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

Script

872nd Meeting

Tuesday, 16 April 2013, 3 p.m.

Vienna

Chairman: Mr. T. Brisibe (Nigeria)

The meeting was called to order at 3.17 p.m.

The CHAIRMAN: Good afternoon distinguished delegates. I now declare open the 872nd meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This afternoon we will continue our consideration of agenda item 5, Information on the Activities of International Intergovernmental and Non-Governmental Organizations Relating to Space. We will continue our consideration, because we have concluded the debate, our consideration of agenda item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, to Consider the Revised Text of the Draft Recommendations on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

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".

This evening there will be a 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.

Information on the activities of international intergovernmental and non-governmental organizations relating to space law (agenda item 5)

Distinguished delegates, I would now like to continue 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 observer of the Space Generation Advisory Council.

Ms. E. SFANTZIKAKU (Space Generation Advisory Council): Mr. Chairman, distinguished delegates and observers, it is our pleasure to address you here this afternoon.

Mr. Chairman, the purpose of our statement is to briefly introduce the Space Generation Advisory Council's newest Project Group, the Space Law Project Group, and its current research project examining the preparatory works of the Outer Space Treaty.

The Space Generation Advisory Council, established at UNISPACE III in 1999 to represent young professionals and students in the space sector, now has over 4,000 members from over 90 countries. It is a non-profit international non-governmental organization and has had permanent observer status here at COPUOS since 2001 and at ECOSCO since 2003.

In the fall of 2012, the Space Generation Advisory Council established the Space Law Project Group to bring together young students and professionals interested in space law and policy and to give them a voice on space law in international forums such as this.

Beginning in 2013, the Space Law Group on-going project is examining the preparatory works of the 1967 Outer Space Treaty, including the various documents and resolutions, summary reports, verbal transcripts and working papers from the United Nations General Assembly, its Committee on the

Peaceful Uses of Outer Space, and from this Legal Subcommittee.

Our relevant period of inquiry begins in 1958 with the conception of COPUOS and will extend until the final adoption of the Treaty in January of 1966. Any understanding of the Outer Space Treaty also requires examining the Principles Declaration of 1963, from which many of its fundamental provisions were first articulated.

We will also consult secondary scholarly sources such as the writings of scholars and publicists on space law. One of the principle sources of these documents is the online database of the preparatory works of the Outer Space Treaty housed by this Subcommittee's Secretariat, the Office for Outer Space Affairs. This online database will be the initial and foundational source of materials for our work to understand the story of the drafting of this foundational treaty on space and we are grateful to the Office for Outer Space Affairs for their foresight in making this database available for scholars.

We intend to deeply understand the story of the drafting and negotiation of the Outer Space Treaty, gaining insight into the interests of the Parties and to learn what was expressly negotiated along with topics the drafters may have missed.

Looking forward, the Space Generation Advisory Council Space Law Project Group also intends to partner with international organizations such as the International Institute of Space Law.

In fact, this fall, at the Space Generation Congress 2013, that will be held from 19 to 22 September in Beijing, China, our Project Group hopes to host a roundtable discussion with members of the International Institute of Space Law. The main purpose of this is that the Space Generation Advisory Council delegates from other academic and professional disciplines can be introduced to space law and the topics with which it deals and engage the young professionals and students to these topics.

In summary, Mr. Chairman, the Space Generation Advisory Council Space Law Project Group intends to join the global discussion on outer space activities and its legal aspects and to contribute to the body of scholarly knowledge which informs this debate. For those interested, we refer you to our official website www.spacegeneration.org/spacelaw to learn more.

I thank this Subcommittee for their time and attention.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of the Space Generation Advisory Council, the SGAC, for her statement and take the opportunity to reiterate, I suppose delegations are already aware of the availability of this travaux préparatoires, this preparatory work that the Secretariat has compiled and made available on the website of the Office for Outer Space Affairs, that is clearly not only of value to organizations such as the Space Generation Advisory Council but I think would also be useful to delegations who are interested in the history behind the instruments that now govern activities in outer space.

Are there any other speakers on this item 5?

Yes, I should give the floor to the distinguished representative of the European Space Policy Institute.

Mr. P. HULSROJ (European Space Policy Institute): Thank you very much Mr. Chairman. Let me first of all say how happy I am to see you in the Chair. I know we are in the best of hands. Then let me just to mention what ESPI is about, the European Space Policy Institute. We are a thinktank dealing not only with European space issues but with space issues generally from a European perspective. Many of you, of course, know ESPI because we have a tradition of having events in conjunction with the meetings of the Subcommittee and with the plenary and many of you were in ESPI on Thursday last week where we had an event on debris, space law and the relevance of general international law. If you should have missed the event or if you found it so good that you would want to revisit it then let me tell you that we have the video recording on our website from tomorrow so there is no reason to cry even if you missed out on our very good food. This you will not get via the video recording unfortunately.

But then let us look a little bit generally what we are looking at. So the debris topic is, of course, showing that we have an interest in space law and law in general as it relates to space but we are trying to cover the whole arc of space issues, issue by issue, if you wish. So we rotate between topics hoping that in the end we will do 360 degrees but we only do a couple of topics every year, a few topics every year in order to be able to drill down thoroughly in those topics. And last year we had, for instance, and I think that is very topical for what we have just experienced, the

reception and the event, we have issued a report on the Europe/Japan cooperation in space which you will find on our website like all our other reports.

