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

Script

856th Meeting
Thursday, 29 March 2012, 3 p.m.
Vienna

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

The meeting was called to order at 3.19 p.m.

The CHAIRMAN Good afternoon distinguished delegates, I now declare open the 856th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. I would first like to inform you of our programme of work for this afternoon.

We will first continue and hopefully conclude our consideration of agenda item 7(a) matters relating to the definition and delimitation of outer space with a view to endorsing the report of the working group on the definition and delimitation of outer space contained in A/AC.105/C.2/2012/DEF/L.1.

I will then suspend our meeting so that the working group on the status and application of the five United Nations treaties on outer space can hold its final meeting with a view to adopting its report.

We will then reconvene to continue and hopefully conclude our consideration of agenda item 5, status and application of the five United Nations treaties on outer space with a view to endorsing the report of the working group on the status and application of the five United Nations treaties on outer space contained in A/AC.105/C.2/2012/TRE/L.1.

Time permitting we will then begin the adoption of the report of the Legal Subcommittee.

Are there any questions or comments on this proposed schedule?

I see none.

Matters relating to the definition and delimitation of outer space (agenda item 7(a))

Distinguished delegates I would now like to continue and conclude our consideration of agenda item 7(a), matters relating to the definition and delimitation of outer space with a view to endorsing

the report of the working group on the definition and delimitation of outer space.

I would like to give the floor to the chair of the working group on the definition and delimitation of outer space, Mr. José Monserrat Filho, to present the report of the working group to the Subcommittee.

Mr. Monserrat you have the floor.

Mr. M. FILHO (*Brazil, interpretation from Spanish*) Thank you very much Chairman.

Mr. Chairman, distinguished delegates, I am pleased to inform you that the work of the working group on agenda item 7(a) of the programme, matters relating to the definition and delimitation of outer space during the current session of the Legal Subcommittee was very productive and satisfactory.

At our meetings the working group was able to devise several recommendations and these will be a good basis for its future work at the fifty-second session of the Legal Subcommittee that will take place in 2013.

Mr. Chairman, distinguished delegates. The report of the working group, which was approved this morning, is in A/AC.105/C.2/2012/DEF/L.1. I have the pleasure and the honour to submit the report to the Subcommittee for its approval. Thank you Chairman.

The CHAIRMAN I thank the distinguished representative of Brazil for that report of the working group.

Distinguished delegates I would now like to endorse the report of the working group on the definition and delimitation of outer space as contained in A/AC.105/C.2/2012/DEF/L.1 as amended.

Do I take it that the Subcommittee endorses the report of the working group on the definition and delimitation of outer space?

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

Mr. R. LEFEBER (*Netherlands*) Thank you Mr. Chairman and I do not have an objection to the adoption of the report in principle, it is just that when I was using the report that we adopted this morning to compare it with the draft report of the working group on agenda item 5 that I did note in paragraph 10 that we, in subparagraph (a), invite States Members of the Committee on the Peaceful Uses of Outer Space and then in (b) continue to address the governments of member States without any specification and then what has now become (c) invite the member States of the United Nations. There is a discrepancy here and I was just wondering whether it was intentional or not.

The CHAIRMAN I thank the distinguished representative of the Netherlands. To help the Subcommittee as well as the Secretariat clearly understand the observation you brought to our attention could you kindly repeat what it is you have just raised.

Mr. R. LEFEBER (*Netherlands*) Thank you Mr. Chairman. I will certainly do that. The question is whether we are inviting the members of the Committee on the Peaceful Uses of Outer Space to take action or the member States of the United Nations as a whole which is a broader group. For us it does not make a difference because we are a member of this Committee and also of the United Nations but for the Secretariat it will make a difference if they will have to address all member States of the United Nations as we now have agreed under subparagraph (c). If we indeed do that then the question becomes what is applicable in the case of subparagraph (b) that addresses governments of member States. Is that governments of member States of the Committee or of the United Nations as a whole? In subparagraph (a) we invite States Members of the Committee on the Peaceful Uses of Outer Space which is a limited group of member States of the United Nations. In subparagraph (b) we continue to address the governments of member States and there is no specification as to what we mean and in subparagraph (c) we invite the member States of the United Nations. Thank you.

The CHAIRMAN I thank the distinguished representative of the Netherlands and will give the floor to Mr. Negoda of the Secretariat.

