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

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852nd Meeting  
Tuesday, 27 March 2012, 3 p.m.  
Vienna

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

*The meeting was called to order at 3.14 p.m.*

**The CHAIRMAN** Good afternoon distinguished delegates, I now declare open the 852nd meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

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

The working group on the status and application of the five United Nations treaties on outer space will then hold its third meeting, to be followed by the seventh meeting of the working group on national legislation relevant to the peaceful exploration and use of outer space.

Are there any questions or comments on this proposed schedule?

*I see none.*

**Capacity-building in space law** (agenda item 10)

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

Are there any 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 10, capacity-building in space law, tomorrow morning.

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

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

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

I recognize the distinguished representative of Libya.

**Mr. F. A. BEN ASHOUR** (*Libya, interpretation from Arabic*) Thank you Mr. Chairman. Mr. Chairman, we know the damage resulting from space debris and increasing population of space debris with repercussions for the space system and the environment. We realize the importance of the exchange of information which is the title of this agenda item however, and despite all the national efforts to take measures to mitigate space debris, we find that these measures have not been enough and there is an increasing population of space debris.

The delegation of Libya would like to stress that the fact that we cannot adopt a unified approach and in view of the multiplicity of national measures all of this will undermine national and international efforts to mitigate space debris.

Mr. Chairman, in that respect the delegation of Libya places importance on the efforts exerted within the framework of COPUOS in order to enhance international cooperation to mitigate space debris and to decrease the population of debris. We would like to state the importance of re-doubling our efforts in the two subcommittees in order to adopt effective and international measures in order to enhance international cooperation. There is a possibility to improve the guidelines on space debris resulting from the work of

COPUOS as stated in General Assembly resolution 62/217.

We should have binding legal rules for all States and these rules have to be taken up in this Committee and should be approved by the General Assembly. That is all I have, thank you very much.

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

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

I give the floor to the distinguished representative of Austria.

**Ms. I. MARBOE** (*Austria*) Thank you very much Mr. Chairman. I just wanted to draw the attention of the member States to the recent Austrian Outer Space Act of December 2011 where the mitigation of space debris plays an important role and has been extensively discussed how this should best be reflected in our national Act on outer space activities. I would like to mention our solution here in this meeting.

Mainly, we have it twice in our Act. First, a condition for authorization in paragraph 4 and subparagraph 14 but there is a specific and separate additional provision, it is article 5 where it is explicitly mentioned that the operator has to make provision for the mitigation of space debris in accordance with the state of the art and in due consideration of the internationally recognized guidelines for the mitigation of space debris, special measures limiting debris released during normal operations have to be taken.

I just wanted to mention that this important item has been of great importance in the development of the law and we think that by this it is possible to integrate non-binding guidelines on space debris mitigation into binding rules under national law. Thank you very much.

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

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

**Mr. J-F. MAYENCE** (*Belgium, interpretation from French*) Thank you Chairman. Along the lines of what has just been explained by the delegation of Austria, in turn we would like to recall that Belgian law also allows for reference to international standards

that exist with regard to the mitigation of space debris through the licence that can be issued by the Ministry in compliance with those standards.

This following may not refer directly to space debris, I would nevertheless like to say that Belgium right now is revising its space law in order to take into account the status of non-maneuvrable satellites which are very similar to space debris as these are satellites which are placed on orbit and, once on orbit, they can no longer be controlled by ground facilities, since operations are not possible then there is no operators as per Belgian law. There was a risk to have a legal vacuum because of this absence of operator, per se, so we are revising the Belgian law in order to cover this situation. We are making a provision that we are going to be considering that the operator of such a non-maneuvrable satellite is the entity that orders its launching. Thank you.

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

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

*I see none.*

We will therefore continue our consideration of agenda item 11, general exchange of information on national mechanisms relating to space debris mitigation measures, tomorrow morning.

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

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

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

**Mr. L. H. SACCHI GUADAGNIN** (*Brazil*) Thank you Mr. Chairman. My delegation would like to thank the Czech Republic and the United States for their proposals for new items. This is yet another example of how much work this Subcommittee has to do.

As to the Czech proposal, Brazil considers it important to discuss the possibility of upgrading the

Space Debris Mitigation Guidelines. The proposal is very timely, as we have seen in the German technical presentation, that some orbits approach saturation. Nevertheless when it comes to the discussion of that item Brazil will stress the importance of taking into account possible additional costs that an upgrade on the status of the Guidelines might bring for developing countries' space programmes. Therefore we still support the inclusion of this new item on the Subcommittee's agenda for the next session.

In respect to the US proposal. My delegation is extremely interested in the outcomes that might arise from the exchange of information on international mechanisms for space cooperation. For Brazil, it is important not only to list the most common instruments used by countries for space cooperation but also to have a voluntary evaluation by each country of the most effective mechanisms in their practices.

