

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

Unedited transcript

832nd Meeting

Tuesday, 5 April 2011, 10 a.m.

Vienna

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

The meeting was called to order at 10.14 a.m.

The CHAIRMAN Excellencies, distinguished delegates, ladies and gentlemen, good morning. I now declare open the 832nd meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

We will continue our consideration of agenda item 8, 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 9, capacity building in space law and agenda item 11, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space. We will then continue with our consideration of agenda item 12, proposals to the Committee on new items for consideration by the Subcommittee, to discuss organizational matters. At the end of the plenary there will be one technical presentation by the representative of the United States entitled 'Federal Aviation Administration Definitions'. We will then adjourn the plenary meeting so that the working group on agenda item 11 can hold its third meeting under the chairmanship of Ms. Marboe from Austria.

Are there any questions or comments on this proposed schedule? I see none.

I would like to inform you that, at the end of the afternoon's session, at 6 p.m., a reception will be hosted by the delegation of the United States of

America in the Mozart Room of the VIC Restaurant. An invitation has been placed in your pigeon holes.

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 (agenda item 8)

Distinguished delegates, I would now like to continue our consideration of agenda item 8, 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.

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

Mr. Y. ZENG (China) (*interpretation from Chinese*) The Chinese delegation commends UNIDROIT's effort to draft the protocol on matters specific to space assets and its achievement made so far. China supports the Legal Subcommittee in continuing its research and review of the draft protocol on space assets and is ready to share its views and comments on the relevant issues.

Space assets collaterals and secured financing cover complicated legal issues. The formulation of the relevant rules requires the common wisdom of the legal experts and professionals of all countries. In today's world where space exploration and utilization activities are increasingly commercialized, formulating legal norms on space assets financing in the interest of

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promoting a harmonious and orderly development of the space financing market is a useful attempt on the part of the international community to follow the trend in the development of space activities and to actively strive to improve the space legislation.

The Chinese government consistently attaches great importance to the drafting of the space assets protocol and has participated constructively in a series of important negotiations, including the fifth government expert meeting held in Rome last February. This government expert meeting has produced positive results. The text adopted has _____(?) some differences and given a good reflection of the opinions of all parties. China would like to commend this achievement. China believes that the new definition in the current text has excluded items not covered in the consideration of financing while keeping a certain degree of flexibility. It is visionary in the fact that room is kept for future new space vehicles in particular.

On the issue of determining the location of the space assets, the current text ensures that the provisional relief measures are implemented as much as possible in the location with jurisdiction and compatible with the existing relevant international rules. This is very positive in improving the applicability of the protocol.

Regarding the relief restriction of public service. The current text keeps a proper balance between the guarantee of the continuation of public service and the securing of the creditor's interests. China is working intensively on the outstanding issues in the draft protocol. At the same time, we are having extensive consultations with the relevant domestic departments _____(?) on the specific contents in this regard. China is ready to work with all parties constructively and engage in the discussion to seek common understanding and to push for a mutually promotional and coordinated development of the protocol and the existing space laws. Thank you.

The CHAIRMAN I thank the distinguished representative of China for a very good statement.

No more speakers on my list. Are there any other delegations wishing to make a statement under this agenda item?

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

Mr. A. TARABZOUNI (Saudi Arabia) (*interpretation from Arabic*) I would like to thank the

Deputy Secretary-General of UNIDROIT, Mr. Martin Stanford, for his statement. We took part in the five meetings mentioned and we would like to thank the members who agreed on the principle of consensus which led to constructive dialogue and good results with regard to the protocol. In our today's world, space activities are being commercialized and privatized so the _____(?) rules will help us use space for peaceful purposes. Thank you.

The CHAIRMAN I thank the distinguished representative of Saudi Arabia for a very good statement.

Are there any other delegations wishing to make a statement under this agenda item? I see none.

We will therefore continue and hopefully conclude our consideration of agenda item 8, in the afternoon.

Capacity building in space law (agenda item 9)

Distinguished delegates, I would now like to continue our consideration of agenda item 9, capacity building in space law.

No speakers on my list. Are there any delegations wishing to make a statement under this agenda item?

I give the floor to the distinguished representative of Brazil, Professor Filho.

Mr. J. FILHO (Brazil) (*interpretation from Spanish*) I wanted to provide some information regarding activities carried out in Brazil in terms of training specialists in international outer space law.

First of all, I wanted to recall that Brazil was the host of the third and fourth United Nations seminars on outer space law. In 2004 there was a meeting in Rio with the participation not only of representatives from various states of Brazil but also other Latin American countries. This was a meeting perhaps that did not quite live up to expectations but it started a very important process. It is very important that, in the future, we should create new opportunities for having such meetings in Brazil, workshops, seminars, and similar events on outer space law. There are new situations emerging, new opportunities that come with the new developments and we hope to count on broader participation and broader support on the part of Brazilian universities and research centres.

