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

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851st Meeting
Tuesday, 27 March 2012, 10 a.m.
Vienna

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

The meeting was called to order at 10.10 a.m.

The CHAIRMAN Good morning distinguished delegates, I now declare open the 851st meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

I would first like to inform you of our programme of work for this morning. We will continue our consideration of agenda item 10, capacity-building in space law. We will also begin 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. We will also consider item 12, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space that we have suspended pending discussions in the working group on this item, to hear a statement by a delegation.

There will be one technical presentation this morning, entitled 'capacity-building in space law in Japan: the case of JAXA' by a representative of Japan.

The working group on the status and application of the five United Nations treaties on outer space will then hold its second meeting. After that, the working group on national legislation relevant to the peaceful exploration and use of outer space will then hold its sixth meeting.

Are there any questions or comments on this proposed schedule?

I see none.

I would like to inform delegates that today, during lunchtime, informal consultations of the Group of Latin American Countries, African and Asian Groups of States will be held in meeting room M0E19, from 2.15 to 3 p.m.

Also, during lunchtime, there will be an informal meeting of delegations of European Space Agency member States and European Space Agency Cooperating States to be held in meeting Room M0E100, from 2 to 3 p.m.

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

Mr. D. YASUDA (*Japan*) Mr. Chairman, distinguished delegates, on behalf of the Japanese government I am pleased to address the fifty-first session of the Legal Subcommittee of COPUOS. I would like to report on Japan's effort to enhance 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 relating to space law as a means to enhancing capacity-building in space law.

Since 2001, the Japan Aerospace Exploration Agency (JAXA) continues to support 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 Asia Pacific regional round of the world finals held during the International Astronautical Congress (IAC).

Reflecting the high level of interest in the Asia Pacific region, 24 out of 42 university teams in total that participated in this event last year were from this region. We are pleased that the National Law School of India University was the winner in 2009 and the National University of Singapore was the runner-up last year. We believe that the annual financial support provided by JAXA in this regard contributed to bringing attention to the region and has also helped to

raise the overall level of space law university programmes.

Japan, through these activities by JAXA, is determined to continue to support these students through cooperation with IISL in order for them to gain practical experience in the application of space law, interact with other students from other countries and meet the leading space law experts from around the world. We believe that this will lead to creating a conducive environment for students studying space law within which they may gain both knowledge and perspective and thus contribute to the progress in development of space law in the future.

Mr. Chairman, in its Legal Affairs Division, JAXA receives students of law including those from other countries as a chance to assist in its work and to conduct research relating to international or domestic space law. The Division also continues to update the database on the international space treaties and domestic space laws, both in the original language and Japanese as appropriate. The database I refer to is available to the public on the Internet, the URL is <http://stage.tkfc.jaxa.jp/spacelaw/>.

Furthermore, recently JAXA has been focusing on the joint research and cooperative educational programmes of the areas of space policy and space law with universities. Specifically, JAXA and the University of Tokyo have started the graduate level seminar course on space policy in the Graduate School of Public Administration and jointly held a series of the public open workshops and seminars for discussing and sharing information on this agenda.

As cooperation with the area of space law, JAXA has dispatched Asian professors to teach practitioners perspective of space law to both the Faculty of Law and Graduate School Of Law of Keio University. Such long-term cooperation has contributed to the recent establishment of the two institutions of space law in Keio University. The first is the space law Master course, within the Graduate School Of Law of Keio University, starting on 1 April 2012. One foreign student from Indonesia passed the recently held entrance examination for that Master course. We are pleased to have the opportunity to train young and promising graduate students to be space law experts.

The second is the establishment of the Institute of Space Law of 4 January this year through the cooperation between JAXA and Keio University for the in-depth study of space law and to disseminate, share and archive the materials of space law as a centre of excellence and they are expected to support the

registration procedures. The website of the Institute of Space Law is <http://space-law.keio.ac.jp/>. Thank you for your attention.

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

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

Mr. A. MOMOH (*Nigeria*) Thank you Mr. Chairman. Nigeria strongly believes that capacity-building training and education in space law are of great importance to international, regional and national efforts that will further develop space activities and increase knowledge of the legal framework within which space activities are carried out.

During the forty-seventh session of the Subcommittee in 2008 the regional centres for space science and technology education, affiliated to the United Nations, were identified as a conduit for capacity-building in space law. In this regard, Nigeria notes with appreciation the progress made by the Office for Outer Space Affairs in collaboration with educators and representatives of the regional centres on science and technology education who have continued to work on developing a draft curriculum for a basic course on space law.