Mr. S. NEGODA (*Secretariat*) Thank you Mr. Chairman. This practice reflects decisions of the working group because when the working group, in the past for instance, decided to initiate invitations to States to questions which are reflected in

paragraphs 10(a) and 10(b), it was decided to invite members of the Committee or of the United Nations and considerations here are derived from the fact that the group may benefit more from answers from a broader number of member States namely member States of the United Nations or for instance to questions which are reflected in 10(a) clearly national legislation and any practices it was felt that it would be better to invite members of the Committee only.

With regard this new questionnaire — permanent observers were invited because they may provide useful information as well like ICAO for instance with regard to suborbital flights. I understand that there was a feeling that it would be more beneficial to have a broader number of member States that is why UN member States are reflected here. Thank you Mr. Chairman.

The CHAIRMAN I thank the Secretariat and Dr. Negoda and I would assume the clarification provided by the Secretariat is satisfactory to the Netherlands.

I should now like to give the floor to the distinguished delegate of Brazil and the chair of this working group.

Mr. J. M. FILHO (*Brazil, interpretation from Spanish*) Thank you Chairman. I would like to say that we did not change the text it is the same as it was before and it was approved as such, there have been no changes there. If I have correctly understood the distinguished delegate of the Netherlands, there were changes and there have not been changes, we need to make that clear. The document that we submitted to our working group is the same one that you are seeing now and please correct me if I am wrong. Thank you.

The CHAIRMAN I thank the distinguished representative of Brazil.

Do I take it that the Subcommittee endorses the report of the working group on the definition and delimitation of outer space as amended?

The report of the working group on the definition and delimitation of outer space, as amended, is endorsed.

Distinguished delegates we have now concluded our consideration of agenda item 7(a) the definition and delimitation of outer space.

I would now like to suspend our meeting so that the working group on the status and application of the five United Nations treaties on outer space can hold its final meeting.

As you are all aware the chairman of the working group, I indicated earlier this morning on agenda item 5, Mr. Jean-François Mayence had to leave and I have accepted his request to serve as an acting chairman for the final meeting of the working group on agenda item 5.

Do I hear any objections?

It is so decided.

The 856th meeting of the Legal Subcommittee is now suspended.

The meeting was suspended at 3.33 p.m.

The meeting was reconvened at 4.34 p.m.

Status and application of the five United Nations treaties on outer space (agenda item 5)

The CHAIRMAN Distinguished delegates I would now like to reconvene the 856th meeting of the Legal Subcommittee to continue and conclude our consideration of agenda item 5, status and application of the five United Nations treaties on outer space with a view to endorsing the report of the working group.

I would now like to present the report of the working group on agenda item 5 in my capacity as acting chairman for that working group.

Distinguished delegates on behalf of the chair of the working group, Mr. Jean-François Mayence, it is my pleasure to inform you that the work of the working group on agenda item 5, status and application of the five United Nations treaties on outer space at the current session of the Legal Subcommittee was very productive. The working group was able to prepare a good foundation for its future work. The report of the working group, which has just been adopted by its members, is contained in A/AC.105/C.2/2012/TRE/L.1. It is my pleasure to submit the report to the Subcommittee for its adoption.

Distinguished delegates in my capacity as the Chairman of the Legal Subcommittee I would now like to propose to endorse the report of the working group on agenda item 5 as contained in A/AC.105/C.2/2012/TRE/L.1.

Do I take it that the Subcommittee endorses the report of the working group on agenda item 5 as amended.

The report of the working group on the status and application of the five United Nations treaties on outer space, as amended, is endorsed.

Distinguished delegates we have now concluded our consideration of agenda item 5, status and application of the five United Nations treaties on outer space.

Adoption of the report of the Legal Subcommittee

Distinguished delegates I would now like to begin the adoption of the report of the Legal Subcommittee. We shall proceed with a paragraph by paragraph adoption of the first part of the report as contained in A/AC.105/C.2/L.287. This part contains the sections on introduction, general exchange of views, status and application of the five United Nations treaties on outer space and information on the activities of international intergovernmental and non-governmental organizations relating to space law.

Do all delegations have this first part? Once again the document is A/AC.105/C.2/L.287.

Distinguished delegates as you consider the document we will, as I indicated earlier, proceed with a paragraph by paragraph adoption but you may well wish to familiarize yourselves with its content over the next few minutes before we begin.

Distinguished delegates, Assuming you are familiar with the document, as I indicated before the break, we will proceed with a paragraph by paragraph adoption of document A/AC.105/C.2/L.287.

Paragraph 1.

Adopted.

Paragraph 2.

Adopted.

Paragraph 3.

Adopted.

