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

Script

870th Meeting

Monday, 15 April 2013, 3 p.m.

Vienna

Chairman: Mr. T. Brisibe (Nigeria)

The meeting was called to order at 3.13 p.m.

The CHAIRMAN: Good afternoon distinguished delegates. I now declare open the 870th 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 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space. We will continue, and hopefully conclude, our consideration of agenda item 11, General Exchange of Information and Use on Legal Mechanisms Relating to Space Debris Mitigation Measures, Taking into Account the Work of the Scientific and Technical Subcommittee.

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 on "International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space Based on Non-Binding Agreements".

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 Wednesday, 17 April, so that the Secretariat can finalize it.

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 agenda item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

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

Ms. R. M. RAMÍREZ DE ARELLANO (Mexico) (*interpretation from Spanish*): Thank you Chairman. In different documents that Mexico has shown or submitted to this Legal Subcommittee, we have shown our legislation on space activities. The essential basis is the Political Constitution of the United States of Mexico which, in Article 133, establishes that the Constitution, the laws of the Congress, which stem from that and all treaties that comply with it, signed by the President of the Republic with the approval of the Senate will be the supreme law throughout the Union.

I will, thus, refer to the national legislation of Mexico. The Federal Constitution establishes in Article 27 that it is the direct dominion of the nation for space situated over the national territory and the extension and terms established by international law. This is the reason why my Government supports the delimitation of outer space with regards to air space.

I will now refer to secondary laws. We have the Federal Telecommunications Law which regulates, among other things, satellite communication which considers the operation of Mexican satellites and the provision of services by foreign satellite operators whose satellites cover Mexican territory. Mexico is a member of the WTO which means that we do not need treaties to establish reciprocity for the provision of foreign satellite signals. That reference was already in the Mexican law because we are a member of the WTO.

So that was prior to the year 2000. Mexico already had bilateral agreements with the United States of America in this field. The first was on limited satellite TV signals, that was from 1996.

The General Law of National Assets anticipates that with regards to the law governing space over Mexico's territory and then we have the Civil Aviation law which regulates aeronautical activities. Mexico is party to the five space treaties, the treaty on

the Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, the Agreement on the Saving and Return of Astronauts and the Restitution of Objects Launched into Outer Space in 1968, the Convention on International Liability for Damage Caused by Space Objects, and the Convention on the Registration of Objects and the Agreement Governing Activities of States on the Moon and other Celestial Bodies.

But at this stage, Mr. Chairman, our national legislation is not enough. Technology and science have gone beyond these provisions. We have reviewed laws from other countries and proposals within this Legal Subcommittee. Mexico will be focusing on drafting secondary legislation which will be able to include space activities.

I would like to take this opportunity to say that my Government is interested in two questions that would strengthen international space law. One is the adoption of an International Code of Conduct on Activities in Outer Space. So we agree with those governments and delegations who have expressed a favourable opinion in that respect and we will continue participating in that respective work and we believe that the Moon Agreement should be signed.

Thank you Mr. Chairman.

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

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

Ms. N. BINI (Italy): Thank you Mr. Chairman. Mr. Chairman, my delegation would like to inform you about some legal developments at national level. In this respect, I wish to inform you that Italy has adopted a regulation on the National Registry for Objects Launched into Outer Space, in Application of Law 153/2005. In the forthcoming weeks, we will duly inform the Secretary-General about the establishment of such a Registry which will be maintained by the Italian Space Agency.

Within its tasks, the Italian Space Agency is entrusted with the collection of all information related to the implementation of the Registration Convention. In particular, the National Registry shall be filed with (a) any space object launched by natural or legal persons of Italian nationality that launches or procures the launch of that space object, and (b) any object launched into outer space from a launch site located in

the national territory or under Italian control by foreign natural or legal persons.

The natural or legal persons referred to in the Law shall notify the Italian Space Agency the launches carried out and transmit to the Agency all information required under Article IV of the Registration Convention. Article 5 of the Law also requires the concerned natural and legal persons notify the Italian Space Agency when the space objects entered into the Registry are no longer in Earth orbit.

The Italian Space Agency shall communicate the information entered into the Registry to the Ministry of Research, the Ministry of Economic Development and the Ministry of Foreign Affairs. The latter shall fulfil the international requirement under the Registration Convention.

The national legal framework for the registration of objects launched into outer space has been further developed under the terms of the regulation elaborated by the Italian Space Agency and lately approved by the above-mentioned competent ministries. The Regulation formally sets up the National Registry and spells out in detail the procedures for the registration of space objects.

It is worthy to mention that this Regulation takes in due consideration provisions of the United Nations General Assembly resolution 62/101 "Recommendations on Enhancing the Practice of States and International Intergovernmental Organizations in Registering Space Objects", adopted in December 2007.

Mr. Chairman, allow me to point out the most relevant contents of the Regulation.

The National Registry will carry out objects launched into outer space for which Italy is the launching State. Where there are two or more launching States, the space object will be registered if Italy, in agreement with the other launching States, is to be qualified as the State of Registry.

Similarly, in the case of an object launched from a launch base located in the Italian territory or under the control of Italy, the Italian Space Agency is to annotate the space object if Italy, in agreement with the other possible launching State or States, is appointed as the State of Registry.

Natural or legal persons, among other information, are to provided the Italian Space Agency with: the name of launching State or launching States;

name of the satellite; international designator number, COSPAR or other; date and place of launch; orbital parameters; general function of the space object; coordinate universal time of launch; geostationary orbit location, where appropriate; and web link relevant to the space object launched into outer space to obtain official information on the space object.

The Regulation also requires that concerned natural and legal persons provide the Italian Space Agency information relevant to any change of status in operations, pre-operational, operational, no longer functional, of the space object. Its approximate date of decay or re-entry, if it is possible to define, or the date of moving the space object to a disposal orbit.

Another point we would like to mention is how the Regulation deals with changes in the supervision of a space object. Two possibilities are taken into account. On the first hand, natural and legal persons are required to inform the Italian Space Agency should the jurisdiction of a space object annotated in the National Registry be transferred to foreign subjects. On the other hand, in the case of natural or legal persons of Italian nationality acquires the property of a space object which is already in orbit, the Regulation provides for the establishment of an ad hoc Complementary Registry in which these space objects should be annotated.

The National Registry will be published on the Internet with a dedicated website. In the website there will be also the template to be filled in by the concerned natural or legal persons carrying out launch activities. The template is drafted taking as a model the one elaborated by the United Nations Office for Outer Space Affairs for the United Nations Registry of Objects Launched into Outer Space.

The concerned natural and legal persons are requested to provide the relevant information within three months after the successful launch of the space object.

The Regulation may be amended and updated, upon approval of the competent ministries, should specific need arise or if it will be necessary to take into account the harmonization of the international practice relevant to the registration of objects launched into outer space.

Thank you for your attention.

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

Are there any other speakers on national legislation relevant to the peaceful exploration and use of outer space at this time?

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

Ms. I. MARBOE (Austria): Yes, thank you very much for giving me again the floor. The Austrian delegation just wanted to come back to the issue of combining the schematic overview and the National Law Database on the Office for Outer Space Affairs website, and to hear other delegations point of view on this issue, in particular to make the work of the Secretariat easier and facilitate further exchange and update of this information.

In particular, it will turn out that some inconsistencies between the list of national laws and the Database and in the schematic overview can be removed. The Austrian delegation thinks that we should agree at this session on a way forward how to handle these two tools of information.

