



**Committee on the Peaceful
Uses of Outer Space
Fifty-second session
Vienna, 3-12 June 2009****Reservations of the delegation of the Bolivarian Republic of
Venezuela concerning the Safety Framework for Nuclear
Power Source Applications in Outer Space****Note by the Secretariat**

1. The Joint Expert Group of the Scientific and Technical Subcommittee and the International Atomic Energy Agency, established at the forty-fourth session of the Subcommittee to develop an international technically based framework of goals and recommendations for the safety of planned and currently foreseeable nuclear power source applications in outer space, carried out extensive work during 2007 and 2009. At the forty-sixth session of the Subcommittee, held in Vienna from 9 to 20 February 2009, the Joint Expert Group finalized the text of the draft Safety Framework for Nuclear Power Source Applications in Outer Space, for consideration by the Working Group on the Use of Nuclear Power Sources in Outer Space of the Subcommittee and by the Subcommittee.
2. At its 715th meeting, on 19 February, the Subcommittee adopted the Safety Framework for Nuclear Power Source Applications in Outer Space (AC.105/C.1/L.292/Rev.4. The Subcommittee noted the reservations expressed by the representative of the Bolivarian Republic of Venezuela with regard to the draft Safety Framework (A/AC.105/933, paras. 130-131).
3. Attached are the statements of the delegation of the Bolivarian Republic of Venezuela with regard to the Safety Framework for Nuclear Power Source Applications in Outer Space.



Statement of the delegation of the Bolivarian Republic of Venezuela made during the adoption of the Safety Framework on 19 February*

[Original: Spanish]

With regard to this topic, the delegation of the Bolivarian Republic of Venezuela will not stand in the way of the consensus on approving the Safety Framework for Nuclear Power Source Applications in Outer Space. It wishes, however, to express its reservations concerning the terms and conditions submitted to the Subcommittee and the Working Group.

On this basis, it wishes to reiterate that, although the document makes no explicit reference to the uses of nuclear power sources in low-Earth orbits, it contains a number of ambiguous statements that leave open the possibility that this inadmissible practice will be retained in future space development programmes. The scope for discretion in decision-making in what is a matter of great delicacy should be addressed by the Subcommittee.

The second point that should be made is that responsibility before the peoples of the world lies *solely and entirely* with United Nations Member States; and that responsibility is not transferable.

Our delegation also views with concern the voluntary and non-binding nature assigned to the Safety Framework. The procedure for amending and establishing international standards to regulate the use of nuclear power sources in outer space will need to be promoted. To this end, the role of the Committee on the Peaceful Uses of Outer Space in promoting space law will need to be strengthened.

This statement will be submitted to the Secretariat, with an annex containing the comments made by this delegation concerning the Safety Framework.

* The present statement is reproduced in the form in which it was received.

Statement by the Bolivarian Republic of Venezuela at the forty-sixth session of the Scientific and Technical Subcommittee of the Committee on the Peaceful Uses of Outer Space under agenda item 10: Use of nuclear power sources in outer space*

[Original: Spanish]

With regard to document A/AC.105/C.1/L.292/Rev.2,** dated 13 January 2009, the Venezuelan delegation wishes to thank the Joint Expert Group responsible for the draft text for the efforts that it made to address the comments submitted by our delegation through the regular channels established for that purpose. It is, however, a matter of concern that two basic problems remain in the document submitted for consideration by the Scientific and Technical Subcommittee at its forty-sixth session.

The first point to which this delegation would like to draw attention is that, despite the fact that great care was taken to make no explicit reference to the use of nuclear power sources in low-Earth orbits, there are numerous ambiguous statements that open up the possibility of retaining this inadmissible practice in future space development programmes. The scope for discretion in decision-making in what is a very delicate matter cannot be disregarded by the Subcommittee:

Preface

Second paragraph

“Reactors for power or propulsion are contemplated for scientific and exploration missions, for example to the Moon, Mars and other Solar System destinations, **and for other missions requiring high power** (e.g. communications, inter-orbital space tugs)...”

Comment: the reference to communications missions implicitly includes missions in low-Earth orbits.

Preface

Third paragraph

“...Potential accident conditions resulting from launch failures and **inadvertent re-entry** could expose NPS to extreme physical conditions...”

Comment: in cases of interstellar missions, inadvertent re-entry is not the most likely of situations. Inadvertency on whose part?