Paragraph 4. I give the floor to the distinguished representative of the Philippines.

Mr. C. P. MANANGAN (*Philippines*)
Mr. Chairman we would like to request further reflection of the Philippines in paragraph 4. Thank you.

The CHAIRMAN I thank the distinguished representative of the Philippines for his statement in bringing this omission to the attention of the Subcommittee and the Secretariat.

Are there any other delegations wishing to make a comment regarding paragraph 4?

Paragraph 4 is adopted.

Paragraph 5.

Adopted.

Paragraph 6. I should give the floor to the distinguished representative of Saudi Arabia.

Mr. M. A. TARABZOUNI (*Saudi Arabia*)
Thank you Mr. Chairman. It is a notation I do not think it is important. Thank you.

The CHAIRMAN Thank you distinguished representative of Saudi Arabia.

Are there any comments to paragraph 6?

Adopted.

Paragraph 7. I give the floor to the distinguished representative of China.

Mr. Y. XU (*China*) Thank you Mr. Chairman. Very briefly China would propose, after ___? we should add the Permanent Court of Arbitration because we do have an observer from PCA, Judge Pocar addressed us this week, we should reflect that in this paragraph. Thank you Chair.

The CHAIRMAN Before I give the floor to the distinguished representative of China I should let the Secretariat clarify your observations to paragraph 7.

Mr. N. HEDMAN (*Secretariat*) Thank you Mr. Chairman. The section on attendance is structured in a way so that it separates the different member States, organizations, wishing to attend the session as *ad hoc* observers. Paragraph 6 relates the European Union, so that is fine. Paragraph 7 relates to observers for United Nations system and that has always been a separate paragraph. Paragraph 8 relates to intergovernmental organizations and paragraph 9 to

non-governmental organizations. If there is an organization that is not a permanent observer of the Committee but wishes to attend, it should be reflected probably either under IGO or under NGO. While observing this I have a tendency here to feel that the inclusion of the Permanent Court of Arbitration in paragraph 10 might not be correct because the Permanent Court of Arbitration is a court and is not a non-governmental organization. We would then put a unique paragraph for the Permanent Court of Arbitration and it would read the same as paragraph 10 but it was only related to the Permanent Court of Arbitration and the placement of that paragraph ... perhaps China can enlighten me on exactly the status of the Permanent Court of Arbitration. Thank you.

Mr. Y. XU (*China*) With your permission, Mr. Chair, the Secretariat makes clear my understanding of why we should mention PCA before paragraph 10. If we look at paragraph 10 it is not only mentioned but also mention as observer with application for the observer of the Committee but for PCA definitely do not have the intention to apply for that. Maybe we should have an independent paragraph and just copy what was referred to in paragraph 7, the observer for PCA also attended the session, upon the request or not. My understanding is that the PCA is an official intergovernmental organization which is not phrased well with paragraph 10. Since PCA does not have the intention to apply for observer status so maybe we do not mention that part only attendees is good. Thank you.

Mr. N. HEDMAN (*Secretariat*) Thank you Mr. Chairman. I think we have a solution here. The Secretariat proposes that the Permanent Court of Arbitration which is now incorrectly included in paragraph 10 could be moved up to paragraph 8 where it says and I read now the last sentence 'the observer for the International Institute for the Unification of Private Law (Unidroit) and the Permanent Court of Arbitration also attended the session upon the invitation of the Subcommittee'.

Paragraph 10 should then be rephrased so that it only relates to the Ibero-American Institute of Aeronautic and Space Law and Commercial Aviation.

Paragraph 11 and paragraph 12 are separated from the previous paragraphs, so paragraphs 11 and 12 relate to the actual applications for either membership by States or permanent observer status by organizations. Thank you Mr. Chairman.

The CHAIRMAN I thank the Secretariat for this clarification. I assume it now addresses the

observation made and the proposal made by the distinguished representative of China. To be clear, we will take up the reference in the current paragraph 10 to the Permanent Court of Arbitration and add a sentence at the bottom of paragraph 8. In the absence of any comments ...

I should give the floor to the distinguished representative of the Czech Republic and then to the distinguished representative of Spain.

Mr. V. KOPAL (*Czech Republic*) We omitted the Permanent Court of Arbitration and therefore it should read 'the Subcommittee decided to invite, at its request, the observer' in singular.

The CHAIRMAN I thank the distinguished representative of the Czech Republic for that proposal to paragraph 10 to which we will return and I should give the floor to the distinguished representative of Spain.