Thank you very much.

The CHAIRMAN: I thank the distinguished representative of Austria for her statement, and, inasmuch as we will continue our consideration of agenda item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, perhaps the Secretariat which had already given us an indication of how, for example, the schematic document can be dealt with. If I understood it correctly, rather than having it as a Microsoft Word document with tables but perhaps as a HTML document on the website of the Office for Outer Space Affairs.

Delegations could also begin to reflect on what we can do to ensure that the complementary repositories, i.e., the schematic document and the Space Law Database, are streamlined in a fashion that makes all a harmonized tool that is easy, or user friendly, I think for a lack of a better term, and which clearly will be of great use to States that are looking at implementing their obligations. So let us say we will come back to your proposal which, I am speaking on behalf of the Committee, can say is very welcome and the Secretariat will probably shed some light on the practical steps that will be taken to implement it.

Is that acceptable?

Distinguished delegates, I think it will be best if the Secretariat already gives us an indication of how best practically we can proceed on this topic.

Mr. N. HEDMAN (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. I made some remarks in this regard at our morning's meeting today. I think that we have a fairly good understanding from the Secretariat side what needs to be done in terms of having an optimal tool in this regard. What we need to do after this session is to consult with our IT Section to see, you know, the modalities of how to operate this tool, whether it would be the IT Services doing it or whether it is entirely within the Office because obviously we cannot have the tool up and running for anyone changing the document because the website is a public available online website open to anyone. So then if member States are going to provide inputs there, we need to have a password, secured page and that could also be very complicated. So I think that, with your consent, the Secretariat takes this back and after this session we will look into how to make this tool as the most optimal instrument possible and then, of course, when we come back to the Legal Subcommittee next year, member States will see it and we can then have a discussion on how to make this website or this webpage, I would say dedicated webpage, even better. But I think delegations also need to see how the tool would look like on the website before we give any directions to the Secretariat how to do it and we do not know that at this stage.

If that is agreeable to the delegation of Austria?

Ms. I. MARBOE (Austria): Thank you very much. Yes, of course, we are only not quite clear what the procedure would be like because at the moment the mandate from this Committee to the Secretariat is focused on the paper, on the schematic overview, as a living document. In order to change this, I think we need a decision.

Thank you.

The CHAIRMAN: I thank the distinguished representative of Austria for reminding us that this practical and procedural step that we will have to take.

In summary, distinguished delegates, our Secretariat is willing to proceed with an effort that will see the consolidation of the schematic document what is currently now, I believe, CRP.7, with a pre-existing National Legislation Database and we should mandate the Secretariat to undertake this task on our behalf which will then allow for the Secretariat, in consultation with the IT Services, to come back at the fifty-third session of the Legal Subcommittee in 2014

with a prototype of sorts that we can inspect and perhaps make comments on and then subsequently accept. But in the meantime, given that the understanding with respect to CRP.7 is to have it a living document literally as a Microsoft Word document which is already becoming fairly unwieldy in how it can be managed, given that it is now in the region of over 58 pages or thereabouts that we take a definitive decision to instruct the Secretariat to embark on this exercise on our behalf.

To be clear on what it is we will be doing, perhaps for the next session of the Legal Subcommittee, the Secretariat would embark on the traditional exercise of requesting delegations and member States to provide their national legislation and complete the table on the schematic document. But in the intersessional period, will embark on this prototype that we can inspect, for lack of a better term, which will then allow us to make comments on it, agree on procedures for accessing it and hopefully accept it which will then allow us to decide on what we do then with this Microsoft Word schematic document. But we can take that decision at the next session of the Legal Subcommittee in 2014, if that is acceptable?

Are there any delegations, any comments? Yes, I see the distinguished representative of China.

Mr. L. ZHOU (China): Thank you. And what do you propose what we are doing in the next year's session. Generally we can go along with your suggestion to prepare, to task the Secretariat to prepare a matrix for this future document and then that has to say whether we can accept it. But I think our call from Austria did mention a point we have to make a decision now. Based on my understanding, next year we may not have this agenda item so we have to decide under which agenda item we will make a decision and there will be a future document based on the schematic overview and the Database cling together then we can make a decision whether we can accept or not otherwise we have to think under what agenda item we will make a decision on that.

Thank you Chairman.

The CHAIRMAN: I thank the distinguished representative of China for his intervention and to be clear, the item to which CRP.7 relates, agenda item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, is indeed a regular item so it will be on our agenda for next year, which, if remember and recall correctly, following the deliberations of the fifty-first session of the Legal Subcommittee upon the conclusion of the work of the

Working Group on National Space Legislation, the Subcommittee agreed to retain the item. So we do have the time as a regular item on the agenda of the Subcommittee and this is the platform under which this schematic document is now being updated, albeit we do need to look for a more efficient means of depicting this information.

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

We can conclude then and it is decided and the Secretariat will execute these instructions on our behalf.

And in the absence of any speakers, we will continue, and hopefully conclude, our consideration of agenda item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, tomorrow morning.

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

Distinguished delegates, I would now like to continue, and hopefully conclude, our consideration of agenda item 11, General Exchange of Information and Views on Legal Mechanisms Relating to Space Debris Mitigation Measures, Taking into Account the Work of the Scientific and Technical Subcommittee.

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

Mr. L. ZHOU (China) (*interpretation from Chinese*): Thank you Mr. Chairman. Mr. Chairman, the Chinese Government attaches great importance to and steadily moves forward on space debris mitigation-related work, performs pacification on the Long Mars series of launchers across the board and has successfully conducted a post-mission de-orbiting for multiple GEO satellites, including the FY series meteorological satellites.

We also attach great importance to international exchange and cooperation on space debris and participated actively in relevant IADC activities.

To lessen the generation of space debris and the risks of space debris to space assets, the Chinese Government in April 2005 issued the PRC Space Industry Standards, the requirements for space debris mitigation.

In December 2009, to further strengthen management for space products, development and operation, the Chinese Government, based on the Space Debris Mitigation Guidelines of the United Nations COPUOS, issued provisional administrative measures for space debris mitigation and protection and developed over 10 related rules on space debris mitigation.

Mr. Chairman, our delegation supports the Scientific and Technical Subcommittee in its continued work on space debris mitigation, considering this work to be a contributor to the long-term sustainability of outer space activities.

Our delegation is of the view that the Legal Subcommittee should strengthen its communication with the Scientific and Technical Subcommittee on the space debris mitigation issues and results of work at this session should be forwarded to the Working Group on the Long-Term Sustainability of Outer Space Activities, including its Expert Groups for information.

In order to permit a better division of labour and the development of synergies between the Legal Subcommittee and the Scientific and Technical Subcommittee, my delegation suggests that the Legal Subcommittee take up the legal mechanisms for space debris mitigation and other relevant legal issues after the Scientific and Technical Subcommittee completes its work on the issue of long-term sustainability.

Thank you Mr. Chairman.

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

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

Ms. D. ST.-ARNAUD (Canada): Mr. Chairman, distinguished delegates, space debris has become a major concern that raises issues in relation to access to space, the protection of space assets, development of technologies, and ultimately, the sustainable development of outer space.

It is important to take into consideration the current policy and regulatory environment in considering new concepts and solutions.

International collaboration, discussions and exchange of information continue to be essential to efficient address this problem globally.

