

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

Unedited transcript

814th Meeting

Monday, 29 March 2010, 3 p.m.

Vienna

Chairman: Mr. A. Talebzadeh (Islamic Republic of Iran)

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

The CHAIRMAN: Good afternoon distinguished delegates, ladies and gentlemen, I now declare open the 814th 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 continue and hopefully suspend our consideration of agenda item 5, Status and Application of the Five United Nations Treaties on Outer Space, pending the adoption of the report of the Working Group.

We will also our consideration of agenda item 8, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, and agenda item 9, Examination and Review of the Developments Concerning the Draft Protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment.

We will continue our consideration of agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

We will then adjourn the plenary meeting so that the Working Group on Agenda Item 12 can hold its third meeting under the chairmanship of Mrs. Irmgard Marboe of Austria.

At 6.00 p.m., all delegates are invited to attend a reception in the Mozart Room of the VIC Restaurant hosted by the United States. The invitations to the reception have already been distributed to delegations in their pigeon holes.

Are there any questions or comments on this proposed schedule?

I see none.

I would like to remind delegations to provide the Secretariat with possible corrections to the provisional list of participants which was distributed as Conference Room Paper 2 so that the Secretariat can finalize the list of participants. Any corrections should be submitted in writing by Tuesday, 30 March, in the afternoon.

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

Distinguished delegates, I would now like to continue and hopefully suspend our consideration of agenda item 5, Status and Application of the Five United Nations Treaties on Outer Space, pending the adoption of the report of the Working Group.

I do not have any speakers on the list.

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

I see none.

We have, therefore, suspended our consideration of agenda item 5, Status and Application

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 D0771, United Nations Office at Vienna, P.O. Box 500, A-1400, Vienna, Austria. Corrections will be issued in a consolidated corrigendum.



of the Five United Nations Treaties on Outer Space, pending the adoption of the report of the Working Group.

Review and possible revision of the Principles relevant to the use of nuclear power sources in outer space (agenda item 8)

Distinguished delegates, I would now like to continue our consideration of agenda item 8, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

We have no speakers on the list.

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

I see none.

We will, therefore, continue our consideration of agenda item 8, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, tomorrow morning.

Examination and review of the developments concerning the draft Protocol on Matters Specific to Space Assets to the Convention of International Interests in Mobile Equipment (agenda item 9)

Distinguished delegates, I would now like to continue our consideration of agenda item 9, Examination and Review of the Developments Concerning the Draft Protocol on Matters Specific to Space Assets to the Convention of International Interests in Mobile Equipment.

The first speaker on my list is the distinguished delegate of China. I give the floor to the distinguished representative of China.

Mr. B. LI (China) (*interpretation from Chinese*): Thank you Mr. Chairman. Mr. Chairman, my delegation appreciates UNIDROIT's efforts in drafting the Space Assets Protocol. We are of the view that facilitating space assets financing will promote the application of space technology, maximize its impact and bring benefits to more countries.

Mr. Chairman, the Protocol is intended to not only regulate space assets to financing but also brings space legislation in synch with development trends in outer space activities without undermining the current legal regime governing outer space. This is a task of both current interest and the far-reaching implications.

At present, the drafting of the Protocol is nearing completion but quite a few outstanding issues remain. We support the Legal Subcommittee to continue examining and reviewing the draft Protocol and participating actively and playing a constructive role in the elaboration of the Protocol. I trust that will not only help build consensus to resolve outstanding issues and finalize the draft Protocol at an early date but also broaden our thinking, sum up experience and give impetus to the development and the progress of space law.

Mr. Chairman, we support the creation of a new registration system for commercial interests under the future Protocol to meet the needs of commercial space activities. Meanwhile, the Protocol should also balance this new registration system and the system of registering objects launched into outer space. We should ensure that creditors can obtain speedy default or insolvency relief and that the rights of the State of registry to jurisdiction and control of its registered objects would not be harmed and the exercise of those rights by the State of registry not hindered.

We are in favour of the Protocol regulating the commercial transactions of private operators and the defining their rights and obligations to keep pace with the trend towards commercialization of space activities.

At the same time, however, it is necessary for the Protocol within the framework of the existing liability regime for damage caused by space objects to focus more on the liability/responsibility of private operators and their State. It is our view that, in addition to encouraging States to improve their domestic legislation and effectively regulate the activities of their national private operators, the Protocol should clearly specify that governments shall bear international responsibility for the commercial space activities of their national private operators.

Mr. Chairman, the commercialization and the privatization of space activities also pose new challenges to the production of public interests. Space assets carry numerous public service tasks. Once the use of an asset controlled by a private operator is changed at will and the public service is interrupted, it might seriously jeopardize national interests and the public security. Hence, the need to establish a system to protect public services in the outer space area.

The Protocol should respect the sovereign rights of countries to restrict creditor remedies in order to ensure the maintenance of public services and explicitly provide for this in specific provisions.

At the same time, we also understand that great importance of transparency and the predictability to the Protocol and the support continued elaboration of visible options in that maximum efforts to strike a balance between maintaining public services and protecting creditor interests.

Mr. Chairman, the preparation of the Protocol provides us with a valuable opportunity to sum up experience, meet challenges head on and write a new chapter in space law.

China is ready in that responsible attitude to the future of space law to seize this opportunity and to work with others to promote the mutually complementary and a harmonious development of the Protocol and the existing space law and contribute to improving the legal regime governing outer space.

Thank you Mr. Chairman.

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

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

I see none.

We will, therefore, continue our consideration of agenda item 9, Examination and Review of the Developments Concerning the Draft Protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment, tomorrow morning.

General exchange of information on national legislation relevant to the peaceful exploration and use of outer space (agenda item 12)

Distinguished delegates, I would now like to continue our consideration of agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

I have no speakers on my list.

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

I see none.

We will, therefore, continue and hopefully suspend our consideration of agenda item 12, General

Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, tomorrow morning, pending the deliberations of the Working Group.

Distinguished delegates, I will shortly adjourn the plenary meeting so that the Working Group on Agenda Item 12 can hold its third meeting under the chairmanship of Mrs. Irmgard Marboe of Austria.

Before doing so, I would like to remind delegates of our schedule of work for tomorrow morning.

We will meet promptly at 10.00 a.m. At that time, we will continue our consideration of agenda item 8, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, and agenda item 9, Examination and Review of the Developments Concerning the Draft Protocol on Matters Specific to Space Assets to the Convention on International Interests in Mobile Equipment.

We will continue and hopefully suspend our consideration of agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space.

Pending deliberations of the Working Group, we will also begin our consideration of agenda item 13, Proposals to the Committee for New Agenda Items.

We will then adjourn the plenary meeting so that the Working Group on Agenda Item 12 can hold its fourth meeting under the chairmanship of Mrs. Irmgard Marboe of Austria.

Are there any questions or comments on this proposed schedule?

I see none.

I now invite Mrs. Irmgard Marboe of Austria to chair the third meeting of the Working Group on Agenda Item 12.

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

Thank you very much for your attention.

The meeting closed at 3.31 p.m.