

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

Unedited transcript

789th Meeting
Thursday, 26 March 2009, 10 a.m.
Vienna

Chairman: *Mr. V. Kopal (Czech Republic)*

The meeting was called to order at 10.21 a.m.

The CHAIRMAN. Good morning, distinguished delegates, I now declare open the 789th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

I would first like to inform you of our programme of work for this morning. We will continue and hopefully conclude our consideration of agenda item 5, information on the activities of international intergovernmental and non-governmental organizations relating to space law. We will also continue our consideration of agenda 6 (a) the definition and delimitation of outer space and, (b) the character and utilization of the geostationary orbit. We will continue our consideration of agenda item 7, nuclear power sources.

At the end of this morning's session the working group on agenda item 6 (a) the definition and delimitation of outer space, under the chairmanship of Mr. José Monserrat Filho of Brazil, will hold its second meeting.

Are there any questions or comments on this proposed schedule?

I see none.

Distinguished delegates, before opening the floor for statements on agenda item 5, I would like to inform the Subcommittee that, as requested yesterday afternoon, the Secretariat has considered the schedule of our work for this session and has prepared a revised tentative schedule for the consideration of the

Subcommittee. I understand that the document is being circulated to delegations in this room as a non-paper. As you will note, some adjustments have been made to the schedule particularly as regards the meetings of the working groups as well as to some of the plenary items that we would have begun to consider next week. These items have been advanced by one or two meetings in order to generate sufficient time for two working groups to have sufficient time to meet next week. I would like to give the delegations an opportunity to read this document and reflect on it before opening the floor for any comments. I will now give you about 5 minutes for reading this document.

Has everybody had sufficient time for reading the document?

Yes, you have some comments, the Chairman of the working group.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*). Thank you very much Mr. Chairman and good morning to everyone.

A short comment. It has to do with agenda item 8, draft protocol on matters specific to space assets. I see that we have here five meetings planned to discuss this agenda item, if I understood correctly we will not have a presentation on the development of the draft protocol next Monday because the representative of UNIDROIT is not here, so, as you and other colleagues pointed out, the Deputy Secretary-General of UNIDROIT will only arrive here on Monday. So what text exactly are we going to talk about this afternoon and then in the morning and afternoon tomorrow?

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.

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Three sessions to discuss a matter that is not in our hands, if I may put it that way. This is science fiction at this point. Thank you very much Mr. Chairman. My suggestion would be to remove these sessions to next week, once we have the document. Thank you very much.

The CHAIRMAN (*interpretation from French*)

I thank the distinguished representative of Greece, maybe the Secretariat of the Subcommittee can provide explanations.

You have the floor distinguished representative of Germany.

Mr. I. NIEMANN (Germany). Thank you Mr. Chairman. It is also the understanding of the German delegation that the representative of UNIDROIT will be here on Monday only, or not before Monday, so we would support the statement made by Greece.

The CHAIRMAN. Thank you distinguished representative of Germany.

Mr. N. HEDMAN (Secretariat). Thank you Mr. Chairman. Yes, that is correct. The Secretariat has been informed by UNIDROIT that Mr. Stanford will be available only on Monday afternoon and this information was transmitted to the Secretariat very late so we had already organized for the meeting. What the Secretariat would propose can be done, that we simply delete item 8 from Friday, which means that on Friday, tomorrow, we do not deal with item 8. We have item 8 on Monday, as already provided in this non-paper, and we take it up on Tuesday morning.

Shall I repeat Mr. Chairman?

The following, I will correct what I already said. Now, Thursday, that means today, this afternoon there will not be any consideration on item 8. Tomorrow, Friday, there will not be a consideration of item 8 in the morning but in the afternoon we will retain item 8 in the afternoon. Then, on Monday, we will have item 8 in the morning and in the afternoon and the Secretariat will make it possible to have UNIDROIT also meeting on Tuesday.