For several years now, the United Nations COPUOS has been an appropriate forum in which to pursue the dialogue among space actors on this very important topic and to encourage continued exchange of information on measures designed to mitigate space debris.

The work conducted by this Committee promoted the development of possible solutions and still does.

Mr. Chairman, Canada supports the development of international non-binding principles and guidelines to address space debris mitigation and to promote the active removal of space debris. In that sense, Canada has supported the adoption of the United Nations COPUOS Space Debris Mitigation Guidelines adopted in 2007.

Canada believes that a non-binding approach can be effective and benefit all nations if implemented domestically through policy or regulation.

Last year, the Canadian Space Agency adopted the Space Debris Mitigation Guidelines of the Inter-Agency Space Debris Coordination Committee, the IADC, for the conduct of its future space projects and missions. The Guidelines provide for space debris mitigation including end-of-life manoeuvres of spacecraft to safe orbits.

Canada has already taken steps to develop national measures and regulatory frameworks to mitigate and prevent the proliferation of orbital debris.

The Canadian Space Agency is in the process of developing its first space debris policy to provide a framework for the implementation of the IADC Space Debris Mitigation Guidelines.

Canada also addresses space debris measures in two of its national regulations. First, the Canadian Remote Sensing Space System Act, established in 2007 and implemented by the Department of Foreign Affairs and International Trade, includes a section on remote sensing satellite disposal.

Associated regulations stipulate several requirements to address debris.

Second, licences issued by Industry Canada under the Radiocommunication Act stipulate measures related to orbital debris mitigation and encourage implementation of best industry practices at the end-of-life of the satellite to minimize adverse effects on the orbital environment.

Mr. Chairman, another example of the leadership shown by the United Nations COPUOS to address the issue of orbital debris is in the creation, in 2011, of the Working Group on Long-Term Sustainability of Outer Space Activities under the Scientific and Technical Subcommittee.

The mandate of this Working Group aims at creating a set of voluntary recommended guidelines to reduce collectively the risk posed to space operations with a view to ensure the sustainability of outer space.

Canada strongly supports and encourages the work of this Working Group by participating in its Expert Groups and by co-chairing the Expert Group C on Space Weather.

We note that the proposed guidelines drafted by Expert Group B on Space Debris, Space Operations and Tools to Support Collaborative Space Situational Awareness, cover all major aspects of space debris activities.

Further, we believe that the efforts of the Expert Groups to develop a set of technical guidelines are very consistent with the principles of the existing international framework governing the activities of member States in the outer space.

To conclude, Mr. Chairman, my delegation would like to reiterate the importance of international collaboration and dialogue among space actors to identify areas of concern and advance solutions to the space debris issues.

Thank you Mr. Chairman.

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

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

Yes, I give the floor to the distinguished representative of Mexico and then to France. Mexico, you have the floor.

Ms. R. M. RAMÍREZ DE ARELLANO (Mexico) (*interpretation from Spanish*): Thank you Chairman. I have not actually prepared my statement. I will give it to you in writing but I will speak off the cuff now.

We agree with the United States and we agree with China and I think you would be able to see that all

of us here all believe that space debris are a serious danger for activities and for safety in outer space.

I will now read what I have written so far.

In order to prevent the deterioration of the space environment and to guarantee safe development of outer space activities as well as their long-term sustainability, States should take into account guidelines to reduce space debris when they draw up their space policies. For example, item 4.2 of the EU Code of Conduct on Outer Space Activities, which deals with damage or destruction of space objects, should be taken in light of Article IV which is to avoid the intentional destruction of objects. Risks of collision could be a threat to space activities and thus we should avoid the intentional destruction of orbiting vehicles or others that could produce long-term debris. When this does occur, it should occur at low enough altitudes to limit the orbital impact of the fragments.

Mr. Chairman, Mexico supports all initiative aimed at perfecting the Guidelines because the Legal Subcommittee, as well as the Scientific and Technical Subcommittee, could work together to draw up legally binding regulations regarding space debris.

When I talk of binding provisions, that brings me to the following scenario.

You probably realize that to adopt a treaty on nuclear power sources, we have been working for 10 years. So if I talk about binding provisions, they are very important but in reality we will have to wait for a long time for this to have a beneficial impact. I would, thus, also like to say that we will support any measure aimed at preventing space debris in order to lend long-term sustainability to space activities.

There is something that I would like to mention. We are talking about outer space and we do not have a dividing line between air space and outer space. I will quote Canada from last week, and correct me if I am wrong, but I believe that Canada said that we have very prolific scientists. We have nano-satellites, our satellites our increasingly sophisticated and expensive and in space, because there is no delimitation, there is space debris also on Earth. For example, in 2003, Ariane launched an object which fell in Quintana Roo in Mexico. We, of course, complained to the French Government but what I am trying to say is that a lot of space debris are not actually in outer space. They fall back to Earth and we have to take suitable measures. I know the Convention regulates that but we should issue warnings. I do not

really know what else we can define regarding space debris that falls within the Earth's crust.

Thank you Chairman.

The CHAIRMAN: I thank the distinguished representative of Mexico for her statement and I should now give the floor to the distinguished representative of France.

Mr. J. MARIEZ (France) (*interpretation from French*): Thank you Chairman and ladies and gentlemen, dear colleagues. The reduction of space debris, as many delegations have already stressed, is a matter of essential importance of common interest and concern, but it is also the only way that we have available to us to continue our exploration of outer space. As you know, France is very much attached to the long-term sustainability of activities in outer space and as we stressed under agenda item 3, General Statements, France indeed is very attached to best practices in terms of debris reduction. The last time we sat we presented a very technical presentation on the French Government's approach to the reduction of space debris. So this year, we would be engaging in a legal recall to how France is actually implementing in this legislation these Guidelines.

As you know that there are various points in this regard internationally. There is the Guidelines on the Reduction of Space Debris, approved by the United Nations, that is 62/67, but there is also the IADC Guidelines which the French CNES is using to participate in for France but also the ISO Standard 433. In this fashion, the work that we are doing serves to achieve these goals. The Long-Term Sustainability Working Group, especially its sub-Expert Group, allows us to further define and pursue the regulatory niceties of work in this regard. The Chinese and the Canadian delegations indeed have said that it is very important not to predetermine the upshot of the work of this Group and to wait especially for the final report as regards the reduction of space debris.

As regards the effective implementation by France of international guidelines, there are two important points that we would especially like to stress in this regard.

Firstly, the French National Law on Space Operations, as adopted in 2008, which we have already had the opportunity of presenting in this room, and the Technical Regulations for its application have both been developed in full consistency with the standards and international principles in this regard, and here I am thinking in particular on the one hand to the 25-

year rule according to which when objects are in LEO orbit, they have to go back into terrestrial orbit within a 25-year span. And at the end of their lives, geostationary orbit objects have to be placed, the disposal, the geosynchronous orbit, as far away as possible from the source of the objects which then become space debris and indeed it must be subjected to considerations of non-collision, intentional non-collision, etc.

These principles are very important indeed for the operators who are subject to regulations on outer space activities and these both concern the launchers as well as satellite operators. The developers at present, of course, are taking due notes of these regulations. CNES, on behalf of France, makes sure that the operators subject to French law indeed do comply with these provisions.

In conclusion, we can say that France is seeking to render international guidelines as effective as possible.

Thank you.