As a guideline for this evaluation, we would like to stress the importance of the fifth paragraph of the 1996 Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and in the Interest of all States, Taking into Particular Account the Needs of Developing Countries.

This paragraph provides the following goals for international cooperation, promoting the development of space science and technology and of its applications, fostering the development of relevant and appropriate space capabilities in interested States and facilitating the exchange of expertise in technology among States on a mutually acceptable basis. Therefore Brazil supports the US proposal contained in CRP.21.

Mr. Chairman, as for the current items on the agenda, Brazil supports the proposal to keep item 9 on the Berlin Protocol as a separate item under a new title. Brazil would prefer the title, examination of the status, application and evolution of the Berlin Protocol, nevertheless we are prepared to support the Czech proposal to delete the word 'draft' from the current title to this agenda item.

My delegation also supports the proposal to keep item 12 on national legislation on the agenda as a way to continue this important exchange of views and to follow the updates of the schematic review, currently CRP.8. Thank you.

**The CHAIRMAN** I thank the distinguished representative of Brazil for his statement on this very important item for the Subcommittee.

Are there any other delegates wishing to make a statement?

I give the floor to the distinguished representative of Belgium.

**M. J-F. MAYENCE** (*Belgium, interpretation from French*) Thank you Chairman. As regards this item, we would like to thank the Czech and American delegations for their respective proposals which seem very interesting to us.

Regarding the Czech proposal. We can join it and support it being included on the agenda of the Legal Subcommittee, a legal review of guidelines relating to space debris. We believe that this is especially interesting as it connects to the Scientific and Technical Subcommittee on long-term sustainability of space activities.

As for the American proposal. We would just like to have some clarification from the American delegation if we might on the exact scope of this proposal. We do understand that the idea is to draw up an intelligent inventory not just a plain list of existing agreements as we have had distributed previously. Intelligent inventory of the cooperation mechanisms that exist internationally in the field of outer space activities. Nonetheless, we would like to ask whether the calendar that is provided for is not a bit too extensive as per the subject dealt with.

For example, given what is provided for in the fourth year, is it already necessary as of now to have a five-year plan to deal with this subject?

Also if the US delegation could tell us whether it feels that a working group is really necessary for this? We believe this is basically an information point that would consist in asking the Secretariat to sum up the reports contributed by delegations. We do not really see what a working group would have to work on. Possibly the US delegation could shed some more light on this matter. Thank you.

**The CHAIRMAN** I now give the floor to the distinguished delegate of the United States.

**Mr. B. ISRAEL** (*United States of America*) Thank you Mr. Chairman and thank you to the delegations that have expressed support for the United States proposal and also for posing questions on points of clarification which we appreciate and are happy to address.

I would first like to say that the Brazilian delegation made a very interesting point and question about the scope of the proposal, as did the distinguished representative of Belgium.

To be clear, what we envision in the proposal is not merely a list or a compilation of the mechanisms that States have used to cooperate but a more comprehensive exercise in looking at the range and the nature of mechanisms that States have used for cooperation in varying instances involving States reporting about the mechanisms that they have used and that work best for them and in these circumstances for unique cooperative undertakings.

The idea and the reason for having a working group as opposed to merely asking the Secretariat to compile the submissions of States is to try to discern, to extract common elements from the practice, from the experience of members of the Legal Subcommittee with a view to arriving at a product much like we have with the national legislation working group that would be of use for States in structuring future cooperative endeavours, to have the benefit of this thinking.

I hope that provides some clarification but we would be happy to answer additional questions. Thank you.

**The CHAIRMAN** I thank the distinguished representative of the United States and give the floor to the distinguished representative of the Czech Republic.

**Mr. V. KOPAL** (*Czech Republic*) Thank you Mr. Chairman. Mr. Chairman we have read with great interest the proposal made or the document submitted by the United States regarding a new agenda item to be considered under a multi-year workplan.

Needless to say that the Legal Subcommittee needs a new, or several new, multi-year workplans because one workplan is about to be finalized this year, so that a new one, or more such new proposals are really very needed. I believe that the subject matter of the US proposal is very important and that it should be considered as a possible new item. I also believe that it should be perhaps a little bit shorter. It means to plan first, as it was done with the national legislation item, for four years and then if there are indeed some positive results that would need further efforts for example, to prepare a certain special resolution as we have been doing now in the national legislation item then it could be extended for another year as we have done now.

As to the content, or at least the plan that has been proposed here. I have to say that so far this plan is mostly dedicated to information but mutual information could be done under any other point. What we need and what might be new in this particular item would be conclusions based on this information. It means, if we will have a perfect survey of the existing mechanisms and if we discover that there are gaps amongst these mechanisms that perhaps there should be established a new one or, if there is, vice-versa a duplication and then it might be also one of the results of our consideration that this duplication would be deleted, that some mechanisms might be unified and so on and so on.