The CHAIRMAN. Yes, once again, the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*). Thank you Mr. Chairman. Well, I do not quite agree with the

Secretariat's proposal actually. I agree that we can strike the discussion for today and tomorrow and tomorrow, both meetings. The only concession that I can make is to start Monday morning. Since Mr. Stanford is going to be coming Monday afternoon then we could hold the substantive discussion as from his presentation. I do not see why we should misuse our time, I do not see why we have to make undue haste to rush into this thing. This is why, if I might, I would prefer to start discussion of another important item, i.e. national legislation. We can possibly switch the draft protocol discussion, of course if the other colleagues present are ready to start to discuss that without having formal, official information, on the draft protocol of UNIDROIT. I really do not see how we can proceed in any reasonable fashion.

The CHAIRMAN (*interpretation from French*)

Thank you very much, distinguished representative of Greece, I agree with you.

You have concerns as to the way we are using our time, this is a very sound consideration certainly and that affects all the discussions, including the discussions in the working group on the other subjects. I am sure that you agree with me when I say that but, nonetheless, we would like to get the benefit of your contribution. Possibly we could start Monday morning because by then some delegations might have some proposals to make and then, of course, we will be awaiting the information from the Assistant Director-General and he should be arriving Monday afternoon so I completely agree with you. So we should allow for a little bit more time for the working group on national legislation.

I have now the distinguished representative of Italy.

Mr. S. MARCHISIO (Italy). Thank you Mr. Chairman. We are completely in full agreement with the Greek delegate which used highly offensive words concerning this point of the agenda, namely science fiction, abuse of time, this is completely inappropriate language. We should complain with this Subcommittee for this kind of language. I am very sorry to say this.

First of all, this is a point open to the agenda of the Subcommittee and some delegation could/would make some statement on this point, apart from the fact that the report of the UNIDROIT representative has been delivered to the Subcommittee, as we did in our statement in the general exchange of view.

Secondly, some countries represented in this Subcommittee, including Greece, is among the like-minded countries that participated very actively in the intersessional work of the draft protocol negotiations so they would/could take the floor for saying anything, I do not know that, I do not know but I think that this is not a way. The Subcommittee should allow, at least one time, the delegations to take the floor, if they wish, this week and then, if there is nobody that would like to take the floor, we go and we adjourn, as we did for other kind of exercise in this Subcommittee which, in our opinion, could deserve the same language that you used for this item in the agenda of the Subcommittee. Thank you Mr. Chairman.

The CHAIRMAN. Thank you distinguished representative of Italy for your contribution to our discussion. I now have on my list the distinguished Ambassador of Chile to whom I give the floor.

Mr. R. GONZÁLEZ ANINAT (Chile) (*interpretation from Spanish*). Thank very much Mr. Chairman. I will be very brief. I agree with what was said by the Italian delegation. I do not believe that we should sow confusion and chaos in the consideration of our items. I do not think that we have to broach ad hoc items in an ad hoc way, that is compounding too much. I have to go back on Tuesday to Chile and I do not want to do this at the last minute. If I really have to, if we keep going this way, I will make a call for a point of order. I do not think it is a good idea to keep tampering with the agenda and the agenda order, to float agenda items which have not been cleared in advance. This is no way to go. Thank you.

The CHAIRMAN. Thank you distinguished representative of Chile. I now have on my list, the distinguished representative of Austria.

Ms. I. MARBOE (Austria). Thank you very much Mr. Chairman. I would like to refer to item 11 on the agenda which was initially also scheduled only for the second week. I would also like to emphasize that a number of delegations organized their schedule according to this proposed agenda, so we know that next week the distinguished delegate from Belgium and the Netherlands will come who have been very active in national space legislation issues and I just wanted to know, as a question to the Secretariat. Did you consider this when you had already planned, could you please make a point of clarification why you then want to start the item already on Friday afternoon?

The CHAIRMAN. Thank you distinguished representative of Austria.

Ms. N. HERNANDEZ (Secretariat). Yes, we did take that into consideration. The only difference with agenda item 11 is that I have moved it up by only one meeting, that does not prevent us from extending the item as needed. So, if delegations still want to speak on Wednesday, of course we will accommodate delegations as we usually do, in any case, when delegations come in for presentations under the statements. This remains tentative.