The CHAIRMAN: I thank the distinguished representative of France 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, concluded our consideration of agenda item 11, General Exchange of Information and Views on Legal Mechanisms Relating to Space Debris Mitigation Measures, Taking into Account the Work of the Scientific and Technical Subcommittee.

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 Japan.

Mr. K. KOBATA (Japan): Thank you Mr. Chairman. Mr. Chairman, distinguished delegates, on behalf of the Japanese Government, it is my pleasure to address the fifty-second session of the Legal

Subcommittee of COPUOS. In our view, this new agenda item is of considerable importance and serves as an impetus to facilitate the discussions of the Legal Subcommittee.

Mr. Chairman, our delegation is pleased with Japan's engagement in a number of international collaboration efforts for the exploration and use of outer space on a bilateral and multilateral basis. I would like to take this opportunity to share some of these multilateral space alliances and their successful operations.

To begin, the International Space Station, ISS, Programme is an example of the most leading multilateral cooperation efforts between the United States, Russia, Europe, Canada and Japan. Japan has made several contributions to the International Space Station Programme by developing and operating the Japanese Experiment Module, KIBO, and the H-II Transfer Vehicle, HTV. Since five years, JAXA has been operating and controlling Kibo from the Control Room at the Tsukuba Space Centre 24 hours a day, seven days a week, in close cooperation with NASA. This past March, we celebrated Kibo's fifth year anniversary, and it has not had any major problems since the beginning of its operation.

It should be noted that the International Space Station Programme is undertaken based on an Intergovernmental Agreement signed in 1998 and several bilateral Memorandums of Understanding, MoUs, under the Intergovernmental Agreement. The Intergovernmental Agreement provides a long-term international cooperative framework among its Partners on the basis of a genuine partnership in the detailed design, development, operation and the utilization of the International Space Station for peaceful purposes and in accordance with international law, while the Memorandum of Understanding specifies its management structure to ensure effective planning and coordination as well as the roles and the responsibilities of each Partner.

Under the Intergovernmental Agreement and the Memorandum of Understanding, each Partner has corresponding utilization rights, responsibilities over the operation of the elements, jurisdiction and control over the elements and personnel of each Partner, and coordinates important issues using appropriate mechanisms such as the Multilateral Coordination Board, MCB. We would like to emphasize that the success of this very complicated Programme, both in the technical and administrative level for the past 15 years, is owed to its solid legal foundation under the Intergovernmental Agreement and the Memorandum of

Understanding and could thus serve as one of the most successful models of international mechanisms.

Mr. Chairman, I would like to now introduce some examples of multilateral cooperation efforts that do not have any specific legal binding agreements.

The International Space Exploration Coordination Group, ISECG, is the forum set up by participating agencies to advance the Global Exploration Strategy through coordination of their mutual technical efforts in space exploration. It is a non-binding international coordination mechanism. As of August 2011, JAXA assumed the chairmanship from NASA in Japan. During the meeting, senior agency managers from 10 agencies met to discuss the exploration plans and agreed to release the first iteration of the ISECG Global Exploration Road Map.

The Group on Earth Observations, GEO, is a voluntary government-level framework established in 2005 for integrating space-based, airborne, oceanic and terrestrial Earth observations and information systems through international cooperation in order to develop a comprehensive and sustainable Global Earth Observation System of Systems, GEOSS, over the next 10 years. In order for users and policy-makers to address the environmental problems, GEOSS aims to provide and produce Earth observation data and related information in social benefit areas. GEO members consist of 88 countries, the European Commission and 69 international institutions or agencies related to Earth observation. Since the beginning, Japan has actively participated in the efforts of GEO as a member of the Executive Committee and contributed to the establishment of GEOSS by promoting the GEOSS 10-Year Implementation Plan.

Japan supports the Asia-Pacific Regional Space Agency Forum, APRSAF, established in 1993, to enhance space activities in the Asia-Pacific region. Space agencies, governmental bodies and international organizations, such as the United Nations, as well as companies, universities and research institutes from over 30 regional participants, take part in APRSAF, the largest space-related conference in the Asia-Pacific region. In view of the diversity of needs in the Asia-Pacific region for space utilization and developments, APRSAF provides a flexible framework rather than legally-bound agreements. The open framework of APRSAF enables various entities to participate in APRSAF.

Moreover, APRSAF establishes international projects to cope with issues in the Asia-Pacific region and implement concrete actions, such as Sentinel Asia

for disaster management, Space Applications for Environment, or SAFE, Climate R3 to monitor climate change, and the Kibo-ABC to promote Kibo utilization in Asian countries. APRSAF welcomes the continued participation of countries in the Asia-Pacific region to aid in solving many specific issues together.

Mr. Chairman, space-based technology for sustainable development has become a central issue recently in COPUOS and we believe COPUOS is the most appropriate forum to promote international cooperation for sustainable development. However, we also believe that space agencies should seek to create a new type of partnership with various entities that rest outside the space-related community, entities that have undertaken development assistance for developing countries, since these issues are far from space programmes.

In Japan, for example, JAXA and the JICA, Japan International Cooperation Agency, have formed a close and complementary relationship facilitated by regular meetings and working groups. During their meetings, they consult with each other on ongoing and potential cooperation efforts that can cope with developing issues such as climate change, forestry, water resource, disaster, agriculture and mapping by using Japanese satellite data. JICA is the world's largest integrated Official Development Assistance, ODA, implementing agency and has gained much insight, experience and networks all over the world. Therefore, in some cases, JAXA can provide their specialities through JICA or its contractors to local entities in developing countries by using the ODA scheme. In this regard, JAXA also promotes the effective cooperation with the United Nations Commission for Asia and Pacific, UNESCAP, and the Asia Development Bank, ADB.

We believe that the international cooperation mechanisms between the space-related community and the development assistance community should be further enhanced in many regions and countries so that COPUOS can effectively contribute to the process of the Post-2015 Development Agenda and the Millennium Development Goals.

Mr. Chairman, in our view, it is meaningful to review a number of existing cooperation efforts to get a clear overview of the different forms of alliances and analyze their patterns of success. Hence, we have provided a written document with a brief description of APRSAF, Sentinel Asia and the ISECG. Be assured, Mr. Chairman, that we would like to continue contributing to this agenda item.

Thank you for your kind attention.

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

The next speaker on my list is the distinguished representative of China

Mr. L. ZHOU (China) (*interpretation from Chinese*): Thank you Mr. Chairman. Mr. Chairman, China always believes that international cooperation is both the successful experience of human exploration and utilization of outer space and the basic norm guiding space activities of countries. International cooperation and the rule of law in outer space constitute the cornerstone of exploring and using outer space for peaceful purposes for human wellbeing and for solving global problems.

As a developing country permanently dedicated to peaceful exploration and use of outer space, China has always been carrying out international cooperation and sharing space benefits with other countries in a peaceful and mutually beneficial manner.

Having summed up the experience, China advocates the concept of inclusive development in exploration and uses of outer space and takes it as a guiding principle in carrying out international cooperation. Inclusive development brings the benefits of space exploration and utilization to all countries and peoples, especially to those yet to gain space capabilities and ensures the fair and sustainable use of space and sharing of benefits by present and future generations. Inclusive development dovetails with the United Nations 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, which shall be carried out for the benefit and in the interest of all States, irrespective of their degree of economic, social or scientific and technological development and shall be the province of all mankind. Particular account should be taken of the needs of developing countries.

