of the growing rule of law which is our common concern and, therefore, not only the information on the ratification but also of any other related matters, for example, the preparation of further activities continuing in the efforts of the UNIDROIT might be of concern of this Subcommittee. Therefore, I will insist or try to ask very kindly to keep this point on the agenda.

As to the morning intervention, I think of our distinguished colleague from the Netherlands. I would like to say that, indeed, the delegation of the Netherlands was very helpful in the beginnings of the consideration of the common points of our Committee and the Legal Subcommittee with the preparation of

this special, of this particular draft Protocol when dealing with matters with two specific questions, one concerning the integration between the Space Protocol and the space treaties of the United Nations, and the other point that was at that time, it is now maybe 10 years under consideration, it means whether the United Nations could be charged by the role of Supervisory Authority. But this was 10 years ago and since then the evolution continued further and will probably still continue in the years to come and, therefore, for all these reasons, I would like to recommend that we keep it on the agenda.

Thank you.

The CHAIRMAN I thank the distinguished representative of the Czech Republic for his very detailed history of the Protocol and the need for us to retain it on the agenda.

I see the distinguished representative of France who would like to take the floor.

Mr. G. DUFRESNE (France interpretation from French) Thank you Chairman. I have been listening attentively to what our colleagues have said and I would like to thank Germany for their spirit of compromise to try to find a solution that could be acceptable to one and all. It might be interesting in terms of next week's work to look into the nature of the work and the debates that will be taking place in order to decide on this and to shed some light on this. Why should we not envisage in order to work towards consensus on this agenda and to be ever more effective, possibly we could indeed think in terms of merging this item with another one. We certainly should never rule out a certain degree of creativity and we should not predetermine the nature of the debate which will be taking place on this in the future.

Thank you.

The CHAIRMAN I thank the distinguished representative of France for his statement as well as all the remarks and statements that have been made on this item to which we will certainly return in the coming week with clearly the best means of addressing an issue that is of common interest to all member States of the Subcommittee.

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

I see the distinguished representative of Brazil.

Mr. J. M. FILHO (*Brazil interpretation from Spanish*) I thank you Chairman. We would like to make the following comment.

The statement presented by the Czech Republic is, indeed, something which is headed in the right direction. This is perfectly relevant this proposal. To find a solution to this problem we could just possibly amend the heading of agenda item 9. One could possibly say that this Protocol has been adopted within the framework of the Berlin Conference and in item 9 we could state "review of the evolution of the Protocol adopted ...", something along those lines because this is an international instrument which deserves a careful follow-up and monitoring on a standing basis.

Thank you.

The CHAIRMAN I thank the distinguished representative of Brazil for this statement. I think it adds a lot more direction to the thoughts and views exchanging between delegates whether it is change the title or the item or consider it under an existing item such as the status of the United Nations treaties and we should not forget that the UNIDROIT itself is an international organization which has adopted or facilitated the adoption of a Protocol to a Convention and we also have a regular item on international organizations and intergovernmental organizations that regularly update the Subcommittee on its activities or their activities.

Are there any other delegations wishing to make a statement as well?

I see none.

We will, therefore, 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, on Monday morning.

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 our consideration of agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

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

I see none.

We will, therefore, continue and suspend our consideration of agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, on Monday morning, pending discussions in the Working Group on this 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 fourth meeting.

Before doing so, I would like to remind delegates of our schedule of work for Monday morning.

We will meet promptly at 10.00 a.m. At that time we will continue and hopefully conclude our consideration of agenda item 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 continue and 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 inform delegates that on Monday morning, the Group of Latin America and Caribbean States, GRULAC, will hold informal consultations from 9.00 a.m. to 10.00 a.m. in Room MOE100.

Are there any questions or comments on this proposed schedule?

I see none.

Before we adjourn, I would also like to alert delegates that this Sunday, Daylight Saving Time begins in Austria, so clocks should be moved one hour forward.

I now invite Madam Irmgard Marboe to chair the fourth meeting of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

I wish you all a very pleasant weekend.

This meeting is adjourned until 10.00 a.m. Monday morning.

The meeting adjourned at ?????