There will be little adjustments going on with the agenda all the time because it also corresponds with how we submit our documents because if we have to have your report ready for you on Thursday afternoon and Friday morning, in all languages, we also have to make these adjustments as we go on. This does not preempt any delegation arriving at a later session making their statement, we will accommodate that as much as possible. What we did try to do was just to adjust the agenda just a wee bit to allow a little bit more time so that we can fit in two working groups next week with one extra session, that we had not originally planned, that is the only difference that is in the agenda. We do start the agenda items a little bit early for those delegations that do want, that are ready and would like to make a presentation in advance, it does not mean that they have to. We have many sessions on the open items and delegations are just not ready to make their statements but that does not prevent us from giving more time a bit later.

The CHAIRMAN. Thank you the representative of the Secretariat for your explanation and I believe, in order to shorten the discussion, that the Secretariat will take all these comments into account, will adjust the non-paper, and will then publish it as a mandate on the basis of the requests of the delegations as a paper, as an official document, and then you will still have the opportunity if something should remain unobserved to raise your additional comments. For the time being we have heard all necessary comments and we can proceed further.

Thank you very much and now we would like to continue and hopefully conclude our consideration of agenda item 5, information on the activities of international intergovernmental and non-governmental organizations relating to space law.

Do we have any speakers?

Yes, we have the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*). Thank you very much

Mr. Chairman. I just wish to exercise my right of reply to the comments proffered by my dear friend and colleague, the distinguished representative of Italy.

As regards the two terms which I used. As concerns the expression "science fiction", possibly it is a matter of perception of sense of humour which is at stake here.

I do not think that we should continue in this vein. I think that each and everyone of us has the right to present his or her view of things or understanding of things.

As for the schedule of work, as I have said several times, the time available is too expensive, it is too costly for the Organization, to the tax payers in the final analysis, tax payers of the UN system, it is important for us to be aware of this. I do not really see why a subject which is at the very periphery of our mandate because we really have to understand that this whole business is rather in the purview of UNIDROIT rather than of our Legal Subcommittee I really get the impression that we should work with a sense of proper use of the time available. Thank you.

The CHAIRMAN (*interpretation from French*). I would like to give the floor to the distinguished representative of Chile.

Mr. R. GONZÁLEZ ANINAT (Chile) (*interpretation from Spanish*). I would like to support what the Secretariat said and indeed to focus on the agenda items which have been set for our discussion.

The CHAIRMAN. We have another speaker, the distinguished representative of Venezuela.

Ms. T. OROPEZA (Bolivarian Republic of Venezuela) (*interpretation from Spanish*). Thank you Mr. Chairman. I think that we have to keep going along with the agenda as it has been proposed because any change could have a considerable impact on our consideration of other agenda items. Thank you.

The CHAIRMAN. Thank you distinguished representative of Venezuela.

Is there any other delegation wishing to speak on this particular point?

I see none.

I believe that, first of all, I would like to thank all delegations that expressed their views on this

additional point but I think that there is nothing to be added to the conclusion that I have made before.

We will now concentrate on our agenda item 5, namely, to continue and hopefully conclude our consideration of agenda item 5, information on the activities of international intergovernmental and non-governmental organizations relating to space activities.

Do we have any speaker on this?

We do not have any speaker from among the delegations, neither do we have any observer, that might wish to speak on this particular item so therefore I believe that...

Yes, I recognize the distinguished representative of Chile.

Mr. R. GONZÁLEZ ANINAT (Chile) (*interpretation from Spanish*). Thank you Mr. Chairman. I would like to start off by congratulating the Secretariat for the quality of the documents which have been distributed to us on this matter which is very important and which has to do with the quintessence of the core issues. Here I am referring to CRP.7 and CRP.4, which I believe are closely related to the issue which we are going to be broaching right now.