So that is really a rather in-depth view of four different fields where Japan and Europe have been cooperating and where they have good possibilities of even adding to the cooperation or increasing the cooperation. _____(?) (*not clear*) show the diversity of what we are doing. We also last year issued a report on space and the processes of innovation where we looked at the general tool(?) park(?) of innovation as we see it developing in the world in general and we then tried to map that to space to see how much of this tool park(?) is actually used in space and how much more could be used and we found that if we are looking carefully then there are things like crowd sourcing which could be much more in space.

Then we do space security work so we have issued a report on space crisis management. We will in the next few weeks issue a report on dual use of space. So you see that there is a great variety in this. In the coming period so the next four or five months, there will be another string of reports from us. One of them I draw your attention to because this is part also of specific relevance to this group, namely a report on governance of the TNSS systems and what the possibilities are there. And then one topic which is particularly close to my heart which is on humanitarian tele-medicine. There we had an event last year, a kick-off event we considered it to be. You can find the video recording on our website. But we will in the next couple of months issue an in-depth report on this. We understand humanitarian tele-medicine to be used as a tool of tele-medicine to try to overcome the divide between the quality and accessibility of healthcare in the rich world and the not-so-rich world. So I think this is a very important topic with a lot of potential.

So after we have issued the report on this, we hope, hopefully this year still, to make an in-depth conference where we will be looking at the legal aspects of this. We will look at the medical aspects of this, the technical aspects, the cultural aspects. So in other words, for many reasons, watch this space and please come and visit us whenever you are here for our events and visit our website often.

Thank you very much Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of the European Space Policy Institute for his statement.

Are there any other speakers on this item 5 at this time?

I see none.

We will, therefore, continue, and hopefully conclude, our consideration of agenda item 5, Information on the Activities of International Intergovernmental and Non-Governmental Organizations Relating to Space Law, tomorrow morning.

National legislation relevant to the peaceful exploration and use of outer space (agenda item 7)

Distinguished delegates, I would now like to continue our consideration of item 7 on our agenda, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space to Consider the Revised Text of the Draft Recommendations on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, working paper, that is, submitted by the Chair of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, as contained in document A/AC.105/C.2/L.289.

I would like to recall that at our meeting on Friday last week we agreed to the form in which the recommendations will be submitted to the General Assembly, namely as a separate General Assembly resolution.

As to the text of the recommendations contained in the document, L.289, we conducted a review of the text on Friday and identified two sections, Points 2 and 6, where there was a need for further discussion.

Apart from these two outstanding points, the rest of the text was accepted.

With your permission, I would now give the floor to the Chair of the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, Madam Irmgard Marboe of Austria, who will explain the outstanding points we will concentrate on this afternoon. The text will now be made available on the screen.

Madam Marboe, you have the floor.

Ms. I. MARBOE (Austria): Thank you Mr. Chairman. Indeed, over the weekend we had the opportunity to continue informal consultations, in particular between the delegation of the Russian

Federation and the delegation of the Netherlands. At the beginning also we had the involvement of the Belgian delegation because there was a proposal put forward on Friday afternoon which was also included in these informal consultations.

We prepared documents version and tracked changes and the delegations took the time to consult among each other and with several members of the delegations and it was possible now to come back to this Legal Subcommittee with an agreement on the text of paragraph 2 and paragraph 6 and I would like to explain briefly the changes and perhaps also the reasons behind the changes. As I explained already on Friday the main reason was because of translation issues, problems to translate the term “national of a State” and “applied for legal persons”. So the text had to be adjusted and if you see now paragraph 2 in the middle, we see that the original text was and now the agreed text proposed by the Russian Federation in the intersessional period was “outer space carried out as whereby its citizens or its natural persons and/or legal persons established registered or seated in its territory”. And here we have an additional insertion “or in territory and its jurisdiction and control”.

So this was a proposal by the Russian Federation in the meantime and for the Dutch delegation it was not quite clear why this should be sort of repeated or what is the difference between its territory, character and its jurisdiction would cover this. So there were several proposals also would explained and I think the simple solution taken here is just cross out these four words “in its territory or”, so “registered and seated in territory under its jurisdiction” would cover their own territory and/or control, provided, however, that we keep this original version of the findings of the Working Group that if another State is exercising jurisdiction with respect to such activities the State should consider forbearing from duplicate if requirements and avoid unnecessary burdens.

This was kept, this idea of avoiding double authorizations but there is a possibility also to regulate activities of legal persons of a State or under the jurisdiction of a State or whatever, nationals of a specific State if they are carried out elsewhere then in its territory.

This is important and I think the idea was fully kept and is fully kept in this new version as well.

And now to explain why we also introduce the other changes a little bit further above. If we use the term “territory under its jurisdiction and control and/or

control”, for the purpose of consistency, this formulation should also be used in the fourth line, line 4 here, “carried out from its territory” and here, just for the purpose of consistency, this was a particular proposal by the Dutch delegation to keep consistency here “from territory and its jurisdiction and/or control”.

So this would be the first change here. And the second point in paragraph 2 was that from the earlier version, we stay in the fifth line, and earlier it read “likewise it should “a certain jurisdiction” which was in the earlier version, but the Russian Federation in the intersessional period wanted to replace it by “a certain supervision and control”, as you see in the earlier version. And now in order again to ensure consistency with the outer space treaties and the text in the treaties, here the term “authorization and supervision” should be used instead of “supervision and control” because, in fact, we are talking about Article VI about the duty of the State to authorize and supervise space activities. In fact, Article VI has the legal basis so Article VI does not talk about supervision and control but uses the words “authorize” and “supervise”.

So this would be recognized here that Article VI should be reflected here and should read and the new version with slightly different wording _____(?) (*not clear*) not a word but a noun so “issue authorization and ensure supervision over space activities”. But the meaning is kept authorization and supervision over non-governmental activities. And this would perfectly accommodate the concerns of the Dutch delegation.