I also wanted to point out that the main organization in Brazil addressing matters pertaining to outer space law is not a university, at this point in time, it is a private utility company which has set up an Association of Aeronautic and Space Law. It was set up in 1952 and, since the beginning, has been involved in promoting various aeronautics initiatives in Brazil. This organization has devised and carried out outer space law courses for small groups, short-term courses, held every year, they introduce students to basic knowledge regarding space law. All documents pertaining to outer space law have been published by this organization in Brazil. At present, some books have been edited and published by the organization on outer space law and also compendia of the basic instruments governing outer space law.

Another organization that has shown an interest in promoting space law in our country is the Brazilian Society for the Advancement of Science. This organization was set up in 1948. It is the largest organization in our country representing the scientific community. It holds annual meetings, attended by thousands of people, experts, researchers, and these usually take place on university campuses. This year the annual meeting of this organization will be held in Goiânia, the capital city of the state of Goiás, not far from the Brazilian capital of Brasília in the heartland of the country. The main purpose will be on energy but there are a number of items on the agenda and we will try and include the issue of space law on the agenda of that meeting as well. What is being suggested for this year as the main theme is safety and security in space activities. The issue of space safety and security in outer space is of great interest to all those involved not only in work in the sphere of space law but also space policies, international relations with regard to space activities.

This year, for the first time, the University of São Paulo also carried out a seminar. This is the largest university in Brazil and the best known internationally which plays a very important role in breakthrough technological research and development. It has a Department of Law which is one of the oldest traditional such departments in Brazil, the most important law school in the country in fact with a very long standing tradition of law studies. They organized a seminar on space law, attended by the President of the International Institute for Space Law, Dr. Masson-Zwaan, as a special guest invited for that occasion. We hope that further efforts will be undertaken by the law department of the University of São Paulo and this would provide an additional impetus to work to promote and develop space law.

At the present time, the Brazilian Space Agency is trying to enhance international cooperation in the field of space law, not only space law but also space policies. We understand that the two are related and go hand-in-hand and a major contribution could be made towards the promotion of space policies and space law in Latin America through programmes of cooperation with other countries starting with the country that is our closest neighbour, Argentina, but also Chile, Colombia, Venezuela and other countries. We are absolutely convinced that we should continue efforts to organize courses, workshops, research conferences and study programmes focused on space law and space policies. Thank you.

The CHAIRMAN I thank the distinguished representative of Brazil for a very good statement.

Are there any other delegations wishing to make a statement under this agenda item, capacity building in space law.

I give the floor to the distinguished representative of Spain.

Mr. R. MORO AGUILAR (Spain) (*interpretation from Spanish*) In Spain we increasingly value the training in space affairs both as part of the general studies of law and as part of the study of space technology and science. At the moment there are two universities in Spain where, on a periodic basis, courses are given in space law, that is at the University of Jaén. There is a doctorate programme in space law and also the Jean Monnet Chair which, almost every year, offers a module on relations between the European Union and the European Space Agency. The master in space technologies, inaugurated in 2009, at the Polytechnic University of Madrid, includes a compulsory course in space law. This is a master which has its own qualification conferred by that university and aims to prepare engineers in space systems and technology. The master draws upon the European Space Agency and major companies involved in the space sector.

We should also mention that the 19th annual summer course at the European Centre for Space Law and Policy (ECSL) was held at Jaén University between 30 August and 10 September last year. Thirty-four university students took part from 12 countries of Europe, plus the United States and Canada. They were given 40 hours training, given by 28 different teachers, over the two week duration of the course.

Spain supports and follows with great interest the work undertaken by ESA and by OOSA and by the

group of experts as regards preparing a curriculum on space law. Thank you.

The CHAIRMAN I thank the distinguished representative of Spain for a very good statement.

Are there any other delegations wishing to make a statement under this agenda item, capacity building in space law? I see none.

We will therefore continue and hopefully conclude our consideration of agenda item 9, capacity building in space law, in the afternoon.

General exchange of information on national legislation relevant to the peaceful exploration and use of outer space (agenda item 11)

Distinguished delegates, I would now like to continue our consideration of agenda item 11, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space.

No speakers on my list. Are there any delegations wishing to make a statement under this agenda item?

I give the floor to the distinguished representative of the Russian Federation.

Mr. V. TITUSHKIN (Russian Federation) (*interpretation from Russian*) Good morning colleagues. We wanted to take the floor under this item for the following reason. Last year the Legal Subcommittee already heard us point out the fact that most countries, Parties to the important outer space treaties, do not have the necessary national legislation, the kind of legislation that would properly implement the provisions of those treaties. We think that it is a problem worthy of the Subcommittee's serious attention. We are fully aware that far from all countries that are Parties to outer space treaties are actually involved in outer space activities. However, the number of countries that do pursue such activities is growing and a situation might arise which would pose a serious problem in our opinion, where a country that might become involved in space activities would not have a national legislation to implement the space treaties and that could be used for malicious purposes. I am referring to the problem of so-called flags of convenience.