I just wanted to make a proposal ____ (?) of CRP.4. This document has a very significant number of universities, centres of excellence mentioned, which organize and hold courses in outer space. I just wonder whether if, at some future upcoming session, it would be a good idea to invite representatives of these universities to meet us so that we can have an exchange of views with them, so that we could basically organize an exchange of view on outer space law. Possibly in this fashion, we could find common ground with what UNIDIR is doing, the Advisory Committee which has been set up by OOSA, meetings comprising ten ambassadors and ten representatives of universities, so we could emulate what is done in that Committee. These are issues of interest to all the members represented here. We are talking about the education of, and the dissemination of, outer space law.

On behalf of my delegation, I would suggest that we should officially invite all of the representatives of the universities referred to in this document and all those who possibly might be interested to participate. I might even mobilize some of the universities in my country so that they could participate usefully to advantage and this cost-free to the Organization without any budgetary implications.

In this fashion, we could organize a round table to elicit more give and take on this matter.

This document is very interesting but, given the fact that any document cannot cover everything exhaustively, possibly not everything is covered. There may be some universities that would stress a more common law approach to outer space law others which espouse rather a more Napoleonic code approach. So there are conceptual issues which are underpinning any angle on to this, any approach which is taken. I think that this will possibly provide more momentum to the consideration of this issue in this Subcommittee of ours and it could also give sound legal basis to our consideration of the issues underpinning this matter. Such an encounter between the diplomats among us and the educational specialists in this matter could be very useful.

I would also like to call the Secretariat to take note of another point that I would like to mention. Last year when COPUOS met in plenary and also within the General Assembly, here I stand to be corrected because my memory sometimes does not serve me properly, I do believe that the Chairman of the Commission was supposed to send a letter to the United Nations University to enable that latter to participate in the debates and, if you read resolution 63/.., I do not remember the tail end of the reference number, of the UNGA, there are quite a few paragraphs on the UN University. This is not something novel, this University is part of the UN system and (1) it has obligations pursuant to the mandate that it has been given, it has the mandate to participate in this meeting and (2) a request would come from me that a representative of the UN University be issued to ensure representation on their part. I believe the possibility of doing a post-doctoral degree, ____ (?) is also very interesting. Maureen Williams, for example, is teaching in that university, she is present in this room, and all of the universities mentioned in this document are recognized centres of excellence. I am sure that in Chile we could add a couple more that is my first point.

My second point, so that we do not get things mixed up. The Chairman of the Subcommittee and then, subsequently, the Chairman of the Committee, should handle this, to transmit this proposal to the UNGA, that the UN University representatives should be present at our sessions because they are permanently, regularly, organizing events relating to our session issues and then they could report back to us on what they have done as well.

By way of a story I could usefully mention, that a couple of days ago I was in Paris and I came upon a

book by ____ (?), I just came upon this, and of course that prompted me to contact him and he said that he was working in an educational centre which organizes round tables and seminars and symposia in Europe. There was one between Europe and China last year. I am just mentioning this because there is a wealth of activities ongoing in these centres of excellence. This by way of demonstration.

So, I was making a second proposal. It is an initiative rather than a proposal, it is actually the responsibility incumbent upon the UN University, they could possibly second a representative to our meetings in the Legal Subcommittee, as well as to the Committee meeting proper, and then we could possibly have a meeting organized. We could set up a work programme and go into the relations between international relations and outer space law because I know that this is an interesting approach. Thank you.

The CHAIRMAN. Thank you very much distinguished ambassador of Chile for your very interesting contribution that included also some concrete suggestions. I believe we could still speak about it when considering the item of our agenda on capacity-building in space law because there is a link between this discussion and the topic of capacity-building. This is my opinion.

Mr. R. GONZÁLEZ ANINAT (Chile) (*interpretation from Spanish*). Yes, I am totally in agreement with you Mr. Chairman. Yes, everything you have said is absolutely correct and you have my assurances in that regard. Thank you.

The CHAIRMAN. Thank you.