Mr. Chairman, prior to the first International Astronautical Congress held on the African continent in its 60 years plus history and in light of increased proposals for African participation in space activities, a space law workshop was organized in Nigeria on 20 September 2011 with a theme 'Africa and space' forging a way for Nigerian leadership through space law. The workshop had two main objectives.

First, to introduce space law to Nigerian lawyers through a lecture and open round-table discussion and secondly, to prepare a Nigerian team to compete in the Africa introductory round of the Manfred Lachs Space Law Moot Court Competition. Participants at this workshop included Nigerian academics, members of the Nigerian Bar Associations, lawyers serving with various Nigerian space-related institutions, students from tertiary institutions and non-government teacher organizations.

Mr. Chairman, as has been reported during this session of the Subcommittee by the International Institute of Space Law and South Africa, in 2011 Nigeria represented by Obafemi Awolowo University, Ile Ife, participated in an introductory round of the Manfred Lachs Space Law Moot Court Competition

held in Cape Town, South Africa. Nigeria would also like to report a move to include here and space law in the general international law courses of tertiary institutions in Nigeria.

Considering the importance that Nigeria attaches to this agenda item, we propose that capacity-building in space law remain as a single item on the agenda of the Legal Subcommittee. Thank you Mr. Chairman.

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

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

Ms. T. MOLABA (*South Africa*)
Mr. Chairman on behalf of the South African delegation I would like to congratulate you again on undertaking this important role of chairing this Legal Subcommittee.

The capacity-building in space law issue is of great importance to us as it was South Africa that motivated for the inclusion of this item on the agenda of the Legal Subcommittee following a symposium on capacity-building in space law that was organized by ECSL and IISL. We have noted that, since the inclusion of this item on the agenda, States have exchanged valuable information regarding their various initiatives and actions to build capacity in space law. We believe that these interactions are beneficial to the enhancement of a mutual understanding of available capacity measures in order to increase knowledge of the legal framework within which space activities are carried out.

The South African delegation is pleased with various models and approaches for the building of capacity in space law and policy that have been suggested. We recognize with appreciation that many of these recommendations have been implemented. We also note that one of the recommendations which has not seen fruition is the proposal to develop an online lecture series on space law that can be disseminated for distance learning purposes. South Africa believes that this recommendation should be renewed as distance learning is one of the most effective ways of disseminating information to a much wider audience especially to developing countries.

Mr. Chairman. The South African delegation is pleased with the efforts of the United Nations Office for Outer Space Affairs for the space law database which provides wide-ranging information on

institutions that provide courses in space law and policy. We are pleased to note that the Office has carried out a number of broad ranging activities aimed at promoting capacity building in space law, more especially the involvement in the fourth African Leadership Conference on Space Science for Sustainable Development in Mombasa, Kenya, in 2011.

Mr. Chairman, South Africa believes that adequate support through the provision of both expertise and material and financial resources is necessary to enable institutions to effectively implement courses on space law. In this regard, South Africa continues to build capacity in space law through various initiatives and programmes. One of the programmes is a course in air, telecommunications and space law which is the result of a collaboration between the Institute for International and Comparative Law in Africa of the University of Pretoria through the Aerospace Industry Support Initiative and the University of Cologne in Germany. Building on this course which was held in February 2011, the University of Pretoria also hosted a second course from 30 January to 10 February 2012. The course was open to decision and policymakers, students, educators and professionals involved in space activities from all over Africa and we are pleased that the course attracted participants from the African continent.

Mr. Chairman. The South African delegation is pleased to inform the Legal Subcommittee that, in addition to this course, the University of Pretoria has further endorsed a space law specialization programme in the current public international law Masters programme. This specialization will start in 2013.

Mr. Chairman. We are also pleased to announce that, during the International Astronautical Congress in Cape Town 2011, the Institute of Space Law introduced an African regional round of the Manfred Lachs Space Law Moot Court Competition. The South African students from the University of Pretoria participated in this competition. Following this introductory round a new regional round for the African region was endorsed by IISL and the competition will be held on 18 May 2012 at the University of Pretoria in South Africa. We believe that this is a great opportunity for Africa and we are looking forward to participating in the world finals during the 63rd International Astronautical Congress in Naples, Italy, in September 2012.

Mr. Chairman. South Africa, through the Aerospace Industry Support Initiative and the Cape Peninsula University of Technology, arranged a space

industry seminar that was held from 18-21 July 2012 in Cape Town. This seminar focused on various topics including space law and policy and targeted various stakeholders in the country.

In conclusion, Mr. Chairman, South Africa would like the Subcommittee to retain this item on the agenda. Thank you.