Mr. S. ANTÓN ZUNZUNEGUI (*Spain, interpretation from Spanish*) Thank you Mr. Chairman. This is a correction in the Spanish version and I have seen it in several paragraphs, in 5, 6 and 10 to be precise. The Spanish version says 'would not prejudge requests of that kind and regarding this or another statute' and that does not mean anything in the Spanish wording. In Spanish we would have to say words to the effect of respect to its status. I can provide the Secretariat with the right wording in Spanish.

The CHAIRMAN I thank the distinguished representative of Spain for this clarification.

Are there any other comments with respect to paragraphs 7, 8, 9 and 10, taking into account the observations made by the distinguished representative of Spain, as well as the proposal by the Subcommittee to address the reference to the Permanent Court of Arbitration currently in paragraph 10 and amend the provisions of paragraph 8 as it is currently worded?

If there are no comments, paragraphs 7, 8, 9 and 10 are adopted.

Paragraph 11 for your consideration and comments if any.

Adopted.

Paragraph 12.

Adopted.

Paragraph 13.

Adopted.

Paragraph 14. Any comments?

Adopted.

Paragraph 15,

Adopted.

Paragraph 16.

Adopted.

Paragraph 17. Are there any comments to paragraph 17?

Paragraph 17 is adopted.

Paragraph 18. Any comments?

Adopted.

Paragraph 19.

Adopted.

Paragraph 20.

Adopted.

Paragraph 21.

Adopted.

Paragraph 22. I see the distinguished representative of the Czech Republic.

Mr. V. KOPAL (*Czech Republic*) With your allowance I would like to return briefly to paragraph 21. It is good that we pay tribute to the late personalities in space law, scholars and teachers, but they were not the representatives of the States participating in the work of the Legal Subcommittee but they were professors. We should say 'paid tribute to the late Professor Gyula Gál of Hungary and the late Professor Carl Q. Christol'.

Mr. N. HEDMAN (*Secretariat*) The only reason why the Secretariat started rolling its eyes is that this is only a pure editorial matter. The reports have never had titles before names but we will do our best to convince Editorial Control that we could put

Professor Gyula Gál and Professor Carl Q. Christol but we cannot guarantee that. Thank you.

The CHAIRMAN Are there any further comments? I assume there are no objections to the proposal that has been made by the Czech Republic with respect to paragraph 21 and the efforts that the Subcommittee will make to reflect these comments.

I give the floor to the distinguished representative of Brazil.

Mr. J. M. FILHO (*Brazil, interpretation from Spanish*) Thank you Chairman. This is just a question of timing. It would be fairer to put Professor Christol's name first and then Professor Gál because that was the chronological order. Thank you Chairman.

The CHAIRMAN I thank the distinguished representative of Brazil for the statement. The Secretariat has taken the observation request of both your proposal as well as that of the distinguished representative of the Czech Republic given the sequence in which these two professors have passed away as well as the alphabetical order of their names.

In that circumstance, may I ask the Subcommittee again if there are any comments and the Secretariat will make its best efforts to reflect this in the paragraph.

In the absence of which we will adopt paragraph 21 as all things being equal will be amended.

Paragraph 22.

Adopted.

Paragraph 23. I should give the floor to the distinguished representative of Algeria.

Mr. M. OUZEROUHANE (*Algeria, interpretation from French*) Thank you. Throughout the report we have the expression 'some delegates' and sometimes we have 'some delegations'. Is this a mistake or is there some subtle distinction between the two? Thank you.

The CHAIRMAN I shall give the floor to the Secretariat to assist us in clarifying this important point.

Ms. N. RODRIGUES (*Secretariat*) Thank you Mr. Chairman. This is something that has been

introduced in the processing of documents. We did send it down as some delegations which is our normal practice and we will correct that right throughout the report, you will find other instances where that has been introduced at the editorial level. We will correct that.

The CHAIRMAN Thank you very much for the clarification.

Assuming this addresses the question posed by the distinguished representative of Algeria, it will be made consistent and throughout the document.

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

Mr. M. A. TARABZOUNI (*Saudi Arabia*) Thank you Mr. Chairman. This should also be in the Arabic language because there is a distinction between the two. Thank you.

The CHAIRMAN Thank you distinguished representative of Saudi Arabia.

Are there any other comments with respect to paragraph 23?

In the absence of any comments to the substance and text of paragraph 23 and noting the recommendations and request for clarification posed by the distinguished representatives of Algeria and Saudi Arabia, shall I take it that paragraph 23 is adopted, taking into account the changes that will be made to ensure that the document is consistent with the first two words?