For example, there is an operator coming from country A, in that country A there is a fairly strict

national legislation regulating space activities. However this operator, for some reason, might prefer not to engage in space activities under the flag of his own country, A. On the other hand, there exists a country B which either has no space legislation at all or has a milder, or softer, less demanding, type of legislation compared to country A. There is the temptation, in that situation, for the operator to engage in space activities under the flag of country B. This way we might end up with a wide range of legal problems or issues starting with the registration of spacecraft launched by such an operator, a country A operator but launched under the flag of country B and all the way to the issue of liability for an operator of this kind.

We believe the time has come for this subcommittee to start working not only on collecting information as to which countries have what kind of legislation but also we should start discussing possible measures and ways to encourage States to adopt their own legislation that would be in line with the most important provisions of the outer space treaties and we should be tracking that process on a continuous basis. I am not saying right now that this agenda item should immediately be put on the next session of the Subcommittee, however, we could start discussing or considering the matter in principle. Thank you.

The CHAIRMAN I thank the distinguished representative of the Russian Federation for a very good statement.

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 11, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space, in the afternoon.

Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-first session (agenda item 12)

Distinguished delegates, I would now like to continue our consideration of agenda item 12, proposals to the Committee for new agenda items.

I give the floor to the Secretariat for an announcement.

Mr. N. HEDMAN (Secretariat) As delegations recall from yesterday, it was decided that today we will bring up, under agenda item 12,

organizational work of the Legal Subcommittee. Then, tomorrow, Wednesday, we will begin discussing proposals for new agenda items to the Legal Subcommittee. For this purpose, we once again have the benefit of having the Chief of Conference Management Service, Mr. Karbuczky, with us and in a minute we will give Mr. Karbuczky the floor to make some further clarifications to the discussions we had last week.

There are two issues here that we would like, from the Secretariat side, to provide you the means of asking questions and get clarification.

The first issue relates to the duration of the sessions of the Legal Subcommittee and you recall the extensive discussion we had last week.

The second issue relates to the proposal for the discontinuing of unedited transcripts as contained in A/AC.105/C2/L.282 and, while we have Mr. Karbuczky in the room, delegations are encouraged to seek any further clarification to that matter. That is the second issue we will discuss this morning.

If I then just return to the first issue which relates to the overall organization of work of the Legal Subcommittee and in particular issues related to the duration of sessions and entitlements and budget issues in that regard. I would like to recall for your attention the document that the Secretariat has made available, the proposed programme budget for the biennium 2010-2011. This is the document where you will find the detailed information that eventually was the basis for the decision on approving the budget for the Office for Outer Space Affairs for this current biennium which we are in. I am referring to A/64/6, section 6, and it has been provided to all delegations in pigeon holes. There is only one particular information in this document that we are considering at this particular session of the Legal Subcommittee and you will find the references on page 9 and 10, in this document. It relates to outputs and the exact reference to the section is 6.14, outputs. In this document, on pages 9 and 10, delegations will see a breakdown of the output provided by the Secretariat for the budget process, relating to General Assembly, Fourth Committee, the servicing of the session of the General Assembly's Fourth Committee when it considers the item on international coordination in the peaceful uses of outer space. Under II, the Committee on the Peaceful Uses of Outer Space, which means the Main Committee, and there you have substantive servicing of meetings, plenary meetings and the Committee, 32. Under III, Scientific and Technical Subcommittee, there you have

the 60 under (a), and lastly under IV, Legal Subcommittee under (a), 56.

Just to explain to you that these are outputs that the Secretariat is requested to submit. In these figures, you will have the counting made by the Secretariat of plenary meetings. You will also find there, as you see, the symposiums that we regularly organize during our sessions, also included are working group meetings. I would, in a minute, like Mr. Karbuczky to explain what this means in terms of the overall entitlement of meetings provided to the session and we are concentrating then on the Legal Subcommittee but just to give an overview of the issue of entitlement and how this relates to the budget and costing for interpretation, conference services, etc.

I would like, before doing that, to remind delegations, or recall for your attention, that there is a long history of discussions in the Committee and its subcommittees on organization of work and the duration of sessions going far back in time. Delegations may recall that, in 1997, there was an understanding, through the chairman's package deal, to go down to two weeks for the Scientific and Technical Subcommittee, two weeks duration of the session of the Legal Subcommittee and one and a half weeks duration of the Main Committee. This understanding and agreement was re-emphasized in 2003 and delegations will recall that, in 2003, we developed the rotation for the Bureau of the Main Committee and the subcommittees and in that particular documentation, which is an annex to the report in 2003 with the symbol A/58/20, there is a reference made to the package deal of the Chair on the duration of sessions reading as follows 'The new meeting pattern should be two weeks each for the Scientific and Technical Subcommittee and Legal Subcommittee, in February and in March respectively, and one and a half weeks for the Committee in June with the total meeting time being five and one half weeks'. Further, it states 'The Committee may decide, on an ad hoc basis, to extend or shorten the duration of a particular session whenever there is such a need'.