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

Mr. F. BEN ASHOUR (*Libya interpretation from Arabic*) Thank you Mr. Chairman. My delegation attaches great importance to capacity-building in the field of outer space law through strengthening international cooperation in this area, specifically among developing countries. The Libyan delegation believes it is particularly important to continue holding joint seminars and conferences under the auspices of the United Nations in the field of outer space law.

My delegation believes that it is essential to broaden the framework of such international cooperation through a series of measures, the development of new modalities for capacity-building, for training and for education in the field of outer space law. We believe that it is necessary to redouble these efforts on all levels, national, regional and international and place a special emphasis on the practical aspect of imparting very practical and useful knowledge regarding space law to young people, to promote exchanges among specialists and students particularly in developing countries and to lend greater support to the initiatives of the Office for Outer Space Affairs designed in particular and specially for developing countries such as ours.

To conclude, my delegation would like to add its voice to the statement of the South African delegate who emphasized the need of capacity-building for the benefit of Africa. Thank you.

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 see none.

We will therefore continue our consideration of agenda item 10, capacity-building in space law, this afternoon.

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

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

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

Mr. R. BECERRA (*Venezuela interpretation from Spanish*) Thank you very much Mr. Chairman. Mr. Chairman with regard to the environmental work, the Bolivarian Republic of Venezuela has always historically pursued policies designed to maintain and conserve the close and remote environment of our planet for current and future generations. On this basis, the national constitution establishes in its preamble the fact that the values underlining the development of our society are based on respect for environmental equilibrium, to protect natural resources as a common heritage, an inalienable heritage of humanity. There is a special chapter on environmental issues. The constitutional text therefore creates a necessary framework for the rights and duties of each generation with regard to the environment, emphasizing the need to promoting environmental safety and caring for the environment in the industrial sector in all its branches.

In this regard and with reference to the national mechanisms on space debris mitigation, my country responsibly required at the design stage of the Venesat1 satellite platform, that is the Simón Bolívar satellite, that there should be sufficient fuel to allow manoeuvres to remove it from orbit after the conclusion of its useful lifetime making sure that it should not convert itself into future space debris.

With this in mind, the delegation of the Bolivarian Republic of Venezuela believes that the endorsement of Space Debris Mitigation Guidelines by the United Nations General Assembly in its resolution 62/217 is a step forward. However, this is just one step in the technical and legal process that States must go through to eradicate such debris. Currently the global trend, pushed by the need to promote sustainable development of peoples, requires there should be a binding norm including guidelines for the reduction of

space debris to correspond to broad environmental policies as part of international treaties on the environment to protect the entire environment and biosphere of our planet and thus guarantee the social, cultural and economic development of our nations in harmony with the environment where the use of resources in outer space by the current generation should not put in jeopardy the heritage of future generations.

Therefore my delegation believes we should continue improving and perfecting the existing guidelines for space debris mitigation and carry out a profound legal analysis of these issues in this Subcommittee. The lack of clear requirements and the lack of binding norms creates loopholes for those countries that have traditionally used their technologies without any type of control. This delegation believes that it is the fundamental problem here, no kind of control.

Mr. Chairman. I am not going to read the last paragraph in my statement, this is practically a copy of the statement contained in what was said on behalf of the G77 and China and GRULAC. There is interaction between these two subcommittees of COPUOS and will require greater interaction, this is necessary for the Legal Subcommittee to perform its work. This Subcommittee is faced with historic responsibility and therefore there should be clear and effective interaction between the subcommittees. This is part of the essential work of the Subcommittee we should spare no time or effort for that.

Mr. Chairman. We heard a good explanation of the principles associated with the use of nuclear power sources in outer space, a fairly complete and comprehensive explanation and we wanted to emphasize that once again to make sure that this Subcommittee should do its job and recall once again that the regional group of Latin American and Caribbean States as well as the G77 and China have required such efforts and this is a large group of the members of this Subcommittee. Thank you very much.

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

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

Mr. H. WASSERMANN (*Germany*) Thank you very much Mr. Chairman. Mr. Chairman, distinguished delegates, space debris remains a topic of high importance for all of us as events in 2011 have demonstrated. We were fortunate enough that all

uncontrolled re-entries ended well. Nevertheless, my delegation holds that we have to increase our cooperation in order to cope with the problem.

Germany regrets that last year's Czech initiative to give the Space Debris Mitigation Guidelines a higher legal status by transforming them into a United Nations General Assembly resolution was not adopted and would be ready to reflect this point again. A good time for this seems to be 2014 taking into account the result of expert group D of the long-term sustainability working group. The working group on sustainable development is, according to us, the right place to discuss the further development of the standards we already have on avoiding any damage caused by space debris.

