

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

Unedited transcript

720th Meeting
Friday, 8 April 2005, 3 p.m.
Vienna

Chairman: Mr. S. Marchisio (Italy)

The meeting was called to order at 3.22 p.m.

The CHAIRMAN: Good afternoon distinguished delegates, I now declare open the 209th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This afternoon we will continue and suspend our consideration of agenda item 6, Matters Relating to (a) the Definition and Delimitation of Outer Space and (b) the Character and Utilization of the Geostationary Orbit, pending discussions in the Working Group on Item 6(a). We will also continue and conclude agenda item 7, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

I then intend to adjourn this meeting of the Subcommittee so that the preliminary exchange of views on the report of the open-ended ad hoc Working Group on the Preliminary Draft Protocol on Matters Specific to Space Assets can continue, and the Working Group on the Definition and Delimitation of Outer Space can hold its fifth meeting.

If there is still time remaining, I would propose that we continue our informal discussions on new agenda items for the forty-fifth session of the Subcommittee in 2006.

Matters relating to (a) the definition and delimitation of outer space and (b) the character and utilization of the geostationary orbit (agenda item 6)

Distinguished delegates, I would now like to continue and suspend our consideration of agenda item 6, Matters Relating to the Definition and Delimitation of Outer Space and (b) the Character and Utilization of the Geostationary Orbit, Including Consideration of Ways and Means to Ensure the Rational and Equitable Use of the Geostationary Orbit, Without Prejudice to the Role of the International Telecommunication Union, pending discussions in the Working Group on Agenda Item 6(a).

Are there any delegations wishing to take the floor on agenda item 6, Definition and Delimitation of Outer Space?

I see none.

I am sorry. Argentina.

Mr. S. SAYÚS (Argentina) (*interpretation from Spanish*): Thank you very much Mr. Chairman. Mr. Chairman, my delegation wishes to reiterate its position in this regard. It is necessary to seek consensus in order to delimit outer space, given that a legal regime, a particular legal regime, needs to be applied thereto and this is why my delegation considers it essential to pursue the examination of the issue.

The CHAIRMAN (*interpretation from Spanish*): I thank the distinguished representative of Argentina.

In its resolution 50/27 of 6 December 1995, the General Assembly endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that, beginning with its thirty-ninth session, the Committee would be provided with unedited transcripts in lieu of verbatim records. This record contains the texts of speeches delivered in English and interpretations of speeches delivered in the other languages as transcribed from taped recordings. The transcripts have not been edited or revised.

Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, within one week of the date of publication, to the Chief, Conference Management Service, Room D0708, United Nations Office at Vienna, P.O. Box 500, A-1400, Vienna, Austria. Corrections will be issued in a consolidated corrigendum.



(Continued in English) Are there any other delegations wishing to take the floor at this afternoon's session?

I see none.

We have, therefore, suspended our consideration of agenda item 6, Matters Relating to (a) the Definition and Delimitation of Outer Space and (b) the Character and Utilization of the Geostationary Orbit, pending discussions in the Working Group on Item 6(a).

Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (agenda item 7)

Distinguished delegates, I would now like to continue and conclude our consideration of agenda item 7, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

I have one speaker on my list and this is the distinguished representative of Ukraine. You have the floor, Ukraine.

Ms. N. MALYSHEVA (Ukraine) (*interpretation from Russian*): Thank you very much Mr. Chairman. Mr. Chairman, Ukraine is one of those countries which does not use nuclear power sources in its space activities. However, Ukraine considers that this kind of energy is irreplaceable for the accomplishment of certain kinds of space flight, first and foremost, flights in the outreaches of space. And being a State which felt the full force of the consequences of a major nuclear accident on Earth, Ukraine is aware of the dangers which inevitably accompany the use of nuclear sources of energy in space and this is particularly true, given the complication of the problem of space debris and, therefore, a discussion of the legal foundations of the use of such sources is something which my delegation considers to be extremely important for the work of this Subcommittee.

The Principles dealing with the question of nuclear power sources in space, the 1992 Principles, are a good basis for the regulation of such activities. At the same time, my delegation considers that the examination and review of these Principles is something that is necessary and the time has come for this. And this is something that we are prompted towards by a number of resolutions at the United Nations General Assembly, in particular resolutions 53/45 and 59/116. The idea of a review of the existing

Principles is something that is enshrined in the document itself, that is, in Principle No. 11.