So this was then between the two delegations an agreeable solution on these concerns on paragraph 2.

And then perhaps you can already go further to paragraph 6 where the discussion was about operators on the second line, in the middle it starts “operators or owners of space objects for which the State is considered to be the launching State” and then in the original version continued “should be requested to submit information to the authority to enable the State to submit the relevant information to the Secretary-General of the United Nations in accordance with applicable international instruments so that international registration can be ...” or information of the Secretary-General can be done by the State. Otherwise, it would not have the information. So the idea was to ask operators or owners of space objects, you see it in the second line, to ask them to provide information on their space activities. So briefly said its operators should be asked to submit information to the

authority so that the authority can inform the Secretary-General.

But it was not quite clear to the Russian delegation in the first place which owners could be asked by the State so could it also be foreign owners or operators of space objects. No, in accordance with the space treaties, only those States which either have certain duties or obligations or responsibilities under the outer space treaties. So the proposal by the Russian Federation originally was that it should be made clear that only of objects for which the State is considered to be the launching State should ask for this information.

Here the Dutch delegation said it was perhaps a little bit too limited because they would also like to ask information for, here you see the insertion "or the State responsible for national activities in outer space under the United Nations treaties". So not necessarily the launching State but the State responsible for national activities in outer space that there is a possibility to ask for information from operators.

And then here again the Russian Federation said but this is perhaps again too wide as I see it. Then it should be made clear on whose Registry such objects are carried. So again with limiting the possibility of the State to ask for information.

I think we have here a good balance of the difference concerns. Actually in the beginning we did not have any reference to any State but now I think it is very clear. We have the launching State but not all launching States, only those whose registries are concerned is carried but also not limited only to launching States but when the State was first responsible for national activities. According to Article VI, it could also ask for this information.

And I think these two, there are two concerns of the two different delegations are quite clear. We can now understand and I think they are accommodated by this insertion now in this paragraph 6.

So I think it was a very constructive atmosphere in the informal consultations. Every delegation made its points very clear and the other delegation was listening to the concerns of the others and then consulted with the other members of the delegation so I really thank very much the constructive attitude of the two delegations to find a consensus and in the end also to agree and come and succeed in finding a consensus. I thank very much these efforts by the two delegations.

Thank you very much.

The CHAIRMAN: I thank the former Chair of the Working Group on National Space Legislation for, one, providing us with an update to the informal consultations and the very slight changes that have been made to the text. May I request that the text you could scrawl on the documents so we have the paragraph 2 on the screen and open the floor to delegations if there any question or comments to these changes that have been made as is displayed before you to paragraph 2 of document L.289, as has just been described with the justification and reasoning behind it by the former Chair of the Working Group on National Legislation.

Any comments? Any questions?

In the absence of any comments or questions, shall we then, if I may request, we have the text of paragraph 6 on the screen.

And likewise, put the question to delegations if you have questions or comments to make regarding the changes to paragraph 6 in document L.289 which is before you.

Distinguished delegates, if there are no objections, do I take it that the Subcommittee agrees to the text as amended?

Distinguished delegates, as I just indicated, before we brighten up the room, if there are no objections, do I take it that the Subcommittee agrees to the text as amended?

I see no objections.

It is so decided.

Distinguished delegates, we have, therefore, at this stage agreed on the text of these recommendations as amended and I should give the floor to the Secretariat to provide us with an explanation of what specific steps will be taken afterwards with respect to this text which we have just agreed upon.

Mr. N. HEDMAN (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. Yes, indeed, the Secretariat has consulted with Editorial Control and we will place the text, as agreed, as amended, in all languages as an annex to the Legal Subcommittee report of this particular session of the Legal Subcommittee. So it will constitute an agreement by the Legal Subcommittee and it will be presented to the fifty-sixth session of the Committee on the Peaceful Uses of Outer Space this year for asking

for a recommendation to the General Assembly to have this as a separate resolution of the General Assembly.

Thank you.

The CHAIRMAN: I thank the Secretariat for that very detailed explanation and I see the distinguished representative of the Netherlands wishes to take the floor.

Mr. R. LEFEBER (Netherlands): Thank you Mr. Chairman and we welcome the agreement that we reached in the Subcommittee but I would like to thank the Russian delegation for their willingness to consider our concerns and for accommodating them. And I would also like to thank very much Professor Irmgard Marboe for conducting the informal consultations. She worked very hard in the past couple of years but also last year and even in the last days on this result and I think she deserves a big applause from our side. Thank you very much Irmgard.

The CHAIRMAN: I thank the distinguished representative of the Netherlands for his intervention and should now give the floor to the distinguished representative of Mexico.

Ms. R. M. RAMÍREZ DE ARELLANO (Mexico) (*interpretation from Spanish*): Thank you Chairman. In turn, as the Netherlands has said, in turn, I also would like to indeed express my satisfaction with the excellent work done by Mrs. Marboe.

Through you, Chairman, I would like to put a question to the Secretariat. Is the amended text going to be available tomorrow or the day after? It is an important question for us.

Thank you.

Mr. N. HEDMAN (Secretary, Office for Outer Space Affairs): What the Secretariat suggested in view of the limited time we have before us is that when delegations have the report for adoption, the entire report, all the sections of the report, on Thursday and Friday and this section will come quite late so it will be on Friday. It will appear as an annex to the Legal Subcommittee report in all languages as amended.

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

Yes, I give the floor to the distinguished representative of the Russian Federation.

Mr. D. GONCHAR (Russian Federation) (*interpretation from Russian*): Thank you very much Chairman. I cannot fail to join all the words of satisfaction expressed in address of Professor Marboe. I would like to thank her for the extraordinary work that she has done in developing the final agreed version of these recommendations. The work was certainly no small feat.