Do we have any other

Yes, I now recognize the observer for the ... sorry, at the same time Greece applied and I have to give preference to a delegate to the Subcommittee from among the States. Greece has the floor.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*). Thank you very much Mr. Chairman. I fully agree with your proposal that we should talk about it when we come to the agenda item on capacity-building. In any case, I wanted to thank and congratulate the Bureau of the Office for Outer Space Affairs for the work accomplished and for the two documents prepared for us. I am also fully in agreement with the suggestions made by my colleague from Chile. That is, to set up some kind of affiliation with the United Nations University and UNIDIR also, it is very important.

Next comment, Mr. Chairman. I wanted to reiterate something that I have said here on many occasions that, in document CRP.4, the courses on space law and the various special education programmes related to space law seem to be extremely costly, from 15-33,000 Euros. Given the fact that one-third of the world is suffering from famine, from the economic crisis which has been a permanent crisis for many of those countries since decolonization, it is a huge challenge and Europe is a special situation here.

Several examples of universities that work in Europe in this area, Italy, Greece, everywhere in Europe, they should be offering such courses free of charge and that is the way universities work in our countries, mostly. So how can we talk about promoting knowledge of international outer space law and cite these huge costs. To my mind, it is unacceptable. We are talking about an international public asset, knowledge that should belong to all, for free. There you go, Mr. Chairman, I thought it was important to reiterate this position. Thank you very much for your patience.

Mr. CHAIRMAN. Thank you distinguished representative of Greece for your contribution. Now I am recognizing the representative of Intelsat.

Mr. C. ROISSE (European Telecommunications Satellite Organization (EUTELSAT IGO)) (*interpretation from French*). Thank you Mr. Chairman, ladies and gentlemen. I wanted to quite simply say that, at this point, I do not have a statement to make under this particular agenda item but I would like you to please note that next week I have a presentation to make on Intelsat, the European satellite communications system, when we talk about agenda item 11, after the French presentation on the new French law on space activities enacted in June 2008 and announced here by His Excellency the Ambassador of France to the United Nations Organizations in Vienna. Thank you very much.

The CHAIRMAN (*interpretation from French*) Thank you for your contribution.

Do we have any further requests for the floor?

Ladies and gentlemen, the list of speakers has been exhausted.

Is any other delegation or any other observer wishing to take the floor now at this meeting on agenda item 5, information on the activities of international intergovernmental and non-governmental organizations relating to space law?

I see none.

Therefore, I believe that we will conclude our consideration of agenda item 5, not only at this meeting but also the whole session.

We would now like to continue our consideration of agenda item 6 (a) the definition and delimitation of outer space and (b) the character and utilization of the geostationary orbit.

I have on my list of speakers the distinguished representative of the United States of America.

Mr. S. McDONALD (United States of America). Thank you Mr. Chairman for affording me this chance to present the United States views on matters relating to the definition and delimitation of outer space and to 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.

I would like to begin by commenting on the first part of this agenda item concerning matters relating to the definition and delimitation of outer space. As we have stated on previous occasions, the United States is of the view that there is no need to seek a legal definition or delimitation for outer space. The current framework has presented no practical difficulties and indeed activities in outer space are flourishing.

Given this situation, an attempt to define or delimit outer space would be an unnecessary theoretical exercise that could potentially complicate existing activities and that might not be able to anticipate continuing technological developments. The current framework has served us well and we should continue to operate under the current framework until there is a demonstrated need and a practical basis for developing a definition or delimitation.

This Subcommittee can operate most effectively and make its most significant contributions when it focuses its attention on practical problems which are not apparent here.

With respect to the geostationary orbit or GSO, I would like to state my Government's continuing commitment to equitable access to the GSO by all States, including satisfaction of the requirements of developing countries for GSO use and satellite telecommunications generally. From the legal point of view, it is clear that the GSO is part of outer space and its use is governed by the 1967 Outer Space Treaty as

well as the International Telecommunication Union's treaties. As set forth in article 1 of the Outer Space Treaty "outer space shall be free for exploration and use by all States without discrimination of any kind on a basis of equality and in accordance with international law". Article 2 of this treaty further provides "that outer space is not subject to national appropriation by claim of sovereignty, by means of use or occupation or by any other means". These articles make clear that a Party to the Outer Space Treaty cannot appropriate a position in outer space, such as an orbital location in the GSO, either by claim of sovereignty or by means of use, or even repeated use, of such an orbital position.