Adopted.

Paragraph 24. Any comments to paragraph 24?

Adopted.

Paragraph 25. I should give the floor to the distinguished representative of Brazil.

Mr. J. M. FILHO (*Brazil, interpretation from Spanish*) Mr. Chairman as far as this paragraph is concerned we have a proposal, instead of 'the possible introduction of weapons' I would propose 'placement' instead of 'introduction'.

The CHAIRMAN I thank the distinguished representative of Brazil for the proposal.

Are there any other delegations wishing to comment regarding the text of paragraph 25 and the proposal made by the distinguished representative of Brazil to delete and replace the word 'possible' in the second line of paragraph 25 with the word 'placement'?

If there are no comments, paragraph 25 is adopted.

Paragraph 26.

Adopted.

Paragraph 27. Are there any comments to the wording of paragraph 27?

Paragraph 27 is adopted.

Paragraph 28. No comments or observations to paragraph 28, shall I take it that it will be adopted as it currently reads?

Paragraph 28 is adopted.

Paragraph 29. Any comments to paragraph 29?
I see none.

Paragraph 29 is adopted.

Paragraph 30. Any comments to paragraph 30?

Paragraph 30 is adopted.

Paragraph 31.

Adopted.

Paragraph 32.

Adopted.

Paragraph 33.

Adopted.

Paragraph 34. Any comments to paragraph 34?

Paragraph 34 is adopted.

Paragraph 35.

Adopted.

Paragraph 36. In the absence of any comments to paragraph 36 I shall take it that paragraph 36 is adopted.

Paragraph 37.

Adopted.

Paragraph 38. Are there any comments to paragraph 38?

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

Mr. V. KOPAL (*Czech Republic*)
Mr. Chairman we have been informed during this session of the Legal Subcommittee that there have been 14 States Parties to the Moon Agreement after the accession of Turkey.

The CHAIRMAN I should give the floor to the Secretariat to clarify this point.

Ms. N. RODRIGUES (*Secretariat*) Thank you Mr. Chairman. Yes, you are indeed right and in fact the Liability and Registration conventions have also benefited from ratifications since 1 January. Paragraph 38 captures the numbers as at 1 January, you will see in paragraph 39 we have captured the further ratifications in that paragraph. Next year we will adjust the numbers again as at 1 January 2013.

The CHAIRMAN Are there any further comments? In the absence of which and noting that this is the status as of the start of the year.

The distinguished representative of the Czech Republic.

Mr. V. KOPAL (*Czech Republic*) I do not want to insist on this issue but perhaps it would be more useful if we could get the status of the United Nations Space Treaty for the beginning of the Legal Subcommittee session.

The CHAIRMAN Thank you distinguished representative of the Czech Republic and I shall revert to the Secretariat to come back to the point you have raised.

Secretariat Thank you Mr. Chairman. Yes, that is not impossible to do. The reason why we have the paragraph formulated as it is, it is because it is usually linked to the status of the treaties, the little insert that we insert into the treaties and that is usually 1 January.

There is nothing technically incorrect about changing the date to 19 March 2012 and adjusting the numbers to capture those ratifications done before then. The question then arises whether we need paragraph 39 at all.

The CHAIRMAN The distinguished representative of the Czech Republic.

Mr. V. KOPAL (*Czech Republic*) Thank you very much. I believe we need it because this is the report of the Legal Subcommittee to the Committee and therefore the Committee should know what is really the actual state of affairs.

The CHAIRMAN Distinguished delegates if you will be patient with us I shall give the floor again to the Secretariat that will advise us on the most appropriate means of proceeding with the wording of paragraphs 38 and 39 taking into consideration the observations made by the distinguished representative of the Czech Republic.

Mr. N. HEDMAN (*Secretariat*) Thank you Mr. Chairman. As delegations note for quite a long time the Secretariat has submitted the status of the treaties and that is reflected in paragraph 36(b) and that is as of 1 January each year and now it is as of 1 January 2012 on the basis of replies from the various depositories.