Thank you.

The CHAIRMAN: I thank the distinguished representative of Russia for his intervention.

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

I see none.

We have, therefore, concluded our consideration of agenda item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

Capacity-building in space law (agenda item 10)

Distinguished delegates, I would now like to begin our consideration of agenda item 10, Capacity-Building in Space Law.

The first speaker on my list is the ..., distinguished delegates, if you will allow me, I have been advised the distinguished representative of Saudi Arabia has asked for the floor.

Mr. M. A. TARABZOUNI (Saudi Arabia) (*interpretation from Arabic*): Mr. Chairman, in view of what said this morning concerning the use of nuclear power sources by the representatives of Venezuela and Indonesia, we wish to retain this matter open, I mean item 8, and I would like to deliver a statement in this regard if you so allow.

As I am speaking here for the first time in this fifty-second session of the Legal Subcommittee, we are sorry that you will not be with us at the coming session as well as Mrs. Othman and I wish you both success in the future. We appreciate your wise conduct of the deliberations of this Subcommittee.

As I have heard the representatives of Venezuela and Indonesia this morning concerning the use of nuclear power sources in outer space, I wish first of all to say that the Safety Framework of the Outer Space is one of the main items dealt with by the Scientific and Technical Subcommittee as well as

COPUOS. And there were a number of presentations presented at the Subcommittee's session concerning the ways and means of the peaceful use of outer space.

Mr. Chairman, we must realize that the geostationary orbit is a main source and, therefore, all countries have the right to use nuclear power sources. However, the nuclear power sources should not be used under the geostationary orbit especially since we have not yet defined outer space and delimited its borders and, therefore, we should seriously strive to achieve a solution to this dilemma which has accompanied us for many years. And in order to protect the atmosphere and the Earth we should discuss all steps to preserve the safety and, therefore, we should encourage research in this field and should encourage institutions and universities especially in countries who have the means and this will give us excellent results which would protect humanity and the environment when using such nuclear power sources.

Thank you Sir.

The CHAIRMAN: I thank the distinguished representative of Saudi Arabia for his statement and note that this statement was made under agenda item 8 with respect to the review of Principles governing the peaceful uses of nuclear power sources in outer space.

I also note that the statement makes reference to the geostationary orbit item which is under 6(b) and both items are on the agenda of the Subcommittee even though item 6(b) we heard statements in respect of during the course of last week, as a consequence of which the item is closed.

I would now like to continue our consideration of agenda item 10, Capacity-Building in Space Law and the first speaker on my list is the distinguished representative of Germany.

Mr. P. WENNHOLZ (Germany): Thank you Mr. Chairman, distinguished delegates. Germany attaches great importance to the different efforts for promoting capacity-building in space law on international and national level. Therefore, we support the various activities such as the Moot Court Competition and Summer Schools. The annual report of the activities of the Cologne Institute of Air and Space Law reflects these academic efforts. In this context, we would like to mention the bilateral cooperation between Cologne University and universities in China, India and South Africa which all aim at capacity-building in space law.

Furthermore, we would like to highlight the project "Cologne Commentary on Space Law", a cooperation of the Cologne Institute and the German Aerospace Centre, DLR, presented here last week. After a multi-year effort of 15 authors of various countries, Volume II was finalized by the end of last year and has been published a couple of days ago. We are pleased to present this Commentary on the Rescue Agreement, the Liability Convention, the Registration Convention and the Moon Agreement at the occasion of this Legal Subcommittee meeting. The editors have chosen the commentary concept in order to facilitate an article-by-article access to the space treaties. For an overall understanding of the treaties, a detailed historical overview is important. Therefore, each article is analyzed in conjunction with its negotiation and drafting history. In connection with the Office for Outer Space Affairs collection of space treaties "travaux préparatoires", basic discussions of the drafting history are made easier accessible. We hope that this will be a valuable contribution for a coherent interpretation of space law.

I thank you for your kind attention.

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

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

Ms. M. UCHITOMI (Japan): Mr. Chairman, distinguished delegates, on behalf of the Japanese Government, I am pleased to address the fifty-second session of the Legal Subcommittee of the United Nations COPUOS. I would like to report on Japan's efforts to enhancing capacity-building in space law.

Mr. Chairman, Japan continues to attach great importance to providing education and training opportunities in the area of space law and facilitating the exchange of information as a means to enhancing capacity-building in space law.

Mr. Chairman, since 2001, the Japan Aerospace Exploration Agency, JAXA, has supported the annual Manfred Lachs Space Law Moot Court organized by the International Institute of Space Law, IISL, by funding the participation of the winning teams at the Asia-Pacific regional round of the World Finals held during the International Astronautical Congress, IAC.

We are pleased with the solid performance of the Asian region teams and congratulate the National Law School of Indian University for winning the

World Finals last year. We believe that the annual financial support provided by JAXA in this regard directly contributed to bringing increased attention to the region and has also helped to raise the overall level of space law university programmes. We are proud to announce that Keio University will host the Asia-Pacific round of the Manfred Lachs Space Law Moot Court Competition this year on 1 and 2 June.

Mr. Chairman, the activities for capacity-building in the field of space law have been actively undertaken at Keio University and the University of Tokyo. Since the establishment of the Keio Advanced Research Centre for Space Law last year, a series of space law workshops and seminars have been held with the participation of invited speakers from abroad. International cooperation with overseas institutions is underway including the conclusion of a research agreement between the Keio Centre for Space Law, Japan, and the International Centre for Space Law, Kiev, Ukraine.