As I previously stated, the United States is committed to equitable access to the geostationary orbit and takes numerous actions to further the use of the geostationary orbit and other uniquely situated orbits as part of the province of all mankind including free provision of its global positioning system, free provision of a variety of weather and warning data from its meteorological satellites, information from the National Oceanic and Atmospheric Administration's polar meteorological satellites, data from the geostationary operational and environmental satellites, including information about hurricanes, volcanic eruptions and effluent flooding, droughts and related environmental matters and storm tracking data and, in cooperation with Russia, France and Canada, the international satellite-aided search and rescue programme, known as COSPAR-SARSAT, to provide means for ships, aircraft, and others in distress, to signal their need for help and their locations. We appreciate your consideration of our views on this agenda item.

The CHAIRMAN. Thank you very much distinguished representative of the United States of America for your intervention on agenda item 6 in which you took position to both elements of this particular item, it means both to the definition and delimitation of outer space and also to the use of the geostationary orbit and explained what has been and will continue to be the US policy in relation to these problems.

The next speaker on my list is the distinguished Ambassador of Chile.

Mr. R. GONZÁLEZ ANINAT (Chile) (*interpretation from Spanish*) Thank you Mr. Chairman. The only thing that I cannot resist is temptation. That is what they say in my country and the temptation before me here is to reformulate a question that I put yesterday in the framework of the working group but I think it is important enough to be

asked in the plenary. It has to do with what has just been said by the distinguished representative of the United States as well, but my question was to the delegation of Germany but also to the US and to the other delegations because we believe in democratic dialogue and we all deserve a response to our concerns and we hope to get it.

First, with regard to the German delegation that said yesterday that, in its view for the time being, at this moment, it is not appropriate to talk about the definition and delimitation of outer space. I think it is very appropriate and very relevant. We can talk about the centuries to come, 21st to 25th, I have no idea when, in their view, it will become timely and appropriate.

Next, taking into account the fact that I, at least, whatever intelligence I have as delegate of a country that does not have all the capabilities in the world, have not heard a single legal argument, I repeat, a single legal argument, from the United States delegate as to delimitation of outer space, as to why this is not a good time to start talking about it. What he said was entirely objective, there was no legal argument proposed therefore my question to the US and to Germany is, with your great wisdom and knowledge, do you know any branch of international law that does not have a scope of application? A branch of international law that has no jurisdiction in terms of the occurrence of accidents, incidents and, most importantly, how do we make sure not only that military uses are prevented but that peaceful uses are regulated. Among the various concepts, the various issues, how do we navigate this maze? It would really be interesting to know if, and this is for the consideration of all delegations, we can really hear a truly legal argument, I do look forward to a reply. Thank you.

The CHAIRMAN. Thank you distinguished representative of Chile for your contribution to our discussion in which you reiterated the question that you have put already yesterday during the discussion in the working group and these questions, as you said now, were addressed to the distinguished delegation of Germany and, perhaps also, to the distinguished delegation of the United States. Perhaps, those delegations might wish to offer their answers to these questions.

I recognize the distinguished representative of Germany.

Mr. I. NIEMANN (Germany) (*interpretation from Spanish*). Thank you very much Mr. Chairman, thank you Excellency Ambassador for your question

addressed to the German delegation, it is an issue of great interest to my country. The delegation of Germany will consider the matter in depth and we are prepared to look what other countries for consensus-based solutions to existing practices.

With regard to the documents mentioned, we would like to ask your understanding. The German delegation does not want to make specific comments on the issue at this point in time but we will follow the discussions very closely and will consider the matter in great depth. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much. Are there still some other delegation on this particular point before I give the floor to the next speaker?

I see none.

I now have on my list of speakers the distinguished ... Chile wants to reply.