Mr. Chairman, in the sphere of bilateral cooperation in exploring and using space, China has created international cooperation mechanisms in line with bilateral governmental agreements and guided by joint committees and cooperation programmes. Up to now, China has signed 68 bilateral space cooperation agreements with 24 countries including Russia, Pakistan and Brazil, among others. These agreements are the legal basis for China's cooperation with other States.

Such cooperation adopts the forms of joint research and development, joint commercial activities, technology exchanges, staff training and visits and covers such areas as remote sensing, communication, scientific experimental satellites with ground facilities and equipment, launching service, data exchanges and ground applications, space science, manned space flight and deep space exploration, as exemplified by a series of successes like the joint China-Brazil Earth Resources Satellite Project and the China-ESA Double Star Project.

At the multilateral level, China makes use of the main platforms of the COPUOS and other international organizations by joining in the Inter-Agency Space Debris Coordination Committee, IADC, the Charter on Space and Major Disaster and other intergovernmental and inter-agency bodies. We are taking an active part in addressing international issues related to peaceful uses of outer space as well as global issues of space debris and near-Earth objects together with other countries.

Mr. Chairman, this delegation stands for enhanced system design of future international cooperation and the search for effective cooperative mechanisms to resolve joint global issues that affect the sustainability of space activities such as space debris and near-Earth object threats. Such cooperation should be open, equitable and non-discriminatory, with emphasis on abolishing country-specific discrimination policies and refraining from any form of interference in cooperation between other countries and COPUOS should play a key role in this respect.

Mr. Chairman, the Chinese delegation supports the deliberation of the agenda item of review of international mechanisms for cooperation in the peaceful exploration and use of outer space and has shared information on its international cooperation practices. Relevant issues can be found in CRP.14. Due to time constraints, in CRP.14, some of the translations need to be double-checked so the Chinese delegation will keep in contact with the Secretariat on this matter.

Lastly, the Chinese delegation calls on everybody to take an active part in discussions and information sharing so as to facilitate international space cooperation.

Thank you Mr. Chairman.

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

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

Mr. P. WENNHOLZ (Germany): Mr. Chairman, distinguished delegates, Germany sincerely appreciates this new agenda item under the Work Plan “Review of the International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space”. The German delegation attaches high relevance to this topic and is looking forward to fruitful discussions leading to a better common understanding of the different approaches in international cooperation. Promoting international cooperation and understanding is an essential objective of Article III of the Outer Space Treaty in the interest of maintaining international peace and security.

We congratulate Professor Aoki to her election as Chairperson of the Working Group and would like to express our highest confidence in her ability to work provided and the guidance needed to achieve meaningful results.

Germany implements its international cooperation in outer space via the National Space Agency and related scientific institutions. The various projects lead to a worldwide network.

According to its Space Strategy, which was adopted at the end of 2010, the German Government is committed to strengthening the European Space Agency, ESA, as an intergovernmental institution. It is our firm conviction that an independent strong ESA continues to be essential for the success of the European space sector. The key elements are the wide-ranging experience and the right tools to conduct complex, demanding space projects, the flexibility of optional programmes and a funding scheme with a fair division of costs and benefits. ESA is responsible for the coordination of European space activities.

In addition to its strong commitment to the European Space Agency, Germany performs a significant part of its space programme through projects in bi- and multilateral cooperation. Germany hosts several international organizations in space matters such as EUMETSAT, the European Organization for the Exploitation of Meteorological Satellites, and ESA’s European Space Operations Centre, ESOC, both located in Darmstadt. A further ESA site, the European Astronaut Centre, EAC, is located on the premises of the German Aerospace Centre, DLR, in Cologne. DLR, for its part, has liaison offices in Washington, Paris, Brussels and Tokyo.

Germany uses various legal instruments such as scientific and technical cooperation agreements on governmental and/or agency level in conducting its international cooperation. These general cooperation agreements set the frame for implementing agreements between scientific and industrial institutions which thereupon agree on concrete projects. The standard rules in these agreements, following international practice, are best effort, no exchange of funds, availability of appropriate funds, cross waiver of liability, distribution of intellectual property rights and ownership, registration of space objects to be launched under the project, confidentiality, transfer of goods and technical data, customs, duties and taxes, coordination of press activities and applicable law, as well as amicable settlement of disputes and arbitration.

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 Nigeria.

Mr. A. R. MOMOH (Nigeria): Mr. Chairman, Nigeria is committed to international cooperation in the peaceful uses of outer space as well as contributing to the safety of the outer space environment.

In furtherance of its support of international cooperation in the peaceful uses of outer space including the implementation of the activities recommended under UNISPACE III, Nigeria has maintained steady progress in promoting space weather science. Presently, Nigeria is one of the Regional Centres for Space Weather Science and Education affiliated to the International Centre for Space Weather Science and Education at Kyushu University, Japan. At the moment, four magnetometers, four ionospheric monitoring GPS and a number of Sudden Ionospheric Disturbances Monitors are in operation in Nigeria monitoring space weather and capturing data for global usage. Data from 11 GPS CORS primarily installed for land mapping are being used for space weather studies.

Mr. Chairman, you will recall that the United Nations General Assembly in its resolution 61/110 of 14 December 2006 agreed to establish the United Nations Platform for Space-Based Information for Disaster Management and Emergency Response, UNSPIDER. The UNSPIDER Regional Support Office in Nigeria is organized in collaboration with the Nigerian National Emergency Management Agency

and organized an awareness meeting with all stakeholders in disaster management in Nigeria.

Mr. Chairman, regional agreements that Nigeria is involved with to promote cooperative efforts in space science technology in the African sub-region include the African Leadership Conference of Space Science and Technology, ALC. The Conference was established with a vision and objective to be a forum which offers continuous advisory services and support to African member States on space-related activities and to improve cooperation among African space professionals and to raise awareness among African governments of the important benefits of space science and technology for Africa's sustainable development through a regional platform. Its creation has contributed immensely to a better understanding of space technology and capacity-building in the utilization of space technology for socio-economic development in Africa.

The ALC in turn led to the creation of the African Resource and Environmental Management Satellite Constellation, the ARMC Project. The African Resource Management Constellation is a collaboration currently involving Nigeria, South Africa, Kenya and Algeria. Initially conceived around 2004, the initiative was meant to develop a constellation of satellites to provide real-time, unrestricted and affordable access to satellite data to support effective environmental and resource management in Africa.

The Space Agreement on the African Resources Management Satellite Constellation, which is a Memorandum of Understanding between the partners, was signed by the governments of the four countries on 4th (7th) December 2009 during the Third African Leadership Conference on Space Science and Technology for Sustainable Development, held in Algiers, Algeria.

The main objective of the constellation, amongst others, as proposed would help provide easy access to satellite data for end-users in disaster management, food security, public health, infrastructure, land use and water resource management. It would thus support activities such as urban development, land use monitoring and mapping for the surveillance of climate change effects.

A constellation design of identical satellites was adopted. Data from these identical satellites would be gotten through an integrated ground station. From the ground station, efforts would be made to ensure that the satellite data reaches end-users all over

the continent, as close to real-time as possible. The programme would also include capacity-building initiatives and the development of low-cost multi-source ground receiving stations to aid the less privileged countries to enable them gain access through these stations to remote sensing and meteorological satellite data.