So, distinguished delegates, having provided you with this very brief general introduction, we would now like Mr. Karbuczky to give us some further explanation to the overall issue of entitlement and how that relates to what is costed for, the respective meetings. Thank you.

The CHAIRMAN Thank you Mr. Hedman, I give the floor to Mr. Karbuczky.

Mr. KARBUCZKY (Chief, Conference Management Service) Thank you again for the opportunity to be with you this morning. I would be glad to respond to specific questions rather than going into a detailed explanation how our budget is put together. Suffice to say, entitlements for COPUOS and the subcommittees, as appear in the budget document, are maximum limits that the bodies can use. Whether or not a particular body uses fully their entitlement is up to the body to decide. Since conference servicing resources are included in a different budget section, which is section 2, and those resources are not a sum of what appears in the different substantive budget sections, there is no direct correlation between the number of meetings with interpretation that appear here in the budget section 6 and between the resources that are provided under budget section 2, for my department to service these meetings. What resources we have in section 2 is rather an approximation of the actual usage, the historical usage of the global community of intergovernmental and expert bodies. In that sense, what we are budgeting for indirectly, for COPUOS and its subcommittees, is what you actually use and that is, as Niklas just read out, a total of 5.5 weeks as opposed to what appears in the budget section 6.

OOSA bodies are not the only one which do not use their entitlements fully. Just to quote some other Vienna based bodies, UNCITRAL, CND, CCPCJ, are also not using fully their entitlements. This is again within the jurisdiction of the body to decide, depending on its agenda, what would be required to meet the expectations of the membership and to deliver the output that they anticipate delivering.

When we look at the utilization of the Committee and the subcommittees we can see, historically, this utilization is not particularly high. In some years back we have been giving a customary warning to the Committee and subcommittees because their utilization was below the benchmark, which is expected 80 per cent. Throughout the years this utilization was anywhere between 70-90 per cent, I would say. This gives us an indication that the number of meetings that are currently appearing on the calendar for these bodies seems reasonable perhaps even a bit on a higher side. Clearly, with the given financial and resource constraints that the UN in general and conference services in particular are experiencing, we are looking to reduce requirements and the volume that we are receiving especially in documentation but also clearly in terms of meetings with interpretation, we cannot entertain an increase, what would be more welcome would be a voluntary decrease.

If I understood it correctly, the initial issue was that there could be some reallocation may be desirable between the Committee and the subcommittees which again, as long as this is within the entitlements, is not an issue for us it can be done. There is a procedure one would have to follow, if we are not talking about the current year but rather for the next biennium, that budget is already drafted but is not yet considered by the General Assembly so a possible change in the numbers that will appear for the Committee and the subcommittees is possible to make and, as long as it is not increasing the total number of meetings that was given in the draft budget for the Committee and the subcommittees, this should not be a problem. If, however, you would want to increase the overall number then we would be facing an issue because when we are calculating approximately the anticipated number of meetings with interpretation overall we have used the number 5.5 weeks total. So if we would want to go above that that would create additional strain on our resources because I do not think we can expect any increase in the resource allocation just because the Committee or its subcommittees want to have additional meetings. I would encourage you to stay within the overall historical usage but again this is up to you to consider. I will stop here, I would rather answer questions if you have some. Thank you.

The CHAIRMAN I thank Mr. Karbuczky.

Any other questions or comments related to the announcement of Mr. Niklas Hedman and Mr. Karbuczky?

I give the floor to the distinguished representative of France.

Mr. M. HUCTEAU (France) (*interpretation from French*) My thanks to the Office for Outer Space Affairs for organizing this discussion and a big thank you to the Director of Conference Service at UNOV.

If I have understood correctly, there is no budgetary link or possible link in calculations between the entitlement, the 60 sessions of the Scientific and Technical Subcommittee and the 66 of the other, the 20 sessions of the plenary and the budgetary means which Conference Service of UNOV have at their disposal.

We have also learnt that, on Friday at noon, that there was a meeting organized by Conference Service which set out, and I think it was stated here as well, that the budgetary situation of Conference Service here in Vienna was difficult, in fact rather problematic. They had a deficit because requests from

States was too high vis-à-vis the resources available here in Vienna.

My question is, I also understood that this deficit was linked mostly to UNODC activity. One of my questions is the length of sessions within the different bodies, whether the plenary or the Legal or Scientific and Technical subcommittees. If we were to reduce the length of sessions would that mitigate the problems for conference services? That is my question. If we reduced the length of sessions of the different bodies here of the OOSA would that have a positive impact on the conference services overall deficit here in Vienna? I think we could also ask, whether other UN bodies, UNCITRAL or others, are also reducing their sessions or whether they have decided to reduce by a few days or whether the time saved, that is the number of interpreting days, would make up this difference for conference services budget? Thank you.

The CHAIRMAN I thank the distinguished representative of France.