Paragraph 38 traditionally relates closely to that particular document that delegations have before them so consequently paragraph 38 then reflects as of 1 January 2012. However as we can see this year, there has been further accessions and ratifications to various conventions by States and that is after 1 January 2012 and the Secretariat thought it would be useful to reflect that in the report and that is done in paragraph 39. Having heard the question from the Czech Republic what could be done, if that is the wish of the Subcommittee, is that paragraph 39 be deleted and the numbers of the conventions concerned be adjusted to include these new developments since 1 January 2012 but the problem still remains that, when do we close the document for processing. We cannot have it as of the start of the Subcommittee, it has to be before the Subcommittee in order to put all the data into that document. Furthermore, as delegations know, we also make that particular document with the treaty status available to the Committee and, in this case, maybe we should not do that but only have the information in paragraph 38 for this particular year but that could be a cause of confusion to delegations if they receive a document in June and then we have another reflection

in the report of the Subcommittee. They are just questions for determination by delegations. Thank you.

The CHAIRMAN I thank the Secretariat for the clarification as well as the proposal indicating the challenges that will be associated with totally accommodating clearly the observations that have been made.

I should give the floor to the distinguished representative of China and then to the distinguished representative of Saudi Arabia and then the distinguished representative of South Africa.

Mr. Y. XU (*China*) Thank you Mr. Chair. I have two points to make. First, we do hope that we can keep the paragraph 39. We look at the encouragement for member States to join the various United Nations treaties. Although I do see the merits of the distinguished delegate of the Czech Republic to update the information in paragraph 38, I am concerned about whether we should be quite careful to update the information although I look to the treaties, except the Moon Agreement, all other treaties will be effect to the States when it deposits its ratification instruments to the depository. If we look at the Moon Agreement, article 9, if the State deposits its instrument of ratification of accession after the entry into force of the Agreement, the Agreement shall enter into force on 30 days following the date of deposit. So I am not sure whether it applies to Turkey, it deposited the instruments on 29 February or before that because it depends on the number whether we should have 14 or not.

My suggestion is that we follow the old practice to start from the very beginning of this year, the status of the treaties but reflect those new ___? independent paragraph that is more clear for us otherwise we have to calculate whether those treaties have come into force with some States, that is not easy to decide at the session. Thank you.

The CHAIRMAN I thank the distinguished representative of China for clarifying and justifying even more why we should essentially retain paragraphs 38 and 39 as they currently read.

I should also give the floor to the distinguished representative of Saudi Arabia.

Mr. M. A. TARABZOUNI (*Saudi Arabia*) Thank you Mr. Chairman. I would like to note that Saudi Arabia has already signed and verified the five agreements and the last three were in June 2010 and the problem was the mishandling of the papers this is

why, it is so far, we are not signed as, is not expected as in the list This is just a notification to other members to know that Saudi Arabia has already signed the last three agreements which are the Moon, and Astronaut and Registration by 13 July 2010. We are going to send all the others because I only just got the information today that information — that was actually we are not given the right way — so we are going to hand it either to England or to the United States or Russia very soon. Thank you.

The CHAIRMAN I thank the distinguished representative of Saudi Arabia for providing us with this update and should now give the floor to the distinguished representative of South Africa.

Mr. T. KOTZE (*South Africa*) Mr. Chair thank you for giving me the floor. The delegation of South Africa would very much like the status quo to be kept as before the Czech proposal although we do have empathy for that proposal. In this regard, we support the Chinese intervention just now to reflect in paragraph 38 the status of treaties as from 1 January every year. It is important for us to have reflected that we have become States Party to these treaties and, as the Chinese delegate as indicated, it could be one of the ways to encourage further ratification of these treaties.

With that said Mr. Chair, we would just like to have one change in paragraph 39, the date for our becoming a party to the Liability Convention is given as 9 January, and as the delegate of the United States has indicated earlier during the Legal Subcommittee, it is 19 January. I thank you.

The CHAIRMAN I thank the distinguished representative of South Africa for his clarification and request if delegates have any further comments to make with respect to the wording of paragraphs 38 and 39 in respect of which based on the suggestions, interventions from various delegations it is proposed to retain the wording of both paragraphs save for amendments to the date in paragraph 39 when South Africa became a party to the Liability Convention from 9 to 19.

I am informed that the distinguished representative of Brazil would like to take the floor.

Mr. J. M. FILHO (*Brazil, interpretation from Spanish*) Yes, Mr. Chairman. I just wanted to say that we agree in keeping the text of these two paragraphs as they stand. I would like to underscore the importance of up-to-date information that makes the document more relevant, the more up to date it is the more relevant and effective it is. That would be my message

for the future, if there is a possibility of updating it as much as possible. The more up to date it is the better for everyone and it would also it would make it more effective.

The CHAIRMAN I thank the distinguished representative of Brazil and note that every effort will be taken on the part of the Secretariat to ensure that our reports reflect, to the best of our ability, the current status of accession and ratification and signings of these instruments.