Mr. Chairman, Nigeria is currently compiling further information concerning bilateral and multilateral mechanisms for cooperation in the peaceful exploration and use of outer space. We hope to be able to furnish this Subcommittee with the outcome of this compilation as soon as it is completed.

Thank you 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 but before I suspend our consideration of the item, for my part, with respect to this agenda item which is clearly of importance to all delegations and States, as has been evidenced by the various statements that have been made today in the morning session of the Subcommittee as well as this session of the Subcommittee. I note that the interventions also referred to specific legal mechanisms for drafting platforms. I am using the words interchangeably here. Whether it pertains to cross-waiver of liability or whether it is as it pertains to the protection of intellectual property or whether it concerns the restrictions on the export of data but it will be interesting certainly and beneficial to those States that may not necessarily have the capacity to be able to access such information and hope that such details will be made available in the public domain in a truly cooperative fashion.

Distinguished delegates, in the absence of any further statements or delegations wishing to make a statement under this agenda item, we will continue our consideration of agenda item 12, Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, tomorrow morning.

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

This afternoon we will hear a presentation by Madam Motoko Uchitomi of Japan entitled "International Mechanisms for Cooperation in the

Peaceful Exploration and Use of Outer Space Based on Non-Binding Agreements”.

Madam Uchitomi, you have the floor.

Ms. M. UCHITOMI (Japan): Thank you Chairman. I thank you Mr. Chairman, distinguished delegates, representatives. It is my great pleasure and honour to participate in this session of the Subcommittee and to take the floor to make a presentation on behalf of Japan.

At the Legal Subcommittee’s last session, the new agenda item “Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space” was adopted as an agenda item and a five-year Work Plan. This new agenda item is important and helpful for member States to facilitate future cooperation and I would like to make a presentation on the frameworks Japan utilizes for space cooperation according to the Work Plan.

Following the proposal by some member States including Japan at the last Legal Subcommittee, a wide range of mechanisms have been developed to advance international cooperation in space activities, for example, the following.

Firstly, legally binding international agreements like the IGA which were introduced by Mr. Gerstenmaier last Friday; secondly, non-binding principles and technical guidelines; thirdly, multilateral cooperation mechanisms; and finally international and regional conferences.

In my presentation, I would like to introduce GEO APRSAF and its initiatives, Sentinel Asia, and ISECG as an example of the types of mechanisms mentioned.

First of all, I would like to introduce one of the government level framework Group on Earth Observation, GEO. GEO is a _____(?) framework facilitating international cooperation and the initiation of new projects such as the integration of space-based, airborne, oceanic and terrestrial Earth observations and information systems to build a Global Earth Observation System of Systems, GEOSS, which was approved at the third Earth Observation Summit in 2005.

Membership in GEO is open to all member States of the United Nations and to the European Commission and each member of GEO provides funding for it on a voluntary basis.

At present, GEO consists of 88 member countries, the European Commission and 69 international institutions or agencies, including the Committee on Earth Observation Satellites, CEOS, as participating organizations.

CEOS, founded in 1984, for the purpose of international coordination on Earth observation projects, play a critical role in supporting GEO objectives as a space component of GEOSS.

JAXA plays a core role in CEOS.

The purpose of GEOSS is to achieve comprehensive coordinated and sustained observations of the Earth’s systems in order to improve monitoring of the state of the Earth, increase understanding of Earth processes and enhance prediction(?) of the behaviour of the Earth system.

At the third Earth Observation Summit, held in Brussels in February 2005, a 10-year Implementation Plan for GEOSS was adopted. The vision for GEOSS was defined for nine social benefit areas which are disasters, health, energy, climate, water, weather, eco-systems, agriculture and biodiversity.

In correspondence with the social benefit areas of GEOSS in space applications, Japan emphasizes disaster monitoring, variation in climate change and water cycles and changes in global warming and carbon cycles.

Space agencies are contributing to the GEOSS space segment with Earth observation satellites, developed and operated by countries in Europe, North and South America, Africa and in Asia.

JAXA’s Earth Observation Satellite Programme is designed to contribute to GEOSS. In line with Japanese commitment, JAXA will develop and operate global climate observing mission called GCOM-W and GCOM-C, and a Cloud Profiling Radar/CPR installed on the EarthCARE satellite as well as dual frequency precipitation radar, DPR, to be installed on the Global Precipitation Measurement Satellite, known as GPM, and a greenhouse gases observation satellite named GOSAT. These space systems are regarded as components of an integrate observation system such as a disaster management support system or an integrated global environmental observation system.

Sentinel Asia, which I will explain in more detail later, is a part of JAXA's Earth Observation Programme for Disaster Management.

In addition to this Programme, the Asian Water Cycle Initiative, AWCI, has been organized by 18 countries in Asia, including Japan, since 2005, in order to improve water resource management through better understanding of the water cycle. The AWCI develops an information system of systems for promoting the implementation of integrated water resources management and the GCOM-W's data will be utilized for the AWCI.

Since we are building links with the other countries through GEO, it will be easier for us to cooperate internationally on future satellite projects.

I would like to introduce a second cooperation mechanism, APRSAF, as one of the regional conferences. The Asia-Pacific Regional Space Agency Forum, in short APRSAF, is a forum where space agencies, governmental bodies, international organizations such as the United Nations, universities, research institutes and companies gather to exchange views, opinions and information on space activities in the Asia-Pacific region. This Forum was established in 1993 and holds its annual meetings, jointly organized by the Ministry of Education, Culture, Sport, Science and Technology of Japan, MEXT, and the Japan Aerospace Exploration Agency, JAXA, as well as organizations of the host country.

APRSAF was established with the goal to promote and expand space activities and the application for socio-economic development in Asia and the Pacific. The objectives of APRSAF are to provide a forum in order to identify and undertaken measures to contribute to the sustainable development in this region and to promote and expand mutually beneficial cooperation among space research and development agencies, providers of space-based services and products, as well as users.

In view of the diversity of needs for space utilization and development in the Asia-Pacific region, APRSAF provides an open and flexible framework _____(?) legally bound agreement. Therefore, participating parties carry out their activities on a voluntary basis.

APRSAF conducts its work through the following structure. APRSAF currently consists of the Plenary and following four Working Groups: the Earth Observation, EO, Working Group, the Communication Satellite Applications, CSA, Working Group, the

Space Environment Utilization, SEU, Working Group, and the Space Education and Awareness, SEA, Working Group. Based on the exchange of information and discussions in these four Working Groups, APRSAF, from time to time, endorses the implementation of joint projects while what are known as "Initiatives" in the APRSAF community.

I would like to introduce one of the APRSAF's initiatives, named Sentinel Asia. Sentinel Asia has achieved significant results in the area of disaster management in the Asia-Pacific region. It represents the collaborations between space agencies and disaster management agencies. It promotes the application of space technologies, including Earth observation and satellite communications and Web-GIS technologies to support disaster management in Asia and the Pacific.

It was launched at APRSAF-12 in 2005. Sentinel Asia is not designed to replace already active efforts aimed at delivering information to emergency services but to expand such efforts and make relevant data available to all countries and many more people, in particular those in countries that do not own their own satellite reception facilities.

This slide shows the framework of the Sentinel Asia project. Sentinel Asia promotes cooperation among the space community, APRSAF, the disaster management community, Asian Disaster Reduction Centre and its member countries, and the international community such as the UNESCAP, the United Nations Office for Outer Space Affairs and the ASEAN.