We can differentiate between political and economical aspects. Politically, we all should agree to reduce space debris as far as possible. Economically, we should take into account that certain orbits will become unusable if the amount of space debris has reached a critical mass. An economically sound solution could be to reduce significantly the number of non-functional objects in the 600-800 kilometre orbits. However we underline in 2012 what we have already stated in 2011, our discussion is neither terminated nor finalized. A resolution might be at the end of our deliberations but this is certainly not yet at the horizon.

Regarding liability arising from any damage caused by space debris, Germany is of the opinion that resolutions and principles adopted by the UNGA and the subordinate bodies including the UNCOPUOS guidelines relating to the mitigation of space debris and the resolution on Principles Relating to the Use of Nuclear Power Sources in Outer Space should be given adequate relevance in the definition of the notion of thought as contained in articles III and IV of the 1972 UN Liability Convention. Thank you very much.

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

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

I see none.

Distinguished delegates I have been informed that the delegate of Venezuela would like to take the floor.

Mr. R. BECERRA (*Venezuela interpretation from Spanish*) I apologize for asking for the floor again. There is a bit of a misunderstanding. I wanted to

directly address all delegates and therefore I have asked for the floor again.

What I am trying to say is that I did not read the last paragraph of my statement because it is a textual copy of what was said in the statement of the G77 and China and GRULAC. I was saying that there has been an interesting reading and discussion regarding the issue of the Principles on the Use of Nuclear Power Sources in Outer Space and I wanted to once again to ask for an explanation why when a large group of countries such as GRULAC and the G77 and China have made a request that analysis should be carried out of the space debris guidelines by the Subcommittee as part of its work, why this has not happened. Why do we have to again and again require that our work should be done. I am saying this because there has been a major discussion as to who has the authority to discuss these things and whether or not the Legal Subcommittee has the time to do this. We should really make our work more effective and efficient. This is not about lacking time, many countries have asked, have insisted, have required. Some think this Subcommittee should disappear because there is no control, no regulation but we value the historical role of this Subcommittee which is the progressive step-by-step development of international law and its regulation. In this case it has to do with directly with the environment and outer space.

Therefore, once again, I call directly on all delegates, I would like to hear an explanation as to why we are not doing our job. Thank you very much Mr. Chairman, this is all I wanted to say. I am grateful to the interpreters, they have correctly rendered everything I said and, by the way, I apologize for speaking too fast at times. Thank you very much Mr. Chairman.

The CHAIRMAN I thank the distinguished delegate of Venezuela.

I should add that a large part of your intervention I believe will be addressed when we get to agenda item 13 with respect to what it is the Legal Subcommittee is doing on the one hand and how the work of the Subcommittee relates to the ongoing efforts before the sister subcommittee, the Scientific and Technical Subcommittee.

I should also recall the intervention which was made by the distinguished delegate of Germany regarding the specific work pertaining to space debris as well as the agenda item which we may well return to under 13 that was tabled by the Czech Republic during the course of last year.

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

I see none.

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

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 begin our consideration of agenda item 13, proposals to new items to be considered by the Subcommittee.

I would like to recall that under this item we have two issues to consider.

(a) Proposals to the Committee for new items to be considered by the Subcommittee at its fifty-second session and

(b) Organizational matters.

I propose that we first consider our agenda for next year and thereafter we discuss organizational matters and method of work.

If this is agreeable to delegations we should proceed accordingly.

I see the distinguished representative of the Czech Republic.

Mr. V. KOPAL (*Czech Republic*) Thank you very much Mr. Chairman. Yes, I agree with your guidance concerning the discussions in two parts on this issue, proposals to the Committee on new items for consideration by the Subcommittee and then also organizational matters.

I would like to speak about our proposal that we made earlier for the first time we mentioned it in 2010 and last year we submitted, as probably everybody knows, a working paper that the Legal Subcommittee should discuss and include in its agenda a new item to review the legal aspects of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space with a view to transforming the Guidelines into a set of principles on space debris and that those principles should be

elaborated by the Legal Subcommittee and adopted, after the endorsement of the Committee, by the United Nations General Assembly.

I would like to thank the distinguished representative of the Federal Republic of Germany which briefly drew the attention to this initiative that we developed and appreciate very much his indication that this proposal is still alive and should be discussed in the Legal Subcommittee.

I also will welcome all support that could be made by other delegations during this session of the Legal Subcommittee.