The Space Law Master Course within the Graduate School of Law of Keio University started on 1 April last year. In April of this year, five students, including two foreign students from Indonesia and Korea, entered the Master Programme. We are pleased to have the opportunity to train young and promising graduate students who will become the next space law experts.

JAXA and the University of Tokyo have been providing a graduate-level seminar course on space policy in the Graduate School of Public Policy since 2010 and have jointly held a series of publicly open workshops and seminars for discussing and sharing information on space policy and governance.

JAXA receives students of law, including those from other countries, its Legal Affairs Division, as interns to assist in its work and to conduct research relating to international or domestic space law. Here, the students help the Division continue to update the database on international space treaties and domestic space laws, both in the original language and in Japanese, as appropriate.

We will offer a technical presentation on this topic later today.

Thank you very much for your kind attention.

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

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

Mr. B. ISRAEL (United States of America): Thank you Mr. Chairman for this opportunity to report on this important topic.

In past years, we have reported extensively on the major programmes at United States law schools dedicated to space law, including the National Center for Remote Sensing, Air and Space Law at the University of Mississippi School of Law, and the LL.M Degree in Space, Cyber and Telecom Law offered by the University of Nebraska College of Law. These programmes and others are listed in the Educational Opportunities in Space Law Directory compiled by the Office for Outer Space Affairs, which has been distributed to delegations. I will not revisit these programmes in detail but would like to provide updates since we last reported on this item.

The National Center for Remote Sensing, Air and Space Law at the University of Mississippi School of Law continues to provide the international community with online informational and research resources including annual compilations of new space laws from around the world, the Journal of Space Law, the oldest journal on space law, and an archive that contains the personal correspondence, manuscripts and professional papers of Andrew Haley, Eilene Galloway and Stephen Gorove, early leaders in the space law field.

The University of Nebraska College of Law is now offering an online version of its LL.M Degree in Space, Cyber and Telecom Law, which is designed for students with some legal experience and currently employed. This will hopefully present opportunities for students from a number of countries to earn a graduate degree in space law. Students in the online programme will generally participate in classes live, synchronously for maximum benefit but the online programme also respects international time zones and work commitments of its online students in allowing waivers to the live, synchronous participation rule. In addition, the University of Nebraska College of Law is adding a Doctor of Judicial Science, or J.S.D., degree to allow those with an LL.M degree to pursue a detailed research examination of a particular topic in space law under the supervision of a faculty member.

I would also like to note that the American Society of International Law, whose membership spans more than 100 States, established last month an International Space Law Interest Group, to serve as a forum, resource and community for scholars and

practitioners of the international law applicable to the use and application of outer space.

Regarding capacity-building for developing countries, United States Government officials and law professors have had the pleasure of participating in capacity-building workshops sponsored by the United Nations Office for Outer Space Affairs. We think that these efforts, as well as other United Nations Office for Outer Space Affairs efforts, have been valuable contributions to capacity-building in the area of space law.

I would also like to briefly note NASA's educational outreach efforts which include fellowships for foreign undergraduate and graduate students to work and learn at NASA facilities on NASA missions involving human and robotic missions involving Earth science.

NASA has created an International Internship Programme designed to provide a collaborative environment where foreign undergraduate- and graduate-level students can interact and work alongside American peers on NASA programmes. I recall in this connection that the distinguished delegate from Mexico referred to the Mexican Space Agency's participation in this programme during Mr. Gerstenmaier's presentation last Friday.

I would like to add one final note. In our view, Mr. Chairman, this Subcommittee's work, reviewing international mechanisms for cooperation has great potential to further this Subcommittee's contributions to capacity-building. The discussions and resulting product, reflecting member States' diverse experience with international cooperation in the use and exploration of outer space, could be of great practical value to States just beginning space activities.

Thank you Mr. Chairman.

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

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

Ms. R. M. RAMÍREZ DE ARELLANO (Mexico) (*interpretation from Spanish*): Thank you Chairman. I would like to say that unfortunately in Mexico there is not any institution where we teach space law even as an elective. I was recently invited by the World Bank to a Master Course on Information Communication Technology and I thought I would know what I was talking about. It was part of a space

law programme and the level achieved by those students was, they had Bachelor Degrees in new technologies and when I started to talk about satellites and space treaties and the Moon Agreement, I was able to see that it is not that they do not know about it, it is that in Mexico we have not really promoted space law as a compulsory subject in our universities. What do we do? We send students that are interested in space law to Leiden(?) University. We have four students with a Masters and one with a Ph.D. So we usually refer them to the University of Leiden.

So with regard to capacity-building in space law, I have to say that I consider it part of international cooperation. I go to the people who have worked on space law to look at bilateral agreements so that via those agreements we can organize courses and talk about the application of space law. That is really what we are doing. The first agreement that we signed was with NASA itself on the 18 March this year on human capital. Our scientists, our academics are very knowledgeable professionals but we have to look for their professors outside my own country. So I feel that capacity-building is part of international cooperation in space law.

The Mexican Space Agency was set up and it is meant to promote international cooperation through agreements and to enable Mexico to actively participate in the international space community and we have focused on interacting with other academic and scientific institutions.

We have some general guidelines in Mexico that aim to make technology and space development into a new niche for Mexico to become more competitive and to generate more employment. We want to make sure that we build capacity in our industries. We want Mexico to be more competitive. We want to develop innovation in order to deal with existing challenges. We believe that the basis of knowledge, exploration and development of space activities require international cooperation in all fields and we should not ignore space law. It seems that lawyers are one step along the way. It would seem that the work of this Legal Subcommittee would just be pieces of paper without us establishing a legal framework for them. Our work is important for everyone, including the United Nations.