Having said that and, in the absence of any comments, noting that we will solely in both paragraphs make a change to the date on which South Africa became a party to the Liability Convention, can I take it that paragraphs 38 and 39 for the purpose of this report of the Legal Subcommittee are now adopted.

Paragraphs 38 and 39 with amendments are now adopted.

We shall continue to paragraph 40. Are there any comments regarding paragraph 40?

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

Mr. M. A. TARABZOUNI (*Saudi Arabia*) Thank you Mr. Chairman. In this paragraph we could not make a notification that Saudi Arabia has approved because it is actually the Subcommittee welcomed reports, so that means I am giving you a report now, Saudi Arabia has already signed the five treaties and principles of the UN. Just to make it as a note, noting that Saudi Arabia and so on and I can give you the date, it is 13 July 2010.

The CHAIRMAN I thank the distinguished representative of Saudi Arabia again and I understand the Secretariat will ensure that this information, clarification and update that you have provided us will be reflected in a paragraph 40*bis*. Would that be acceptable?

Are there any additional comments to paragraph 40?

In the absence of any comments to paragraph 40 and noting the amendments that will be made to accommodate the intervention of the distinguished representative of Saudi Arabia. Can I take it that paragraph 40 is adopted?

Paragraph 40 is adopted, subject to amendments.

Paragraph 41. Are there any comments to paragraph 41?

Paragraph 41 is adopted.

Paragraph 42.

Adopted.

Paragraph 43.

Adopted.

Paragraph 44.

Adopted.

Paragraph 45.

Adopted.

Paragraph 46.

Adopted.

Paragraph 47.

Paragraph 47 is adopted.

Paragraph 48.

Adopted.

Paragraph 49. Any comments to paragraph 49?

Adopted.

Paragraph 50. Are there any comments to paragraph 50?

Paragraph 50 is adopted.

Paragraph 51.

Adopted.

Paragraph 52.

Paragraph 52 is adopted.

Paragraph 53. I should give the floor to the distinguished representative of Venezuela.

Mr. R. BECERRA (*Venezuela, interpretation from Spanish*) Thank you Chairman. I apologize, maybe it is the fact that it is late and it is Thursday but I found it very hard to understand paragraph 53. For clear understanding, I would suggest that we delete some of the words from it. It would be 'The Subcommittee noted that the growing understanding of the provisions of the Moon Agreement and in particular the concept of "common heritage of mankind" was prompting a reflection and discussion process'. I am saying that so that it is made clear that most of the States here are aware that outer space is for all of us and that it does not belong to anyone. If you have any doubts, maybe it is just in the Spanish version. We would like to eliminate from the first sentence in 53 'the growing understanding' we would say 'The Subcommittee noted that the provisions of the Moon Agreement' so we would delete 'the growing understanding'.

The CHAIRMAN I thank the distinguished representative of Venezuela for his statement. If I understand it correctly, paragraph 53 if amended would read as follows

'The Subcommittee noted that the provisions of the Moon Agreement' and the rest of the paragraph would remain.

Are there any comments?

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

Mr. R. LEFEBER (*Netherlands*) Thank you Mr. Chairman. Although we can be quite flexible on the wording here if you simply delete the phrase 'the growing understanding' then it loses some of its meaning because the provisions of the Moon Agreement have been there since 1979 so there should have been then prompting a reflection in discussion as of that time. What the attempt here is, is to convey the message that the discussions that we have had in the last couple of years has led to States reconsidering whether they could become a party to the Moon Agreement. We are not ___? to the words 'the growing understanding' but it could also be that the discussions in the Subcommittee on the provisions of the Moon Agreement maybe that works, takes away the concerns of the delegation of Venezuela. Thank you.

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

I should give the floor again to the distinguished representative of Venezuela.

Mr. R. BECERRA (*Venezuela, interpretation from Spanish*) Mr. Chairman we made a very clear proposal. I would like the delegate who has just made a proposal to be as clear perhaps say it word for word or provide it in writing and that way we would be willing to discuss it.

The CHAIRMAN I thank the distinguished representative of Venezuela and I will recall that your proposal reads as follows, paragraph 53, you would like to have the two words 'growing understanding' deleted and the rest of the language in the paragraph would remain as it is.

May I request the distinguished representative of the Netherlands to please read, in dictation speed, how you see the paragraph being rephrased.