I do not intend to repeat at length the substance of our working paper that we submitted last year and that is still available under the code A/AC.105/C.2/L.283, this working paper has remained valid. I also intend to remind that we appreciate the guidelines as a step forward in the discussions on space debris and that we consider the elaboration of the guidelines by the Scientific and Technical Subcommittee and its approval by the Committee and then endorsement in the General Assembly under the title of Guidelines of the Committee on the Peaceful Uses of Outer Space as an important contribution in the struggle for mitigation of the guidelines. Of course, this problem should also be discussed in our Legal Subcommittee in order to clarify and to elaborate the legal aspects of these important documents of the guidelines. We know that the principles that have been included in the guidelines can be used as a basis for our legal discussion. However, we also know that this document is only a document that should be accomplished by voluntary means and that the guidelines are to be implemented by States and international organizations through their own space debris mitigation practices as decided by themselves, therefore there is no duty arising from these guidelines. It is explicitly stated in the second paragraph of section 3 of the guidelines that they are not legally binding under international law and therefore they cannot give rise to a feeling of duty to comply with them and any international sense of responsibility and liability for their violation will not emerge. In addition, their unilateral application on a voluntary basis may result in inconsistencies at the international level.

For these reasons, the Czech delegation proposed to discuss this issue from a legal point of view and consider this issue under a workplan that should result in the elaboration of a set of principles based on the guidelines of the Committee to be enacted in a special resolution of the General Assembly. Such principles would belong to the series of United Nations

principles relating to outer space activities that were adopted in 1980 and 1990. This would not be any revolt against the guidelines. On the contrary it would upgrade them, at least to a certain extent, because the draft resolutions that should be elaborated in the Legal Subcommittee and then submitted to the Committee and to the General Assembly would be based on the guidelines. The operative parts of the draft resolution should be based on those sections of the text of the guidelines of the Committee which have a normative character it is on the first paragraph of each of the guidelines. Of course it should also be completed by some legal points such as, for example, the definition of space debris and other such similar legal aspects. It should also deal with the protection of the space environment against the mitigation of space debris because this aspect of the problem has not been dealt with in the guidelines.

Therefore my delegation would appreciate, Mr. Chairman, if this proposal could be discussed here and perhaps still later on and if this topic could be included in the agenda of the Legal Subcommittee for the next year as an item elaborated under a workplan and leading to some conclusions. Thank you very much Mr. Chairman.

The CHAIRMAN I thank the distinguished representative of the Czech Republic.

Before I open the floor for discussion there are certain other matters I should bring to the attention of the Subcommittee as a whole.

Distinguished delegates, the current distribution of items of the Subcommittee is contained in our agenda for this session in document A/AC.105/C.2/L.285. I would also like to recall the report of the Subcommittee on its fiftieth session in 2011 in document A/AC.105/990, paragraph 159, where delegations will find the classification of items as regular items, single issues or items for discussion to be renewed each year and items considered under workplans. Delegations will also note the list of proposals made for new items as contained in paragraph 173 of last year's report of the Subcommittee.

At our current session, we have received a proposal by the United States for a new item to be considered under workplan as contained in CRP.21.

I would also like to note the following. Statements have been made by several delegations to the effect that our current item on national space legislation could be retained as a regular item. The

workplan ends this year and the working group is finalizing its work at this session. As a regular item, delegations could continue exchanging information on any development in national space legislation. The schematic overview of national space-related regulatory frameworks could be continuously updated and serve as an evolving source of information.

During the past days we have also exchanged views on the future of agenda item 9, on the UNIDROIT Space Assets Protocol. My impression is that there is a consensus to allow the Subcommittee to be informed about developments after the adoption of the protocol. It is now a matter of how it is to be done, either as an independent item or included under item 6. We also discussed the title of the protocol which, according to the UNIDROIT website, is Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets.

I shall now open the floor for discussion and the first speaker on my list is the distinguished delegate of the United States.

Mr. B. ISRAEL (*United States of America*)

Thank you Mr. Chairman. The United States is honoured to propose to the Legal Subcommittee add to its agenda a new item under a multi-year workplan on the review of international mechanisms for cooperation in the peaceful use of outer space.

The Subcommittee has made numerous contributions under recent agenda items for furthering international understanding of and adherence to mechanisms to implement the legal framework principles embedded in the Outer Space Treaty, Rescue and Return Agreement and the Liability and Registration Conventions. These contributions have increased significantly for general awareness and understanding among member States of common elements and best practices in conducting space activities.

From an international legal perspective national space activities have two primary aspects, those conducted by member States themselves or by non-governmental entities under their jurisdiction and control. To date, the workplans and their recent agenda items have focused primarily on space activities by private entities and have yielded numerous concrete results. For example, the Subcommittee's work on the concept of the launching State highlighted, inter alia, the importance of private insurance and indemnification agreements in fostering space activities by private entities while ensuring adherence to treaty principles. Indeed, the working group on

national legislation has built on this work in further identifying the full range of common elements of State authorization and supervision of private entities.