Mexico has 80 conventions and agreements regarding the subject of space, either technology or exploration or others and, of course, we have some training programmes but these were not based on the space treaties. These are bilateral treaties for very special subjects but not linked to the space treaties

themselves. From 2012 onwards, we changed that approach, thanks to the Mexican Space Agency. We now base our agreements on the space treaties for specifically space-oriented activities and courses on that include space law. So far, as I have mentioned, the Mexican Space Agency has agreements with the German Space Agency, the Italian Space Agency, the Ukrainian Space Agency and an agreement with the National Aeronautics Agency, NASA, and the European Union and we are currently working on an agreement with the United Kingdom Space Agency. We are working on specific agreements with the Government of Ukraine and the Government of Italy.

It is important to point out that signing agreements between governments means more time than, say, to sign an Memorandum of Understanding, and, of course, you can reach agreements on specific subjects and that is when the possibility of training becomes more interesting.

The subject of our agreements focus on the following subjects to name but a few. Each of these subjects implies scientific knowledge and knowledge of space law. We have the development of satellite technology for Earth observation, space climate studies, space propulsion systems, training, space transport and launch service systems, satellite systems for research and application, space science and technology, remote sensing and Earth observation and communication systems.

I would like to point out that these subjects involve the scientific and academic sector in Mexico and this has been covered in the agreements.

Mr. Chairman, with regard to space development, cooperation among nations is not just important, it is essential and we should not overlook the private sector's involvement. In my country, the private sector is investing a lot in human capital and usually in the aerospace industry for the time being.

We are aware that space law is very specialized knowledge but we are not alone. We just have to knock on the right door to increase training, as we say, as part of the SETI when we work with the International Astronautical Academy. We are not alone in space. We need to encourage more activities.

Mr. Chairman, I hope that at the next meeting of the Legal Subcommittee I can bring you more encouraging news regarding my country. I hope that we will have introduced space law into our universities in Mexico.

Thank you.

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

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

Mr. A. J. RYPL (Brazil): Mr. Chairman, thank you for the opportunity to address this Subcommittee once more.

With relation to agenda item 10, I am pleased to announce that the Brazilian Space Agency will soon be hosting its first one-day introductory symposium on space law, directed at the CEOs and management of the Brazilian space industry. This initiative will respond to the major priority of the new Brazilian National Programme of Space Activities, namely to stimulate the advancement of the space industry in the country.

The symposium will be organized as a set of conferences followed by question and answer and discussion sessions that will address practical legal aspects of the commercialization of space activities, financing of space-related projects and agreements and the specific characteristics of international space contracts.

With this new project, the Brazilian Space Agency aims to provide a start-up to the process of international capacity-building in space law for Brazilian enterprises wishing to expand their international presence and develop partnerships with enterprises in other countries. Based on the results of this first symposium, the Brazilian Space Agency will be able to organize new capacity-building initiatives geared towards the needs of the Brazilian space industry.

Thank you Mr. Chairman.

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

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

Yes, I give the floor to the distinguished representative of Saudi Arabia.

Mr. M. A. TARABZOUNI (Saudi Arabia) (*interpretation from Arabic*): Thank you Mr. Chairman. We attach importance to space law especially after the decree to lay a strategy for

technology and science which includes 11 disciplines including civil aviation. The King Abdul Aziz City, which is entrusted with implementing this programme, launched 12 satellites that were designed and made by the King Abdul Aziz University in cooperation with other universities in the Kingdom.

Courses on space law were also made as part of the curricula in these universities.

Some students were sent to study space law and were sent outside Saudi space law.

And, of course, we are trying to formulate a space law which is in consonance with the international law in that respect as well as relevant international and regional conventions.

We have a number of agreements with States in the region as well as universities with a view to collecting experience on space law and to engage in joint programmes and in different disciplines relating to that matter.

Thank you very much for your attention.

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

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

Mr. T. DJAMALUDDIN (Indonesia): Mr. Chairman, Indonesia would like to express its appreciation to the Office for Outer Space Affairs for their update on the directory of educational opportunities, including the available scholarships.

We would like also to express appreciation for the cooperation of various parties with us over the past years in contributing to capacity-building in space law, especially for students. In relation to this, we admit that capacity-building in space law is still inadequate. More is needed, especially to enable the developing countries to strengthen their capacity in space law. In the end, stronger national capacity will contribute to the development of international law.

Therefore, Mr. Chairman and distinguished delegates, we would like to invite governments and international organizations to cooperate in contributing to capacity-building in space law.

Thank you Mr. Chairman.

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

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

I see none.

We will, therefore, continue our consideration of agenda item 10, Capacity-Building in Space Law, tomorrow morning.

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 Portugal.

Mr. J. CRUZ (Portugal): Thank you Mr. Chairperson. It is my privilege to address this Legal Subcommittee once more.

Under this agenda item, the Portuguese delegation would like to briefly highlight the following.

During the last 12 years, and since Portugal has become a member State of the European Space Agency, in 2000, actively participating in its projects and missions, the national space sector has been growing and developing its capabilities and increasing its competitive potential. We estimate that the return on investment for this period represents approximately 100 million Euros.

The Portuguese Space Office, belonging to the Foundation for Science and Technology, performed a survey focusing on the national space community, aiming to identify the main activities and opportunities that were created through international cooperation mechanisms. The survey involved 60 national entities and was performed in February 2013.

The two main conclusions were as follows.

First, the financing for national space activities was provided mainly by European programmes and, to a lesser extent, by official and private funding sources.