Mr. R. GONZÁLEZ ANINAT (Chile) (*interpretation from Spanish*). First of all, I would like to thank the German delegation for so kindly opting to speak in Spanish but I did not, however, hear a response to my specific question. The report of this Subcommittee, we should note very specifically that the United States and German delegation did not deign to provide a response to Chile on that matter.

The CHAIRMAN. Thank you very much distinguished representative of Chile.

I see no other intent to make additional comments on these questions and therefore I will give the floor to the distinguished representative of Canada.

Mr. M. BOURBONNIERE (Canada). Mr. Chairman, thank you very much. Canada does not consider that the delimitation of outer space is necessary at this time as the absence of a clear delimitation has in no way hindered space activities. On the side (I would like to simply note also, that certain eminent publicists have argued that a delimitation can be determined in customary international law based on orbital mechanics).

Furthermore, it is Canada's position that outer space, including the geostationary orbit, is not subject to national appropriation under international law. Consequently, Canada is of the view that no country can claim sovereignty rights in relation to outer space. The International Telecommunication Union is the international organization responsible for setting the

regulatory framework allowing States to have equitable access to the radio frequency spectrum and associated orbits including the geostationary satellite orbit, taking into account the special needs of developing countries and the geographical situation of each State. Canada considers that States and international organizations should ensure that their activities do not infringe upon ITU's jurisdiction. Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much distinguished representative of Canada for your contribution to the discussion on item 6.

Any other delegation wishing to speak on this particular item?

I see none...

I recognize the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*). Thank you very much Mr. Chairman. I wanted to simply inform colleagues, the Canadian colleague made some references here. The only text which is an international instrument that offers a definition of space is the rules of radio communications which contains a reference to deep space and that is defined as beyond a certain altitude. That is the only time, the only place if you will, where an attempt is made to define outer space. I want to elaborate a little further on that. There is a definition, and this definition is in the annex to the radio communication rules and it dates back to the 1960s, unless I am mistaken. Thank you very much Mr. Chairman.

The CHAIRMAN (*interpretation from French*) I thank the distinguished representative of Greece for this item of information. It is very interesting and appropriate and relevant, but of course this definition had to do with remote space or deep space so it does not really constitute a definition of the scope of application of space law in general. Thank you very much.

Is there, once again, any other delegation wishing to speak on this item?

I see none and neither do I ...

The distinguished representative of Japan has the floor.

Mr. K. MIYAZAKI (Japan). Thank you Mr. Chairman. Japan supports the position of the United States. Japan believes that formulation of the definition of outer space is unnecessary for the following reasons.

We see no real problems that arise from the absence of ____ (?) definition of outer space and that may not be settled through the application of existing international legal notes.

Second, we also think that establishing a new boundary of space might lead to the ____ (?) of outer space activities. Thank you very much.

The CHAIRMAN. Thank you very much distinguished representative of Japan for your contribution and for the expression of the view of your government of Japan.

Once again, do we have any other application from among the delegations? Neither does any observer for international organizations wish to speak on this topic?

I see none.

I believe that we will therefore continue our consideration of agenda item 6 (a) and (b) this afternoon and now we will proceed with another item of our agenda.

I would like now to continue our consideration of agenda item 7, nuclear power sources. I do not have any application for discussion from the delegations and neither do I have from any observer on this particular item.

Does somebody wish to speak on item 7, nuclear power sources at this meeting?

I see none...

(interpretation from Russian) The distinguished representative of the Russian Federation, you have the floor.

Ms. L. KASATKINA (Russian Federation) *(interpretation from Russian)*. Mr. Chairman, the Russian Federation appreciates the fact that the Scientific and Technical Subcommittee approved, in February of this year, the framework for the safe use of nuclear power sources in outer space. That document is the result of fruitful cooperation between the Scientific and Technical Subcommittee of COPUOS and the

International Atomic Energy Agency. The cooperation started in 2007 and it led a joint group of experts to develop this document which is based on the technological consensus reached by the two organizations. The development of this framework was conducted in full compliance with the norms and principles of international space law. Having said that, the framework is not an addition or a revision or even an interpretation of any legal instruments. The idea of this framework is to use it as a set of guiding principles, not legally binding. The most important objective of that document is to promote the safest possible use of nuclear power sources in outer space and that, in our opinion, corresponds to the national interests of all countries without exception.