Workplans under other agenda items have addressed both private and governmental practices. For example, the working group on registration contributed to needed improvements in registration practices among member States. This examination also highlighted the challenges of ensuring consistency with the concept of jurisdictional control in the Outer Space Treaty and Registration Convention in the context of transfers of ownership of space objects, a topic that was further examined during the IISL symposium at the beginning of the session of the Subcommittee.

In proposing this new agenda item we seek to build upon this record of success by directing Subcommittee attention to a wide range of mechanisms member States have developed to advance international cooperation in space activities. Throughout the history of the Committee on the Peaceful Uses of Outer Space member States and international organizations have acted collectively to promote the peaceful use and exploration of outer space through a diverse range of cooperative mechanisms. To address common challenges and advance space exploration member States have employed a broad range of cooperative mechanisms including, for example, international agreements establishing bilateral and multilateral frameworks for ongoing cooperation and bilateral agreements to facilitate specific cooperative endeavours, legally non-binding principles and technical guidelines, informal cooperation groups and regional and other multilateral conferences.

We believe it would be valuable for the Legal Subcommittee to take stock of their range of various cooperative mechanisms employed by member States with a view to identifying common principles and procedures. An enhanced understanding of the range of collaborative mechanisms and the circumstances in which certain classes of mechanisms are favoured by States could be helpful to member States as they achieve relative mechanisms to facilitate future cooperative endeavours.

We also believe the proposed workplan would be a positive step toward the fulfilment of the recommendation in the 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.

The Committee on the Peaceful Uses of Outer Space should be strengthened in its role, among others, as a form for the exchange of information on national and international activities in the field of international cooperation in the exploration and use of outer space. Given the wealth of experience and expertise of its members, the Legal Subcommittee is an ideal forum in which to further our collective understanding of international cooperation.

The proposal has been distributed as Conference Room Paper 21. Delegations interested in co-sponsoring the proposal we are interested in hearing from you then we can introduce it as an official document in each of the United Nations languages.

The proposal is structured according to a five-year workplan much like the Subcommittee's work on national legislation although we are interested to hear delegations' views about the appropriate length of the proposed workplan. The proposed workplan is as follows.

The first year would involve an exchange of information by member States and permanent observers about their range of bilateral and multilateral mechanisms they employ for space cooperation.

In the second year, the exchange of information would continue and a working group would be established. The Secretariat would be asked to prepare a report categorizing the range of mechanisms for international cooperation based upon the submissions by member States as well as additional research.

At this point I would like to briefly elaborate on what we mean by international mechanisms for cooperation. There are, of course, legally binding international agreements including the UN space treaties, the International Space Station Intergovernmental Agreement, Memorandum of Understanding and subsidiary agreements, the Galileo GPS Agreement as well as legally binding bilateral agreements facilitating general cooperation between States or specific cooperative endeavours.

There are nine binding principles and technical guidelines including the General Assembly's Principles on Remote Sensing and the Use of Nuclear Power Sources and the COPUOS Space Debris Mitigation Guidelines.

There are multilateral coordination mechanisms such as the Group on Earth Observation and the Coordination Group for Meteorological

Satellites. There are international regional conferences such as the International Astronautical Congress, the Space Conference of the Americas and the Asia Pacific Regional Space Agency Forum.

In the third year of the proposed workplan member States and permanent observers would exchange additional or supplemental information taking into account the report by the Secretariat. The working group would examine the submissions provided in order to develop an understanding of the range of collaborative mechanisms employed by States and international organizations and the circumstances in which certain categories of mechanisms have been utilized. The Secretariat would be asked to prepare a report identifying the legal issues addressed in existing legally binding agreements relevant to space cooperation based upon the submissions, additional research and consultations with member States.

In the fourth year of the working group, the working group would review the report by the Secretariat, continue to examine submissions and begin drafting its report.

In the fifth year the working group would finalize its report to the Subcommittee.

We look forward to hearing delegations' views on this proposal and I thank you Mr. Chairman and colleagues.

The CHAIRMAN I thank the distinguished representative of the United States for his statement and will now open the floor for discussion.

I see the distinguished representative of Japan.

Mr. M. SUGAMIYA (Japan) Thank you Mr. Chairman. Our delegation would like to support the proposal done by the distinguished delegate of the United States of America. The great success of the exploration and use of outer space has been accomplished through the various methods of international cooperation, either bilateral, multilateral, regional or even universal. International cooperation ranges from space science, development of space technology to various kinds of space application to even space commercialization. A variety of subjects, manners and mechanisms of space cooperation have long been reported at this Subcommittee into which constitutes a great contribution and capacity-building to members in order to make them aware of the existence of international mechanisms for cooperation in the peaceful exploration and use of outer space.