Second, the main areas of activity concerning international cooperation, which are developed by the Portuguese space entities, focus on Earth observation, space science and space technologies. Such activities have been developed in cooperation with organizations, institutions and industry from non-European countries, namely Brazil, Mozambique, Russia and South Africa.

Finally, we would also like to highlight the Space Pillar on the Eighth Partnership European Union/Africa, in which Portugal has the role of coordinator country. The Partnership European Union/Africa includes the GMES initiative, Global Monitoring for Environment and Security, the European programme for the establishment of a European capacity for Earth observation, which aims, in this context, to promote the use of satellites for environmental monitoring and security in Africa.

Thank you.

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

Are there any other delegations wishing to make a statement under this agenda item at this time? This is agenda item 12, Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space.

I see none.

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

Technical presentations

Distinguished delegates, I would now like to proceed with the technical presentations.

This afternoon, we will hear a presentation by Madam Motoko Uchitomi of Japan entitled "Recent Progress of Capacity-Building in Space Law in Japan: the Case of JAXA".

Madam Uchitomi, you have the floor.

Ms. M. UCHITOMI (Japan): Mr. Chairman, distinguished delegates, today I would like to introduce JAXA's recent efforts for capacity-building in the field of space law.

I have divided my presentation into four main parts: progress of the cooperation with universities; continuous contribution to the Manfred Lachs Space Law Moot Court; International Symposium on Space Technology and Science, ISTS; and internship opportunities at JAXA.

In Japan, Keio University plays the leading role for capacity-building of space law. The University established a Centre for Space Law last year and began a two-year Master course on space law.

Its objectives are: investigating issues of the space activities from a legal viewpoint; improving the level of space law study in Japan; cultivating practitioners and academia of space law; and contributing to capacity-building of space law in Asia and the Pacific.

These points are shared with JAXA through the Mutual Cooperative Agreement.

Keio University launched a Master course for space law last year which more and more students not only in Japan but also from foreign countries especially in Asia and the Pacific to take opportunities to study space law in Keio University.

Please see this picture of the Signing Ceremony. As a first step of international networking, Keio's Space Law Centre signed an Agreement with the Ukraine International Centre for Space Law in March 2013.

Under the joint Mutual Agreement between JAXA, various space law issues are currently being investigated in Keio University.

In 2012, Keio's Space Law Centre set up study groups concerning gaps between the Registration Convention and the Liability Convention, space debris, including the future framework of active debris removal, and space industrialization such as the problems of trade conflicts or liability for the operator of the GNSS.

It also initiated a project to realize a comprehensive space law database in Japan. This year unique research subjects are added such as space tourism.

Furthermore, the Keio Space Law Centre is contributing to the Asia-Pacific regional round for the Manfred Lachs Space Law Moot Court by hosting it this year.

Now I would like to introduce capacity-building for space policy study in Japan because space policy is closely relating to space law.

In Japan, the University of Tokyo launched a unique initiative for space policy study in collaboration with JAXA. It launched the project named "The University of Tokyo Space Policy Initiative", UTSPI, from 2010. This project mainly consists of three types of activities: education for graduated students; a study group by professors named "Space Governance Study Group", and outreach activities such as open workshops.

Today it is still an initiative but the University of Tokyo in collaboration with JAXA is aiming at establishing the University of Tokyo's Space Policy Institute in the near future.

Let me introduce recent activities under the University of Tokyo's Space Policy Institute initiative, UTSPI. Last year, the main study topic for the students was "Space Industrialization" which is the most popular subject among the students.

Many interesting ideas for industrialization were proposed by the students.

The Space Governance Study Group is currently exploring Japanese space diplomacy for the Asia-Pacific region and invited foreign professors to the open workshop to discuss it.

UTSPI is aiming at actively promoting academic networks not only in Japanese universities and institutions, but also those in the United States, Europe, Russia and the Asia-Pacific region.

This is a recent framework of JAXA's cooperation with universities for capacity-building of space law and policy. Please see the chart. There are three basic activities of education, a Master course for space law policy and research, a topical study group for academic and practical interests, and an outreach activity such as a joint workshop and a publication.

The University is also trying to develop a basic database using web pages and also trying to make networking with Japanese universities and also foreign universities and institutions.

We are encouraging these two leading universities, the Keio University and the University of Tokyo, to establish cooperative networks with Japanese and foreign universities and institutions which will enforce space law and policy study in

Japan, and at the same time, encourage other universities to follow them.

Now I would like to introduce our continuous contribution to the Manfred Lachs Space Law Moot Court which is organized by IISL.

JAXA is a continuous sponsor financially supporting the winner of the Asia-Pacific regional round to join the World Finals at the IAC.

JAXA is also supporting the annual Japanese national round by giving advice to the students organizers and dispatching the judges.

I would like to draw attention to our recent achievements.

Last year, the National Law School of India University won the Asia-Pacific regional round and got JAXA's financial support to join the final round at the IAC in Naples and won the World Finals. I am sorry that I have brought my old presentation sheet and not for the first time, I am sorry for that mistake.

This year, Keio University and JAXA are jointly preparing for the Asia-Pacific regional round this coming June. We have got applications from 26 universities. We appreciate the great support by IISL and also from the international colleagues and legal experts who are kindly joining the Asia-Pacific regional round to support its operation.

Now I would like to introduce our efforts of capacity-building of space law and policy through the International Symposium on Space Technology and Science, ISTS. ISTS is the most popular international conference in Japan for capacity-building and not only for space technology and science but also for space law and policy.

It is organized every two years and the next time it is June this year. JAXA is one of the major sponsors of the ISTS.

Mr. Chairman and distinguished delegates, I would like to draw your attention to the ISTS hoping that more and more people from all over the world will join ISTS and share benefits from various opportunities of capacity-building.