To promote implementation of Sentinel Asia, a Joint Project Team, JPT, was organized. Within this Joint Project Team, a regional space agency, the international community, disaster reduction(?) organizations and universities are sharing the task of contributing their experiences and technical capabilities in order to develop and operate a Sentinel Asia system. Membership in the Joint Project Team is open to all APRSAF member countries, disaster management organizations and regional or international organizations.

Finally, I would like to introduce the cooperation mechanism of ISECG. In 2007, the International Space Exploration Coordination Group, ISECG, was established in response to the Global Exploration Strategy, the Framework for Coordination, developed by 14 space agencies. This Framework document articulated to us, share the vision of a coordinated human and robotic space exploration

focused on solar system destinations where humans may one day live and work. A key finding of this Framework document was the need to establish a voluntary non-binding international coordination mechanism through which individual agencies may exchange information regarding interests, objects and plans in space exploration with the goal of strengthening both individual exploration programmes as well as a collective effort.

The work of ISECG is focused on products, findings and recommendations considered important for the purpose of enabling individual agencies to its(?) own making. Through the work with ISECG, each agency has been able to add near-term partnership opportunities. Membership in the ISECG is open to space agencies which have or are developing space exploration capabilities for peaceful purposes.

ISECG chairmanship rotates approximately one per year and JAXA served as Chair Agency from August 2011 up to this April.

Over the past year, ISECG has been working to develop a long-range exploration strategy that begins with the International Space Station and expands the human presence in the solar system being rudimentary(?) to human missions to explore the surface of Mars. This strategy and _____(?) two potential first phases, Asteroid Next(?) and Moon Next(?). Asteroid Next(?) pathway is to go the an asteroid first then to the Moon and then finally Mars. Moon Next(?) pathway is to go the Moon first then to an asteroid and finally to Mars. Each pathway represents a national mission scenario over a 25-year period describing a logical sequence of robotic and human missions.

During the meeting in Kyoto in August 2011, senior agency managers from 10 agencies met to discuss exploration plans and I will read these. The first invitation of the Global Exploration Roadmap. Since then, ISECG has had more opportunities to hold presentations to policy makers and the general public. In 2009, the Japanese Cabinet Office for Space Strategy released the Basic Plan for Space Policy in accordance with the Basic Space Law in 2008. This Policy, which has just been renewed in January this year is quite broad and includes five-year initiatives. This Basic Plan for Space Policy refers to the ISECG Global Exploration Roadmap.

In conclusion, it is valuable for member States to receive an overview of the range of the various categorized mechanisms employed by member States with a view to identifying common principles and

procedures under the new agenda item. International cooperation mechanisms based on non-binding agreements are also important for discussing under this new agenda item and play a key role to challenge and advance the peaceful exploration and use of outer space.

Since it is important to review a number of existing cooperation, get an overview of different forms of cooperation and analyze their pattern, Japan would like to contribute to the new agenda item as much as possible.

Thank you very much for your attention.

The CHAIRMAN: Thank you Madam Uchitomi for your presentation.

Are there any delegates who have questions for the presenter?

Perhaps as you are digesting the presentation, if you would allow me, ...

Yes, I see the distinguished representative of Austria wishes to take the floor.

Ms. I. MARBOE (Austria): Yes, thank you very much Mr. Chairman. I thank the Japanese delegation for this very interesting technical presentation. It has created a lot of questions actually but I will limit myself to two. One, what is that concerns her herself, what do you see the most important difference between a binding instrument and a non-binding instrument in international cooperation as the example of those who presented here.

And second, I repeat my question on dispute settlement which I posed already to the United States presentation, what are your experiences with dispute settlement in these agreements?

Thank you very much.

Ms. M. UCHITOMI (Japan): We think both legally binding documents and non-legally binding documents are both are very important to implement international cooperation so maybe legal affects different because it is legally binding and the other is non-legally binding that the legal status is different but for us a non-legally binding document is also very important, it is a kind of code of conduct to facilitate international cooperation. And we do not see difficulty of doing international cooperation, not only a legally binding document but also a non-legally binding document.

And then dispute settlement you mean? Dispute settlement is when some dispute happens to solve it also a matter of international cooperation. Sometimes we do not have dispute settlement agreements or acts for some forum like the conference-based cooperation. There is nothing for agreements on dispute settlement mechanisms but it is a matter of international cooperation to solve it. Because we started an international cooperation, we started some projects based on international cooperation, even though there is nothing, no argument before hand for dispute settlement, but we usually coordinate when some dispute happens. At this moment we do not have any programme for dispute settlement for international cooperation we are dealing with today.

The CHAIRMAN: I should give the floor to the distinguished representative of the United States.

Mr. B. ISRAEL (United States of America): Thank you Mr. Chairman and I would like to thank the distinguished delegate of Japan for an excellent technical presentation that, for me personally, reminded me of the incredible things that can be accomplished through space applications and particularly through international cooperation. And also I would like to thank the distinguished delegate of Austria for her questions which are questions, I think, are on the minds of space agencies and foreign ministries as they undertake international cooperation, you know, what kind of mechanism is appropriate or is optimal, be it a legally binding agreement or a non-binding arrangement and also more specific questions about what kind of dispute settlement mechanism, if any, is appropriate for the cooperative end that is being pursued and the means of cooperation. And I would just like to say that I hope the work we are doing on reviewing mechanisms for international cooperation will help the Subcommittee to further understand, to exchange views and further understand these questions and their answers.

Thank you.

The CHAIRMAN: As a follow on to the distinguished delegates' questions from the distinguished representatives of Austria and the United States and to begin with, I should thank very much Madam Uchitomi for your presentation.

Listening to both questions from previous speakers, I am curious as to, inasmuch as I appreciate the scope of your presentation, specifically concerning non-binding mechanisms, in the context of the intervention which was made by the distinguished

representative of Germany earlier on this item and the reference to the Outer Space Treaty's Article III which commends States to conduct their activities in outer space in accordance with international law. A natural core reale(?) of the questions you have already been asked is to what extent do the cooperative ventures that an agency such as JAXA enters into, to what extent do these cooperative mechanisms consider binding agreements?

And the second part of the question would be, in the event that you conclude binding agreements, again to what extent would these binding agreements take into account the provisions of the outer space instruments, such as with respect to provisions concerning the registration of space objects or perhaps with respect to identify an appropriate launching State, for instance.

Please.

Ms. M. UCHITOMI (Japan): ... JAXA, which was approved by our diet(?) (*not clear*), saying that we have to here under the international treaties including the Outer Space Treaty so we have an obligation to abide by the international treaties.

The CHAIRMAN: Thank you very much for that clarification.

I should like to express my deep appreciation to Madam Uchitomi for your presentation and the clarification you provided to the questions you have been asked following this technical presentation.

Allow me, distinguished delegates, to also take the opportunity to return to what it is, as a Subcommittee, we hope this question that is now on our agenda will achieve in the long-term of the Work Plan that has been set out for it. We have already heard from various delegations delivering statements on, to begin with, non-binding cooperation mechanisms through to binding cooperation mechanisms and broad references to certain standard types of classes and precedents that underpin these agreements. I think it would be useful for the Subcommittee, and certainly without a doubt for the Chair of the Working Group that will be established, to guide the work of this item to perhaps already consider how to categorize the themes under which this item will be considered, from multilateral through to bilateral, perhaps through to framework in the context of classes that are implementing specific. For instance, provisions of the outer space treaties because in some of the Conference Room Papers, we see, for instance, reference to agreements that are binding under

international law, on the one hand, whilst in other parts of some of the Conference Room Papers we see reference with respect to agreements concluded, taking into account specific provisions of the multilateral outer space instruments.