However, until today, the systematic survey and review of the formality, methodology, contents and lessons of the various cooperative organizations, agreements, arrangements and mechanisms have not been carried out. Such survey and possible identification of the tendency, principles and organizational procedures are not only of great interest from the practical standpoint but also relevant, pertinent and timely from the legal standpoint.

Further, to have a better knowledge of cooperative mechanisms is constructive for our common agenda to tackle global challenges including the increasing disasters resulting from climate change. Accordingly, our delegation supports the proposal of the review of the international mechanisms for cooperation in the peaceful exploration and use of space. Thank you for your kind attention.

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

I give the floor to the distinguished representative of Austria.

Mr. P. BITTNER (*Austria*) Thank you Mr. Chairman. We would also like to support the proposal of the US delegation for a new agenda item on the review of the international mechanisms for cooperation. We think this is a very useful agenda item and we could very much take advantage of the outcomes of such considerations including the working group.

Furthermore, I would also like to refer to the Czech proposal on space debris. We also think that this is a very important subject we should take into our consideration and we support the Czech proposal for a new agenda item. However, we take note that there might not be consensus but we should continue our considerations of taking up this agenda item sooner rather than later and we find merit also in the proposal by Germany to keep that in mind also after discussions in the Scientific and Technical Subcommittee have been concluded.

Finally, I would like to refer also to our discussions concerning agenda item 9, there we would also be in favour of keeping this agenda item with an adapted title. Thank you very much.

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

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

I give the floor to the distinguished delegate of the Netherlands.

Mr. R. LEFEBER (*Netherlands*) Thank you Mr. Chairman, good morning colleagues. We would like to extend our support to the proposals by the Czech Republic on space debris and also the proposal of the United States for a multi-year programme of work. We also again express our support for the proposal to retain on the agenda the exchange of views on national legislation of outer space.

As for the 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, the way that you agreed a consensus I can agree with, you said that there is a consensus to maintain it as an information item and that we have to adjust the title accordingly and that we have to see whether it can be merged with agenda item 6, information on the activities of international intergovernmental and non-governmental organizations relating to space law. We took note of the legal argument that was presented by the Austrian delegation that it does not fit as the title of the agenda item is written now, I agree with that on a technical level however, on a practical level, I just simply wish to note that in the past we have heard many reports of intergovernmental organizations on treaties concluded under their auspices so, on a practical level, I do not see any objection to continue that practice in that way. Thank you.

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

I should also clarify that with respect to this item, the options that I put before the Subcommittee is either that the item be retained independently or included under item 6 and not both. So one option as I indicated, subject to discussion and consensus, is to retain it on its own albeit with the title changed distinct from having it under agenda item 6 given all of the considerations that you have just indicated as to the appropriateness of it being under that item. I hope this helps clarify what I have proposed and how we intend to move forward as a Subcommittee with this item.

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

Mr. Y. XU (*China*) Thank you Mr. Chair. China would also like to join in towards our support to the proposal made by the US delegation which is a new proposal to add a new agenda item to be considered under a multi-year workplan which is contained in

CRP.21. We believe this new proposal is quite timely and relevant to the work of this Legal Subcommittee and the Chinese delegation would contact the US delegation for the possible co-sponsorship of this proposal. We will take this opportunity to call upon all members States of the Legal Subcommittee to take an active part in the deliberation as well as to share information on possible international mechanisms for cooperation. In this regard we also appeal to UNCOPUOS, as well as the Legal Subcommittee, to think about its future role in collaborative international cooperation for space activities. Thank you Mr. Chair.

The CHAIRMAN I thank the distinguished representative of China and give the floor again to the distinguished representative of the Netherlands.

Mr. R. LEFEBER (*Netherlands*) Thank you Mr. Chairman and I am sorry that I come back the point that I made before. I was just wondering about your clarification after my statement because I do not think that anything I said was at odds with the clarification you provided afterwards. I just want to be clear that we are on the same line in this respect and that you did not make a statement in order to indicate that I said something that was not in line with what your view is on the issue. Thank you.

The CHAIRMAN I thank the distinguished representative of the Netherlands. I think we are all in accordance and my statement was essentially to clarify so there is no ambiguity in what it is we will be doing with this agenda item.

I will give the floor to the distinguished representative of Saudi Arabia.