The next ISTS will be held at the beginning of June this year which contains space law and policy sessions for space policy and international cooperation and space utilization and security.

Please check the ISTS website and participate in it.

Finally, I would like to briefly introduce internship opportunity at JAXA.

JAXA is recently popular for the internship not only among the future engineers and scientists but also future lawyers. Participants undertake work experience as legal staff at the Legal Affairs Division, my Division, or on certain projects directorate.

They also conduct research on current issues on space law and submit a report to JAXA.

Recently, many legal apprentices apply for internship at JAXA. They are interested in space law as their professional career.

Conclusion. JAXA will continuously support capacity-building in the field of space law and policy.

We wish to strengthen international cooperation in these areas by promoting international networks and international research cooperation.

Thank you very much for your kind attention.

The CHAIRMAN: Thank you Madam Uchitomi for your presentation.

Are there any delegates with questions for the presenter?

No questions?

I should take the opportunity then to express my appreciation to the presenter, Madam Uchitomi. And before I continue with our proceedings, perhaps you can clarify what steps, if any, does your capacity-building programme take into account, for instance, non-conventional types of audiences, as has been described by two delegations, say perhaps to educate, not necessarily academics or practitioners but perhaps industry, as an example.

Ms. M. UCHITOMI (Japan): Excuse me, can I clarify not conventional, you mean industry, to promote industry or by the support from industry? I am sorry.

The CHAIRMAN: I will rephrase the question. It would seem to me from the various interventions and statements that have been made under this item, Capacity-Building, in the broader context of capacity-building that the traditional

audiences, which it is considered require this capacity, you know, categorized into the traditional blocks, under-graduates, post-graduates in universities, students, on the one hand. But from the interventions which have been made, and from my own personal experience, perhaps delegations might want to share their experiences here because this question of capacity-building is, I find, very critical to everything that it is we are doing here. The audiences that require this capacity-building cuts across a range which is not necessarily limited to students, diplomats for instance, require a certain type of capacity-building which would be different from, say, the capacity required by an individual that advises a space agency or undertakes procurement, as an example. And, interestingly, in the course of this item, there were interventions that referred to plans to expose certain types of persons to space law, from industry, and my question, as a consequence is, whether the capacity-building initiatives that you described in your presentation address such questions or audiences as well.

Ms. M. UCHITOMI (Japan): Maybe I am not ... these universities, Tokyo University and Keio University, they are focusing on the students who are aiming at not only becoming researchers in the space field but also to enter into the practitioner field of industry or government sides. Other than for the academic field, they are rather focusing on future practitioners using space law as their job. There is a way of today Japanese education for space law but I think that both are very important for the academic field, for the research shall be promoted in the academic field as opinion leaders and also to the practitioners who know basic things of space law and utilize that, their knowledge of space law for their career. So both are very important and so JAXA supports and industry support that activity of capacity-building in Japan.

The CHAIRMAN: Thank you very much Madam Uchitomi for providing that clarification to my question.

Are there any other delegates with questions for the presenter?

Yes, I see the distinguished representative of Indonesia has asked for the floor.

Mr. T. DJAMALUDDIN (Indonesia): Thank you. I think it is interesting that develop the space law and space policy in Keio University and also the University of Tokyo. There is the issue on the space law possible considering the space tourism that _____(?) (*not clear*). Concerning the new

technology developed by Japan, in relation to the _____(?) (*not clear*) for the Hyabusa mission in which your spacecraft could dock(?) away(?) asteroid and then go back to the Earth. Is there any preliminary study concerning the space law for simple in the future there will be the exploitation of the asteroid, are there then more or other plans?

Thank you.

Ms. M. UCHITOMI (Japan): Thank you for your question. Actually the possible legal regime for future exploration is a very important topic, I think, and we are thinking about picking this agenda for research groups in Keio University or Tokyo University. I agree with you that kind of legal framework should be for the future exploration. It is very important and I totally agree with your opinion on it.

The CHAIRMAN: Are there any other delegates wishing to put questions to the presenter?

Very well then. I should just add, given that there was a question raised about possible studies. This is the question raised by the distinguished representative of Indonesia and I am aware that the annual Manfred Lachs Moot Court Competition, the next of which is scheduled for the, the World Finals that is, that traditionally convenes at the Symposiums of the International Institute of Space Law and the International Astronautical Federation, which is scheduled for Beijing, has as its problem question, albeit, of course, the University Moot. But indeed one that, considering the scope and range of students and universities that participate in it sometimes leads to very interesting debates and I believe several delegations in their interventions here made reference to various universities that are currently undertaking the various regional rounds. But I am aware that the Finals, which will take place in Beijing on the occasion of the upcoming International Astronautical Congress of the Federation, is dedicated to that question which you just raised, distinguished representative of Indonesia.

In the absence of any further questions for the presenter, I can only thank you very much Madam Uchitomi for your presentation.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee.

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

We will meet promptly at 10.00 a.m. At that time, we will continue, and conclude, our consideration of agenda item 5, Information on the Activities of International Intergovernmental and Non-Governmental Organizations Relating to Space Law.

We will continue our consideration of agenda item 10, Capacity-Building in Space Law. We will also 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 a special joint technical presentation tomorrow morning entitled "The Legal Framework for the International Space Station" by representatives of the following space agencies: CSA, ESA, JAXA, NASA and ROSCOSMOS.

Are there any questions or comments on this proposed schedule?

I see none.

Delegations are cordially invited to attend a reception this evening hosted by the United States at 5.30 p.m. in the Mozart Room.

The meeting is adjourned until 10.00 a.m. tomorrow.

The meeting adjourned at 4.50 p.m.