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** The comments of the delegation of the Bolivarian Republic of Venezuela were made on the version of the Safety Framework contained in document A/AC.105/C.1/L.292/Rev.2 that, while being made available to the Subcommittee, had not yet been approved by the Joint Expert Group. At the same session of the Subcommittee the Secretariat published revision 3 of the Safety Framework, containing its final draft for consideration by the Working Group on the Use of Nuclear Power Sources in Outer Space of the Subcommittee and by the Subcommittee. The adopted version of the Safety Framework was made available in revision 4.

Preface

Seventh paragraph

“The focus of the Safety Framework is the protection of people and the environment in Earth’s biosphere from potential hazards associated with relevant launch, **operation and end-of-service mission phases of space NPS applications.** ...”

Comment: the terms “operation” and “end-of-service mission” clearly allude to satellites in low-Earth orbits. In any case, it is necessary to limit satellites of this kind to those that already exist without permitting the proliferation of such satellites on future missions.

1. Introduction

1.1 Background

Second paragraph

“Reactors for power or propulsion are contemplated for scientific and exploration missions, for example to the Moon, Mars and other Solar System destinations, **and for other missions requiring high power (e.g. communications,** inter-orbital space tugs). **Space NPS have enabled several ongoing missions.** According to current knowledge and capabilities, space NPS **are the only viable energy option to power some foreseeable space missions** and significantly enhance others.”

Comment: were the missions that were made possible thanks to the use of nuclear power in low-Earth orbits conducted in the interests of peace and the welfare of humankind?

The following statements reveal the discretionary nature of decision-making under the Safety Framework:

3. Guidance for governments

First paragraph

“Governmental responsibilities include establishing safety policies, requirements and processes; ensuring compliance with those policies, requirements and processes; ensuring that there is **acceptable justification** for using a space NPS when weighed against other alternatives”

Comment: who decides whether a justification is acceptable?

5. Technical guidance

5.2. Safety in design and development

“Design and development processes should provide the highest level of safety that can reasonably be achieved.”

Comment: the highest level of safety that can reasonably be achieved?

The second point that the delegation of the Bolivarian Republic of Venezuela wishes to make is that responsibility before the peoples of the world lies *solely and entirely* with the United Nations Member States and that that responsibility is non-transferable. The document under consideration contains statements of an unacceptable ambiguity, with a marked privatizing tendency that is not admissible for the Subcommittee:

2. Safety objective

First paragraph:

“Governments, international intergovernmental organizations and **non-governmental entities responsible for authorizing, approving or conducting space NPS applications** should take measures to ensure that people (individually and collectively) and the environment in Earth’s biosphere are protected **without unduly limiting the uses of space NPS applications.**”

Comment: this opens up the possibility that non-governmental entities might be in a position to give approval.

“**without unduly limiting...**”: who assumes the right to decide what is a “due” limitation?

Second paragraph

“Guidance for achieving the fundamental safety objective is grouped into three categories: guidance for governments (section 3 below) applies to governments and relevant international intergovernmental organizations responsible for authorizing, approving or conducting space NPS missions; **guidance for management (section 4 below) applies to the management of the organization that conducts space NPS missions**; and technical guidance (section 5 below) applies to the design, development and mission phases of space NPS applications.”

Glossary of terms

“*Organization that conducts the space nuclear power mission*: the legal entity that has the direct control and oversight of a space nuclear power mission”

Comment: the texts cited above explicitly establish that the intention is to entrust authorization, execution, direct control and supervision to the private sector.

4. Guidance for management

“This section provides guidance for management of the organizations involved in space NPS missions. In the context of the Safety Framework, management should comply with governmental and relevant intergovernmental safety policies, requirements and processes to achieve the fundamental safety objective. **Management responsibilities include accepting prime responsibility for safety, ensuring the availability of adequate resources for safety** and promoting and sustaining a robust ‘safety culture’ within the organization.”

Comment: responsibility before the peoples of the world lies with governments. The statement quoted above runs counter to the principles of the United Nations. The proposed shift of responsibilities is reaffirmed in:

4. Guidance for management

4.1. Responsibility for safety

“The prime responsibility for safety should rest with the organization that conducts the space nuclear power source mission.

“The organization that conducts the space NPS mission has the prime responsibility for safety. ...”