Mr. M. TARABZOUNI (*Saudi Arabia*) (*interpretation from Arabic*) Thank you Mr. Chairman. Chairman, my delegation supports the US proposal of a new agenda item but would like to ask the Subcommittee to take it seriously and consider it. With regard to item 9, we would prefer keeping it as a standalone item.

We also support what was said by Venezuela here regarding the discussion on space debris and on nuclear power sources in outer space, we really must study these issues very carefully and work toward legal criteria for guidelines, if such guidelines are applied unilaterally it does not work, it is a point of view that needs to be taken into account. Thank you.

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

this item will be discussed further in the course of this afternoon.

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

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, this afternoon.

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

Distinguished delegates I would now like to continue and 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 in order to hear a statement by the distinguished representative of Nigeria.

Mr. A. MOMOH (*Nigeria*) Thank you Mr. Chairman. Nigeria considers this agenda item as very important and indeed to all nations and we therefore support the proposal that it remain as a regular item of the Legal Subcommittee.

As mentioned during our statement in general exchange of views, in August 2010 the President of the Federal Republic of Nigeria appended his signature to an act establishing the National Space Research And Development Agency (NASRDA). The act empowers NASRDA to plan, develop and promote the use of space science and technology for the socio-economic benefit of Nigerian citizens. The act is therefore intended to encourage capacity-building in space science technology development and management, develop satellite technology for various applications and enhance the development and entrenchment of research. Among other envisaged provisions, the act established conditions for authorization and set out supervision activities for space operators. The National Space Council is a statutory body responsible for the authorization and licensing of space activities in Nigeria.

The National Space Council can only grant licence if the activities envisaged

(1) will not jeopardize the public health or safety of person or property

(2) shall be consistent with the international obligation of the Federal Republic of Nigeria and

(3) shall not impair the national security of the Federal Republic of Nigeria.

A licence condition may also include permitting inspection and testing of the licensee's facilities and equipment.

It may also be issued on condition that the licensee provide information to the Council concerning the nature, conduct, location and resource of the licensee's activities. Advance approval from the Council must be obtained for any intended deviation from ___? and it is obligatory to inform the Council immediately of any intended deviation.

Mr. Chairman, in the act particular emphasis is placed on the mitigation of space debris. A licensee is required to conduct its operations in such a way as to prevent the contamination of outer space or cause any adverse changes in the environment of the Earth. To avoid harmful interference with the activities of other States involved in the peaceful exploration of outer space and to govern the disposal of the payload in outer space on the termination of operations. The act also requires the licensee to ensure themselves against liability incurred in respect of damages or loss suffered by third parties in the Federal Republic of Nigeria or elsewhere as a result of the activities authorized by the licence.

The act also covers matters relating to the registration of space objects launched into outer space and a national register of space objects have been obtained by the agency that is NASRDA.

Finally, the National Space Council has passed to meet regulations in general for the purpose of giving effect to the provisions of the act in order to facilitate the discharge of the Agency's functions.

Once again I say thank you to Mr. Chairman.

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

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

I see none.

We have therefore suspended our consideration of agenda item 12, general exchange of

information on national legislation relevant to the peaceful exploration and use of outer space pending the discussions of the working group on this agenda item.

Distinguished delegates, I would now like to proceed with the technical presentation. The presenter is kindly reminded that technical presentations should be limited to 15 minutes in length. The presentation on my list this morning is by Mr. Daisuke Yasuda of Japan, entitled 'Capacity-building in space law in Japan: the case of JAXA'.

Technical presentation.

The CHAIRMAN Thank you Mr. Yasuda for your presentation.

Is there any delegate who has questions for the presenter?

I see none.

I have one question. On my part, I am aware that the Secretariat of the Office for Outer Space Affairs compiles a directory of educational opportunities in space law and I wonder if the institutions and training programmes that are referred to in the presentation, the details can be found in this directory that is compiled by the Office for Outer Space Affairs?

I should also add, I have been advised by the Secretariat that delegations have this document before them as a conference room paper and are welcome to update it as they see fit with the necessary details.

Is there any delegate who has questions for the presenter?

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 second meeting to be followed by the sixth 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 this afternoon.

We will meet promptly at 3 p.m. At that time 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.

I would now like to remind delegates that today, during lunchtime, informal consultations of the Group of Latin American countries, African and Asian

Groups of States will be held in meeting room M0E19 from 2.15 to 3 p.m.

Also during lunchtime there will be an informal meeting of delegations of European Space Agency member States and European Space Agency Cooperating States to be held in meeting room M0E100 from 2 to 3 p.m.

I now invite Mr. Jean-François Mayence of Belgium to chair the second meeting of the working group on the status and application of the five United Nations treaties on outer space.

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

The meeting closed at 11.37 a.m.