Mr. KARBUCZKY (CMS) Thank you for the question. The situation, as the distinguished delegate of France described, is not easy for conference services. Our biggest client is UNODC but primarily the increase is coming from UNODC and the UN side including Outer Space and UNCITRAL adding to our load, primarily in documentation. I would like to make it clear that our resource constraints are extremely difficult primarily in documentation where we experienced an increase. In the past biennium there was a 20 per cent increase and that continued at the same pace last year and that is why we had to introduce emergency measures.

In terms of meetings with interpretation. As long as we are within that overall number, which is a rather high number here in Vienna, about 1,200 meetings in a biennium with interpretation for UN, not counting the Agency which we also service, as long as we are within those numbers we are more or less OK. Of course any reduction in the number of meetings with interpretation would be welcome because most of the time we have to boost our in-house capacity by freelance recruitment so clearly a reduction in the overall number of meetings with interpretation would make our cash flow a bit better but our biggest concern is documentation.

Other bodies that are considering reducing their overall numbers. Well, CND and Crime Commission a few years ago decided to go from eight days to five days, currently I am not aware of any further reduction. Those commissions are struggling, as

some of you may know, with their very heavy agenda so they are making it very difficult for themselves to perform all that they want to do in those five days but it is doable. I do not want you to encourage to consider that but obviously it is doable. It puts more strain on delegates, the condensed session, it puts a little bit more strain on conference services obviously because as you know they adopt up to 20 resolutions at times in five days and their reports used to be very long and that all has to be produced during the week.

Where CND was rather successful a few weeks ago and I would like to share this good experience with you. They cut the length of their report by half. OK they started very high, their reports were over 150 pages long but they managed to cut it in half, make it action-oriented and streamlined this year so we are very happy with that experience and it is a good example. Thank you.

The CHAIRMAN Thank you Mr. Karbuczky

Are there any questions or comments related to conference service.

I give the floor to the distinguished representative of USA.

Mr. S. McDONALD (United States of America) We greatly appreciate having with us again today the Director for Conference Service, it has been very helpful to my delegation in terms of looking at what we might do to make our work more cost effective.

I have one question and then a couple of suggestions. My question is going back to the other day. You indicated that it costs \$246 to produce a page for each report and I wanted to know if that was for all languages or is that one page per language?

The second point I would like to make is concerning the documentation, as the Director for Conference Service has indicated. This documentation is where a huge amount of resources are being devoted and my delegation would like to suggest that we should look at ways of streamlining our reports. For example, if you look at the report for our COPUOS meetings, when we come to the agenda items on the report of the Scientific and Technical Subcommittee and the Legal Subcommittee, those sections of the report simply reiterate information that is already in the S&T and the Legal Subcommittee reports, so I think we could save a considerable amount of money in looking at streamlining the full Committee report so that we are

not duplicating what is being said in the Legal and S&T subcommittees.

Secondly, when you look at the reports of all three bodies but particularly Legal and the S&T, we find, when you look it, the same views or close to the same views being repeated several times in the report and in many cases it is because delegations insist that their views have to be reflected even though those views are pretty much consistent with the ones that are already expressed in the draft report. My suggestion is that we also look at how to condense the views that are expressed for each of the agenda items in each of the reports that capture the debate but is not a laundry list of views expressed by one delegation or by several delegations. These reports do not conform with the guidelines of the UN, I think that the reports should be about 20 pages and ours is consistently much more than that, so I would suggest that we look at the streamlining of the reports and the documentation.

Finally, on the question of the unedited transcripts. I just wanted to express my delegation's support for the proposal by the Secretariat in L.282 on discontinuing the use of transcripts on a provisional basis, I think that that would be an easy decision to make and would result in some real cost savings. Thank you.

The CHAIRMAN Thanks to the distinguished representative of the United States.

I give the floor to Mr. Karbuczky.

Mr. KARBUCZKY (CMS) Yes, indeed, as I mentioned the other day, a translation costs \$246 is one language, so a document in six languages you multiply that by five.

I can confirm that, in accordance with the drafting guidelines, reports of intergovernmental bodies should be 10,700 words that is about 20 pages long. I mentioned CND which used to be quite significantly above that and now it is only twice as long. Clearly COPUOS can also look at the issue. There are a number of things one can streamline, as the distinguished delegate mentioned, there should not be repetition, any material that already appeared in a document should not be repeated. Also statements should not be summarized in a discussion parts and so on. All this is summed up in the Director General's bulletin 22, which was issued last year updating the previous guidelines on what reports should and should not include. Thank you.

The CHAIRMAN I give the floor to Mr. Niklas Hedman for an explanation.

Mr. N. HEDMAN (Secretariat) Just an addition to what Mr. Karbuczky has said and also to inform for clarity. We are now considering the documents pertaining to this particular biennium. When it comes to the entitlement for the next biennium, that is 2012-2013, the ceiling of the entitlement for the Main Committee remains on 32 meetings, for the STSC and its working groups, it is 60, this retains the same. For the Legal Subcommittee and its working groups it is a very slight reduction from 56 to 52. I just wanted to make that clear so delegations are aware of those facts.