Mr. R. LEFEBER (*Netherlands*) Thank you Mr. Chairman. I am certainly willing and happy to do that. We would replace the phrase 'growing understanding of' with the following text 'discussions in the Subcommittee on' so the paragraph would read

'The Subcommittee noted that the discussions in the Subcommittee on the provisions of the Moon Agreement,' and then it continues as it is. Thank you.

The CHAIRMAN I thank the distinguished representative of the Netherlands and, in summary, we have a proposal that on the one hand could have the existing language with the words 'growing understanding' deleted or, the words 'growing understanding' deleted and replaced with the words 'discussion in the Subcommittee on the' and the rest of the language in the paragraph stands. Before I ask delegates to air their comments or views on these two proposals I should give the floor to the distinguished representative of Brazil.

Mr. J. M. FILHO (*Brazil, interpretation from Spanish*) Thank you very much Mr. Chairman. With all due respect to the distinguished delegates of Venezuela and the Netherlands, removing the idea of 'growing understanding' impoverishes this reference. If I recall correctly what we discussed here within the Subcommittee was that there is a process of growing understanding, of increased awareness of what the Moon Agreement stands for and it is important to reflect that. There has been a change in positions with regard to the Moon Agreement. This idea of changing awareness of the Moon treaty is important and if we remove those two words then we lose something because what we are trying to say with those words is that there is now more reflection on this.

The CHAIRMAN I thank the distinguished representative of Brazil for his statement which in effect adds a third proposal to the wording of paragraph 53 in the sense that, if I understand the proposal correctly, rather than delete the words 'growing understanding' we would retain the words 'growing understanding'. In order to accommodate all of the statements and observations that have been made, may I propose that we add the words instead of the Subcommittee, wording to the effect that some delegations expressed the view and then the rest of the sentence as it is currently worded.

Distinguished representative of Venezuela.

Mr. R. BECERRA (*Venezuela, interpretation from Spanish*) Yes, let me see the issue is maybe the way the paragraph is worded and I was not that clear. The main concern of my delegation is that we are very clear about the meaning of 'common heritage of mankind' but we do not want this to be taken to mean that there is a small group of States who believe that the Moon can be traded and that space can be traded this would not be acceptable to us. When I listened to Professor Monserrat Filho, may I take it that the idea in this paragraph is to strengthen the concept of true common heritage, if that is the case we would leave the paragraph as it stands. Maybe it was when I read it I did not quite understand it, it is late, it is Thursday, and I did not really understand the meaning of this but if the concept and aim of this paragraph is clear then we can leave it as it stands.

The CHAIRMAN I thank the distinguished representative of the Venezuela for providing this clarification and for the flexibility. Noting also the flexibility already expressed by the distinguished representative of the Netherlands. My proposal, and in the absence of any comments further, would be to retain the paragraph as it currently reads, so we will not be deleting the words 'growing understanding' neither would we be replacing those words with 'discussions in the Subcommittee on the provisions of the Moon Agreement' we would simply keep the paragraph 53 as it currently reads.

Are there any comments?

I see the distinguished representative of the Czech Republic.

Mr. V. KOPAL (*Czech Republic*) My delegation would be ready to accept your last proposal but we would like to see a minor amendment in the text saying that 'The Subcommittee noted that the growing understanding of the provisions of the Moon

Agreement, including of the concept of common heritage of mankind, was prompting a reflection' and so on and so on.

The CHAIRMAN I thank the distinguished representative of the Czech Republic and if there are no comments to the proposal that has just been made, I shall read the paragraph again with the recommendation for an amendment and we would have a paragraph 53 that will read

The Subcommittee noted that the growing understanding of the provisions of the Moon Agreement, including the concept of 'common heritage of mankind', was prompting a reflection and discussion process by some States on the possibility of becoming parties to the Moon Agreement.

If there are no comments I will take it that paragraph 53 is adopted.

Distinguished delegates we have come to the fourth part of the document but we have also exhausted our time for today.

I shall shortly adjourn this meeting. Before doing so I would like to remind delegates of our schedule of work for tomorrow morning.

We will meet promptly at 10 a.m. At that time I will suspend our meeting so that the working group on national legislation relevant to the peaceful exploration and use of outer space can hold its final meeting with a view to adopting its report. We will then convene our meeting to continue and hopefully conclude our consideration of agenda item 12, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space with a view to endorsing the report of the working group on national legislation relevant to the peaceful exploration and use of outer space contained in A/AC.105/C.2/2012/LPG/L.1. Time permitting we will then continue the adoption of the report of the Legal Subcommittee.

Are there any questions or comments on this proposed schedule?

I see none.

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

The meeting closed at 6.02 p.m.