I would suggest that the consideration of this new point should lead to some specific conclusions not only a report without any conclusions but a report including the conclusions and eventual suggestions as to what to do on the basis of these conclusions next, in which direction our further endeavours should be orientated. This is what I wanted to say and advisedly support this proposal.

At the same time I would like to make it abundantly clear that, my supporting this proposal made by the United States, we do not intend to withdraw our own proposal concerning the review of the legal aspects of the Space Debris Guidelines because we still believe that this Subcommittee is able to consider not one but at least two of the items including the workplan on substantive issues. Thank you very much.

**The CHAIRMAN** I thank the distinguished representative of the Czech Republic for his statement and perhaps we will request if the United States would like to give a response to the observations made by the Czech Republic as well as the distinguished representative of Belgium.

**Mr. B. ISRAEL** (*United States of America*) Thank you Mr. Chair and my thanks to my colleagues from the Czech Republic and from Belgium.

First, as regards the length of the proposed item. As I noted in my statement this morning, we are very open to hearing views about the appropriate length of this item and in that regard we are appreciative of the views expressed by the representatives of the Czech Republic and of Belgium about perhaps this could be done in less time, I heard four years. We will certainly take that into consideration.

We do envision conclusions in a report but the nature of those conclusions I think it is premature to get into discussing what those conclusions will be or what their nature will be at this time. Thank you.

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

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

**Mr. V. KOPAL** (*Czech Republic*) Thank you very much Mr. Chairman. Mr. Chairman I wanted only to say that certainly I agree with the explanation by the distinguished representative of the United States but for the time being it is not yet possible to define exactly what the conclusions of this work that would last several years could be. There is under year 5 of the workplan, working group finalizes its report to the Subcommittee so I would like to suggest to add very simply, working group finalizes its report including conclusions to the Subcommittee or something like that it is very simple to improve the text, it is at the same time essential.

My second question would be still concerning the content of this report including the conclusions. There is a language used in this paper on the range of bilateral and multilateral mechanisms. If I read the term 'mechanisms' it was my impression that it would be oriented to international organizations and other bodies that exist and that should be still completed or simplified or I do not know simply improved but then I read that including existing bilateral and multilateral agreements, non-binding arrangements, principles, technical guidelines and other cooperative mechanisms. I do not know if technical guidelines are mechanisms? This is simply a recommendation of standards or something like that but if you say 'mechanisms' so it relates more to the existing structures or existing organizations, bodies, a network of bodies, and so on and so on. Perhaps this should be made abundantly clear what is meant by the term 'mechanisms'. Thank you very much.

**The CHAIRMAN** I thank the distinguished representative of the Czech Republic for making these clarifications and give the floor again to the distinguished representative of the United States.

**Mr. B. ISRAEL** (*United States of America*) Thank you Mr. Chairman and thank you to the distinguished representative of the Czech Republic for your question in clarification.

We use the word 'mechanisms' in a broad sense to describe things that States have selected to use to cooperate, to carry out cooperation in the exploration and use of outer space. It includes things, in our mind, informal coordination groups or even regional conferences, anything that facilitates cooperation to overcome collective challenges in the use of outer space, so quite an inclusive range of mechanisms.

With respect to the distinguished delegate from the Czech Republic's proposal about including conclusions to the end of sentence on the year 5 proposed workplan, we would be amenable to that suggestion. It parallels also the workplan for the national legislation workplan as well. Thank you.

**The CHAIRMAN** I thank the distinguished representative of the United States for providing this clarification and accepting to implement the observations that have been made by other speakers.

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

*I see none.*

We will therefore continue our consideration of agenda item 13, proposals to the Committee on new items to be considered by the Subcommittee, tomorrow morning.

Distinguished delegates I will shortly adjourn this meeting so that the working group on the status and application of the five United Nations treaties on outer space can hold its third meeting, to be followed by the seventh meeting of the working group on national legislation relevant to the peaceful exploration and use of outer space.

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

We will meet promptly at 10 a.m. At that time we will continue and hopefully conclude our consideration of agenda item 10, capacity-building in space law. We will also continue our consideration of agenda item 11, general exchange of information on national mechanisms relating to space debris mitigation measures and agenda item 13, proposals to the Committee on new items to be considered by the Subcommittee.

There will be a technical presentation tomorrow morning by a representative of France entitled 'Overview of space debris activities in France'. The working group on the status and application of the five United Nations treaties on outer space will then hold its fourth meeting, to be followed by the eighth meeting of the working group on national legislation relevant to the peaceful exploration and use of outer space.

Are there any questions or comments on this proposed schedule?

*I see none.*

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

I now invite Mr. Jean-François Mayence of

Belgium to chair the third meeting of the working group on the status and application of the five United Nations treaties on outer space.

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

*The meeting closed at 3.48 p.m..*