And on what basis should our Legal Subcommittee be seeking to carry out this review of Principles? First and foremost, we have a lot of satisfactory material available to us which has been drafted on this issue by the Scientific and Technical Subcommittee and also by the Working Group that was set up by that Subcommittee in keeping with its work plan for the period 2003-2006. This material should be fully exploited in order that all proposals on the review of the Principles should have a sound technical basis and prompt us towards a framework which is technically valid.

However, this is not enough in and of itself. My delegation, in speaking on the relevant item of the agenda at the previous forty-third session of the Legal Subcommittee noted two important sources for encouraging the work of our Subcommittee on this item. Firstly, the analysis and taking account of the achievements in national legislation on the improvement of the Principles for the use of nuclear power sources in space activities, and, secondly, a fuller exploitation of the potential of other international organizations in the United Nations system, first and foremost, the IAEA, and we are delighted that at this session we heard a similar proposal from the French delegation.

We see two possible ways forward when it comes to stimulating cooperation of this kind within the context of international organizations. Firstly, a working group could be set up which would invite representatives from the IAEA to participate in it in order to examine and review the Principles for the use of nuclear power sources in space.

The second way for enhancing the effectiveness of international cooperation in this area, as our delegation sees it, is to appeal to the IAEA to draw up a survey of the norms and principles of international law which have been developed under the aegis of that organization which are applicable also to space activities and this is first and foremost instruments which establish criterias, that is universal safety and security criteria for nuclear devices which can be applicable to space. And this is also the regulation of the design and manufacture of nuclear facilities, taking into account universally recognized international norms of radiological protection. This also includes procedures whereby States and international organizations are informed, first and foremost, the rapid alert of a nuclear accident and radiation danger.

This also includes dealing with the question of interaction between the States when a nuclear accident takes place and also the question of liability for nuclear damage and also the way in which damages are compensated and other such questions where the IAEA has experience which goes back many years when it comes to the implementation of international law.

And we would also like to note that in addition to the IAEA, the experience of the development of international legal norms on these issues is something that is also possessed by another United Nations organization, that is the European Commission for Europe. Under the aegis of this Organization, five important legal instruments were developed with an environmental focus aimed to prevent the trans-border pollution of the environment along great distances and also eliminating the consequences of major industrial disasters and on issues informing the population and other such issues.

I see that a number of these instruments could also be taken up by us, especially considering that as things are now, regulation is something that should not only apply to the use of nuclear power sources in space but also what we also need to bring under legal monitoring launches of objects with NPS onboard. Acknowledging that it is a good idea for there to be cooperation when it comes to the survey and review of the Principles of nuclear power sources in space. With all the international organizations involved in this, my delegation would like, nevertheless, to underline that it is the experience of the IAEA in keeping with this issue which is of fundamental significance for our Subcommittee.

Taking into account the significance of this issue, the work being pursued in the context of the Scientific and Technical Subcommittee and also taking into account the potential for promoting work of this kind in our Subcommittee, my delegation considers it a good idea to maintain this item on the Legal Subcommittee's agenda for the next session.

Thank you very much Mr. Chairman.

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

Are there any other delegations wishing to take the floor at this afternoon's session on this agenda item?

I see none.

We have, therefore, concluded our consideration of agenda item 7, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee so that the preliminary exchange of views and the report of the open-ended ad hoc Working Group can continue, and the Working Group on the Definition and Delimitation of Outer Space can hold its fifth meeting. Time permitting, we will continue our informal discussions on new agenda items.

Before doing so, however, I would like to inform delegates of our schedule of work for Monday morning. We will reconvene here at 10.00 a.m. At that time, we will begin consideration of agenda item 8, Examination of the Preliminary Draft Protocol on Matters Specific to Space Assets to the Convention of International Interests in Mobile Equipment, Opened for Signature at Cape Town, South Africa, on 16 November 2001, and agenda item 9, Practice of States and International Organizations in Registering Space Objects.

I then intend to adjourn the plenary meeting so that, if necessary, the Working Group on Agenda Item 6(a) can hold its sixth meeting and so that the preliminary exchange of views on the report of the open-ended ad hoc Working Group can continue.

Are there any questions or comments on this proposed schedule?

I see none.

I now invite Mr. René Lefeber to coordinate the preliminary exchange of views on the report of the open-ended ad hoc Working Group and this will be followed by the fifth meeting of the Working Group on the Definition and Delimitation of Outer Space, chaired by Mr. José Monserrat Filho.

If there is time remaining, we will then continue with our consideration of new agenda items.

The meeting is now adjourned until 10.00 a.m. Monday morning. I wish all delegates a nice weekend.

The meeting closed at 3.35 p.m.