There is one more issue that is not specifically related to the Legal Subcommittee but it was brought up last week in our discussions and that relates to the duration of the session of the Main Committee. Delegations are already aware that we have two weeks for S&T, two weeks for Legal and eight days for the COPUOS session. It is becoming a problem for the substantive Secretariat, that means the people sitting up here at the podium, to provide qualitative servicing of the Main Committee due to an increase in agenda items, increase in the overall debate during the Main Committee sessions, an increase in technical presentations and length of statements. It is becoming a problem to cope with the demands from delegations and the services that we are providing for the session of the Main Committee. As I stated last week, delegations may wish to consider any measures to bringing up COPUOS to two full weeks. Thank you.

The CHAIRMAN I thank Dr. Hedman and Mr. Karbuczky for very good information.

Are there any questions, comments or suggestions for conference services?

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

Mr. R. LEFEBER (Netherlands) Thanks to the Secretariat for providing further clarification to the information provided on Friday.

Two questions. One question was the information provided today by the Secretariat that the entitlement of the Legal Subcommittee decreases from 56 to 52. What is the basis of that decrease? Why is there a decrease of the entitlements of the Legal Subcommittee and not of the Main Committee and the Scientific and Technical Subcommittee?

Second question relates to the suggestion that has been addressed in this room and that is the option to transfer entitlements from the Legal Subcommittee to the Main Committee so that the Main Committee can be brought up to two weeks. Where is that decision to be taken? Has there to be a recommendation of the Legal Subcommittee to the Main Committee? Or is that a decision that can be taken at the next session of the Main Committee for the next biennium? Thank you.

The CHAIRMAN I thank the distinguished representative of Netherlands for your questions. I give the floor to Mr. Hedman.

Mr. N. HEDMAN (Secretariat) The basis for calculating the outputs, and these are the outputs that we report in our budget submission, are based on the usage of time of the working groups. The working group on national space legislation was planned to finish its work this year and we did not have any indication of any new working group so when we prepare the budget we have to look at, and this is what we have to do according to the rules, what our usage is the previous year. On the basis of that, we make a calculation and that is the basis for the output that we present through our budget submission. If I understand correctly that is then the basis of the overall entitlement that the Conference Management Service use for their servicing. This is the reason why there is a difference between the overall amount of outputs for STC and for the Legal Subcommittee. Thank you.

The CHAIRMAN Thank you very much Mr. Hedman and Mr. Karbuczky for very good information.

I give the floor to Mr. Hedman for another announcement.

Mr. N. HEDMAN (Secretariat) Just so that we are clear about this. We had a second issue also on the proposed discontinuing of unedited transcripts. While Mr. Karbuczky is here maybe delegations wish to ask any questions related to the proposal made by the Secretariat on the discontinuing of transcripts while we have Mr. Karbuczky in the room. Thank you.

The CHAIRMAN Thank you very much to Mr. Hedman.

Any questions?

I give the floor to the distinguished representative of Venezuela.

Mr. M. CASTILLO (Venezuela) (*interpretation from Spanish*) I would like to thank the Secretariat for again inviting the Chief of Conference Service. We understand that resources need to be optimized and put to proper use. In this regard we have a question to the Chief of Conference Service. If on the part of the Committee and its subsidiary bodies, the Scientific and Technical Subcommittee and the Legal Subcommittee, there is concern regarding the amount of documents being generated and there is a wish to limit the amount of documents and of course the costs involved in terms of what is being budgeted. Is that what is being envisaged?

The CHAIRMAN Thank you very much distinguished representative of Venezuela.

Mr. KARBUCZKY (CMS) Thank you again for the questions. In your proposed budget there is a reduction in the number of meetings and from my end, being under serious resource constraint, we do not question why a body is proposing fewer meetings or why a body is proposing to have fewer documents. As I said, especially on the documentation side, we would rather encourage that and indeed it is not primarily an issue in many cases but primarily an issue of our resource constraints. It is an issue of bringing reports, either generating within the Secretariat, reports of the Secretary-General, notes from the Secretariat, but also reports of intergovernmental and expert bodies to bring those in line with the applicable guidelines. In that sense, I do encourage a reduction in certain volumes but of course it is entirely your decision what reports you wish to receive, what mandates you give to the substantive Secretariat that require reporting in writing in a formal parliamentary document. There are clearly alternatives to documents issued in six languages, in many cases the Secretariat can report orally or, instead of requesting a new report, a certain item can be referred to in an already existing report thus not requiring a separate document to be issued. There are ways to reduce documentation volume and we will be glad to work with your substantive Secretariat, with OOSA and with member States to come to solutions that are considered acceptable by you, meeting your expectations and that are doable from our resources which, as I said, especially in documentation are quite a bit below what member States, on paper, could request from us. Thank you.

The CHAIRMAN I give the floor to Mr. Hedman for an announcement.