The Russian Federation is a country that has considerable experience of developing, building and operating, nuclear power sources in outer space. While taking part in the work on this framework document, we proceeded from the understanding that it would provide a stimulus to national efforts with a view to developing, constructing and safely operating nuclear power sources and that, *inter alia*, would propose ideas for national norms and standards.

Mr. Chairman, recently we have heard calls that the principles governing the use of nuclear power sources in outer space be revised, we are talking about principles adopted by the UN General Assembly in 1992. Some are calling for a change in their legal regime. In that context, the Russian delegation would like to draw the attention of delegates to paragraph 7 of the preamble to that document which clearly points that it can be revised in the future provided new types of nuclear power uses emerge and new international recommendations on radiological protection are made available.

However, as of the present time, all existing uses of nuclear power sources in space stay within the framework of the principles and do not go beyond them. These are for the generation of electric power in spacecraft necessary for specific space missions. In the same manner, the recommendations that exist for the radiological protection remain unchanged. Therefore, there is no formal basis for talking about a possible revision of the principles, we see no such basis.

Likewise, we believe it is unjustified to talk about using the Legal Subcommittee as a forum to develop a legally binding document which would regulate the use of nuclear power sources in outer space. Clearly, a truly effective set of legal norms to regulate this, or any sphere of human activity, is only possible on the basis of a profound analysis of all

contributing factors. We are talking about different activities performed by a wide range of actors, this is something that would require a long time and a lot of effort.

At present, only an insignificant number of States, or a small number of States at any rate, has the technology to create nuclear power sources for outer space and even fewer States are actually using such sources in practice. The framework document makes it possible for all interested States to develop their own national normative basis for the safe use of nuclear power sources in space and, once experience has accumulated by each country on a national level then, at some point in the future, perhaps a need will arise to bring all of those practices together and develop a high-level international technological instrument. Thank you very much.

The CHAIRMAN (*interpretation from Russian*). I thank the distinguished representative of the Russian Federation for her statement on the issue of nuclear power sources in outer space.

You have emphasized the fact that you appreciate the emergence of a framework document on the safe use of nuclear power sources in outer space. At the same time, you expressed an opinion as to the possibility of an eventual revision of the existing principles, ensuring the safe use of nuclear power sources in outer space, the principles adopted in 1992. You also expressed an opinion as to the eventual development of a legally binding document. Thank you very much.

(*continued in English*) Do we have any other speaker on this particular item, nuclear power sources?

I see none.

Therefore I believe that we could continue our consideration of agenda item 7, nuclear power sources, this afternoon.

Excuse me, we have just had a small consultation with the Secretary. He drew my attention to the fact that we have decided to cancel point 8 for this afternoon's meeting. Now I can inform you that I intend shortly to adjourn this meeting so that the working group on agenda item 6 (a) the definition and delimitation of outer space, under the chairmanship of Mr. Monserrat Filho, can hold its second meeting now immediately after the suspending of this meeting of the Subcommittee.

Before doing so I would like to remind delegates of our schedule of work for this afternoon. We will meet promptly at 3 p.m. At that time we will continue our consideration of agenda item 6 (a) the definition and delimitation of outer space and (b) the character and utilization of the geostationary orbit. We will continue our consideration of agenda item 7, nuclear power sources and we will begin our consideration of agenda item 9, capacity-building in space law. At the end of the afternoon we will have two working groups, the working group on agenda item 6 (a) the definition and delimitation of outer space and working group on agenda item 4, status and application of the five United Nations treaties on outer space.

Are there any questions or comments on this proposed schedule for this afternoon's meeting?

I see none.

This meeting is adjourned until 3 p.m. in the afternoon.

The meeting closed at 11.35 a.m.