This is just food for thought but again the Subcommittee certainly as a whole and the Chair of the Working Group can take into account in fleshing out what the contents and deliverables of the work of that Working Group will constitute over the coming years.

Are there any... yes, I have been advised the distinguished representative of Mexico wishes to take the floor.

Ms. R. M. RAMÍREZ DE ARELLANO (Mexico) (*interpretation from Spanish*): Thank you Chairman. Regarding international cooperation, this an essential issue for space activities and I would like to thank the distinguished representative of Japan for her excellent presentation.

I recall, Mr. Chairman, about a month ago, Mr. Jacques Dordain, Director-General of the European Space Agency at the spring meeting of the International Astronautical Forum, made a declaration of principle saying that at the beginning of the space age we had the United States of America and the USSR and we had the space race and then we saw that it was necessary to join together, not just to save on resources because it was extremely expensive, but for other reasons and now we see that we have the International Space Station. There are some five or six countries who are really involved in international cooperation in space.

Mexico has drawn up an Memorandum of Understanding with Ukraine, the German Space Agency and the European Union, as well as the Italian Space Agency and these Memoranda of Understanding are based on good faith. There are no penalties. We draw up terms and conditions of how we will work together on certain activities.

Now, coming back to binding and non-binding instruments. It could be easy for me to use the Vienna Convention and say that treaties and agreements, however we wish to call them, that have been duly signed and ratified are binding documents that is contemplated. Which ones are not binding? Well, according to the Vienna Convention, it would be those that are not conventions or treaties that have not been ratified by governments and that do not include principles and others. However, almost all international instruments are based on bona fide

principles. Whenever there are controversies with ITU, for example, which is the United Nations body and it is very important for space activity because it deals with frequencies with ITU. We have a special section on conflict or dispute resolution but everything is based on good faith. There are no penalties or sanctions. If there are disagreements, then we sit down to discuss how we can overcome that.

I could talk about this for a very long time. There are different solutions but some principles are binding and can be sanctioned by governments and others are not.

Thank you.

The CHAIRMAN: I thank the distinguished representative of Mexico for that very detailed intervention and should take the opportunity. I find it very crucial to perhaps touch very briefly on the reference to the dispute resolution mechanisms that you referred to under the auspices of the International Telecommunication Union, particularly because the distinguished representative of Austria had also made reference to these dispute resolution mechanisms which, as it were, may differ depending on whether we are looking at binding instruments where, by default, if they are treaties, and the States Parties to the treaties have accepted the jurisdiction of traditionally what would be the International Court of Justice then you would have an adjudicative means of resolving such disputes as opposed to a voluntary mechanism where the parties could probably rely on a range of preferably given dispute avoidance mechanisms rather than dispute settlement mechanisms.

But overall, in that context, I recall the presentation which was delivered by a representative of the Permanent Court of Arbitration during the course of the fifty-first session of the Legal Subcommittee in 2012 and this, in turn, concerned the very recently adopted, recently by which I mean December 2011, the date when the Permanent Court of Arbitration and all its member States of the Council of that body, that multilateral body, adopted the Optional Rules for the settlement of disputes by arbitration. Those Rules, which are currently being implemented, I understand, by various either entities from the private sector that engage in procurement activities, as well as by intergovernmental organizations that engage in multilateral, sometimes bilateral, cooperative efforts. It is really a platform that will allow for any combination of entities that are looking to embarking on space activities to resolve their disputes based on binding arbitration. So it is a tool that will allow for whether it is non-governmental entities or

intergovernmental entities or States and any combination of any one of these three parties that have a dispute between themselves, to resolve their differences by binding arbitration. I think it is important to bring this development to the attention of the Subcommittee.

I take it that there are no further questions for Madam Uchitomi.

I would like to give the floor to the distinguished representative of Germany.

Mr. R. LASSIG (Germany): Thank you Mr. Chairman. As you already referred to our statement, I would like to make a comment on the question of binding and non-binding instruments. The use of the term "binding legal instrument" in soft law relates in general to legal rules which are of a general nature such as laws or resolutions.

In the context of bilateral agreements between two parties, the wording of "non-binding" might be misleading. Nevertheless, there is a lower level of commitment as we explained in our statement and I think it is also in line with the statement from the distinguished representative of Mexico.

So the question asked is a lower level of commitment is due to the fact that those cooperations are on a voluntary basis and classical Memorandums of Understanding on an inter-agency level, therefore, have these typical clauses of cross-waiver of liability in order to avoid conflicts. They have their internal dispute settlement and as ultima razzio(?), the arbitration clause in order to avoid any dispute at a court and the typical reservations according to the availability of funds because each agency is quite aware of the limitations of funds and exchanging conditions which might occur.

So we would just underline that even if there are typical clauses in those Memorandums of Understanding on space projects which relates to a lower level of legal commitment compared with contracts in the commercial sector, nevertheless those agreements are from their nature binding between the parties.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of Germany for his intervention and should give the floor to the representative of the United States.

Mr. K. HODGKINS(?) (United States of America): Thank you Mr. Chairman. I just wanted to offer a brief comment on the number of very interesting informative interventions that have been made on this question of legally non-binding arrangements for space cooperation. We can, of course, speak in however much fuller discussion of this in the days ahead and perhaps in the years ahead under the mechanisms for international cooperation agenda item. I just wanted to point out that what I heard in the intervention from the distinguished delegate of Germany about a lower level of legal commitment, I understood this to be going to the substance of the commitments, talking about commitments on a voluntary basis or what we are referring as lower level commitments embodied within an otherwise binding instrument.

But it is also possible to have an arrangement between governments that is not binding under international law. It is not legally binding when the governments so intend and the United States practice and the practice of other States that I am aware of, is to make this intent that an instrument be binding or non-binding evident in part through the drafting, through the language. There is certain language that we employ when we intend to create a legally binding instrument and there is other language that we employ when we intend, when both parties intend, that the arrangement be non-binding. In many cases, in the case of non-binding instruments, the arrangements are explicit that this is not a legally binding arrangement under international law.

To go back to the question that was raised by the distinguished delegate of Austria earlier in response to the technical presentation, the practical difference may not be great in many cases because the United States takes even non-binding commitments very seriously. These are nevertheless commitments of the Government to do something. And so in the vast majority of cases, the difference may be negligible.

At a technical level, though, non-conformity with a legally non-binding arrangement does not give rise to international responsibility under international law in the same way that a breach of a legally binding instrument would.

These are just brief comments before what I expect will be a much fuller discussion under the agenda item in the days ahead.

Thank you.

The CHAIRMAN: I thank the distinguished representative of the United States for his intervention and should once again express our deep appreciation to Madam Uchitomi for what clearly has been a thought-provoking presentation and clearly has already stimulated an interesting exchange of views with respect to this agenda item 12, Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space.

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 begin our consideration of agenda item 5, Information on the Activities of International Intergovernmental and Non-Governmental Organizations Relating to Space Law. We will continue, and hopefully conclude, item 7, National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, and continue our consideration of item 12, Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space.

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

Are there any questions or comments on this proposed schedule?

I see none.

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

The meeting adjourned at 5.15 p.m.