Mr. N. HEDMAN (Secretariat) Sorry, I think I missed a question by the distinguished delegate of the Netherlands. I think the question was regarding the

procedures for arriving at these figures and the process of the budget submission. Maybe the Netherlands would like to rephrase the question.

Mr. R. LEFEBER (Netherlands) The question was related to the option of transferring entitlements from the Legal Subcommittee to the Main Committee, so that the Main Committee can bring up the number of meeting days to two weeks and there would be a correlating decrease of the Legal Subcommittee to eight days. The question was, how could such a decision be made? Does it require a recommendation of the Legal Subcommittee to the Main Committee? Or is it something that the Main Committee can decide at its next meeting in June? Thank you.

Mr. KARBUCZKY (CMS) Obviously you are reporting to the Committee so the Committee will have to decide on this but an indication from the Subcommittee that this would be acceptable and not detrimental to the work of the Subcommittee itself would facilitate the decision by the parent body. As long as it is an even transfer of the number of meetings with interpretation this would have no financial implications, it would be just a change in the budget narrative and should be reflected in the next biennial calendar of the UN, which is considered by the Committee on Conferences late August, early September, so there is clearly time to go through the process and make this change in time for the next biennium, if you are in agreement with this. Thank you.

The CHAIRMAN Thank you very much to Mr. Hedman and Mr. Karbuczky, Chief of Conference Service, for very good information.

Are there any questions or comments?

I give the floor to the distinguished representative of the United States.

Mr. S. McDONALD (United States of America) Firstly, I would like to ask, the Director General's bulletin 22 dealing with documentation, would you be able to make that available to the Subcommittee? I think this would be a very useful reference document.

Secondly, regarding the events that need to take place in terms of decisions. It would be my delegation's view that the Subcommittee could certainly take a decision regarding the unedited transcripts at this meeting. Of course, everything we do with recommendations to the full Committee and the

full Committee would then endorse that recommendation. Clearly a decision on the length of our session, the Subcommittee is in the best position to decide how much time it needs to complete its work, so that could also be a form of a recommendation to the full Committee that would then be endorsed by the full Committee in June.

My delegation would like also to have reflected in our work that the Subcommittee recommends we look at how to streamline our reports and that would certainly be a recommendation that could be made by the full Committee for itself as well as for the S&T Subcommittee. Thank you.

The CHAIRMAN I thank the representative of the United States.

I give the floor to Mr. Hedman.

Any other question or comments regarding Conference Service? I see none.

Are there any other delegation wishing to make a statement under agenda item 12, proposals to the Committee for new agenda items? I see none.

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

Mr. R. LEFEBER (Netherlands) Now we have been provided with full information and have had the opportunity to ask questions and provide further clarification, we have to move to the next stage. It was my understanding from the intervention of the United States that they were actually going there and I think that we have to address the issues in front of us.

I would support the United States in the recommendation and in their unqualified support for the proposal made by the Secretariat relating to the use of transcripts of the Committee, we fully support that proposal.

Further, we believe that there should be a recommendation from the Legal Subcommittee to the Main Committee to shorten the duration of this meeting by two days and that, in return, the number of meeting days of the Main Committee will be increased to ten. The total number of days that will be spent on space issues will remain the same.

Thirdly, we believe that we should continue our work on rationalization and optimization of our meetings and in particular we should streamline our

reports. I would support the recommendations in that regard of the United States as well. It should be more action-oriented, focus on conclusions and recommendations to the Main Committee. It has to have a procedural part but I do not see the need to reflect views year after year after year. If there is a new issue then it could be useful to reflect all views.

Furthermore, I think we should have a look at our organization of work so that we can simply continue working and do not have to stop at four in the afternoon but then just take up the next agenda item and if we are then done after six or seven days then let it be so then we can go home. Also in that respect, we have to concentrate the agenda items more, they should not be spread out over more than a week in some cases, that is not helpful in optimizing and rationalizing our work.

Finally, I suggested last week that it would be very useful if there would be a webcast of this meeting so that the public can see what we do and what we do not do but should be doing. I have listened to the intervention of Conference Management Service on Friday, I understand that that is too expensive so we will not ask for that, however, we would like to have next year a calculation of the costs that would be involved in webcasting this meeting, just to get an idea of how large those costs are because I see it happening all around the world in other meetings so apparently the funds are available there and I am just wondering what the additional incremental costs are compared to audio recordings. Thank you.

The CHAIRMAN I thank the distinguished representative of the Netherlands for a very good statement.

The next speaker is the distinguished representative of France. I give the floor to the distinguished representative of France.

Mr. M. HUCTEAU (France) (*interpretation from French*) My delegation shares very much the sentiments expressed by the delegation of the Netherlands. I am not going to pick up on all of the points he raised but I think we are duty bound to work efficiently. Measures foreseen, that is of the Subcommittee and the plenary, and making amends to the duration, these are things we support and all the efforts to being more effective and efficient in drafting reports and reducing the quantity of documents, these are all potential approaches we could support. The question of how we organize our sessions is a significant point, I am thinking particularly of the practical work. Many delegations here, whatever their

size, send experts from their capitals and from their universities and the fact that we meet an hour and a half in the morning and an hour and a half in the afternoon causes us to chop up our work both for the experts, for the diplomats, the delegations, who are only really called upon to work here a few hours a day even though their services are in great demand. There are various bodies or institutions here which they have to attend concurrently. It is our duty to be rational and efficient in the way we organize our work hence we would be very interested in seeing the order of items and closing agenda items where there are no further requests for the floor, we would like these two things to be looked at in greater depth. Then we could close agenda items. Sometimes we see there are no requests for the floor, in that case we see little sense in perhaps coming back to something two or three days later because the agenda item has not officially been closed. That reflects rather badly on our powers of organization, it does not convey a good image of the way we organize ourselves, just to give one example. Thank you.

The CHAIRMAN I thank the representative of France for a very good statement.

I give the floor to the distinguished representative of the Russian Federation.

Mr. V. TITUSHKIN (Russian Federation) (*interpretation from Russian*) Like other delegations, we also support some of the measures mentioned here aiming to making our work more rational. This relates notably to the proposals on documentation and regarding the rational organization of our work. We would like to join those delegations that called on everybody to adhere to a strict working discipline, start at the right time, not half an hour later. Still, we have serious doubts as to the expediency of redistributing time in favour of the Main Committee. The subcommittee sessions, both the Scientific and Technical and the Legal, are attended by experts first and foremost. It is in those meetings that the most profound and professional discussions take place on all items on the agenda. In our opinion, the Main Committee session only needs to sum up everything that has been said in the Scientific and Technical and Legal Subcommittees. On that basis, we really see no need for lengthy detailed statements at the Main Committee session or a broad debate is not really necessary there. Therefore I do not think that, at this time, we should be making a hasty decision regarding a redistribution of working time among the subcommittees and committee, in favour of the Main Committee. Thank you.

The CHAIRMAN I thank the distinguished representative of the Russian Federation for a very good statement.

I give the floor to the distinguished representative of Venezuela.

Mr. M. CASTILLO (Venezuela) (*interpretation from Spanish*) I would like to speak in English, given that I am going to speak on behalf of the Group of 77 and China.

(*continued in English*) The message that the Group wants to convey is that we have _____(?) instead of cutting the time of the committee we should find what to do with the time allocated to this committee. Some delegations that step-by-step somehow the importance of the committee is being reduced and the Group does not have that opinion. We have to somehow rescue the value of this committee, engaging in new discussions with new ideas and ways to be more productive with the time that is given to us. In that regard, reallocating two days to the Committee will not help this situation that this Subcommittee is facing right now, instead it will give it less time to engage in open discussion which have a lot of importance.

In that regard, I would like to make another proposal or rather a question because I see that, for example, the Scientific and Technical Subcommittee they have a working group which address _____(?) ways _____(?) the content of the host committee and that is the working group of the whole. I would like to ask a question to the Secretariat, if any other delegate in this room might help in clarifying how this working group was created and why? I make the question because in my view someone might help, in the capacity of maybe a chairman, to address issues of documents that do not belong to any agenda item in this Subcommittee, such as the _____(?) to _____(?) development and also the document, for example, of the curriculum on space law which is very diligently being prepared by the Secretariat. These documents, in my view, are somehow in the air and they are not addressed openly in discussion so we, in that working group, could also address the suggestions of new agenda items. In that working group we could also talk about the events that are going to take place in _____(?) circumstance. So the question remains, how was that working group created to the Scientific and Technical Subcommittee and why?

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

I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) Just to respond to the distinguished delegate of Venezuela. The Secretariat cannot give that answer right now, we need to make a thorough research on the historical - when, why and how. the working group of the whole was instituted once upon a time. Thank you.

The CHAIRMAN Thank you Mr. Hedman for your announcement.

I give the floor to the distinguished representative of Germany.

Mr. B. SCHMIDT-TEDD (Germany) We would like to join those who pronounced in favour of rationalization of the work of the Committee. As the distinguished delegate from France pointed out, there is a need to reorganize the internal agenda, to concentrate the agenda items and to end some agenda item points at a certain time. This would give more time for concentrated work of the working groups and could help to work in substance.

An important aspect at the same time is this cooperation between experts on the one hand and more political representatives on the other. In order to have the real experts at the time they are needed, the agenda should be restructured in a way that the working groups are a more homogenous block as such, perhaps prepared by introduction of experts, as we have seen also in some occasions outside the formal sessions of the Legal Subcommittee on Saturday, or last night, in corresponding meetings outside the Legal Subcommittee. So far as the interaction between the different committees are concerned, we realize that there are now, in the Scientific and Technical Subcommittee, agenda items which are interrelated with legal topics and it might be helpful to test a couple of days of work together especially in the context of the subject of sustainable development. Thank you.

The CHAIRMAN I thank the distinguished representative of Germany for a very good statement.

Any other delegation wishing to make a statement under this agenda item, proposal to the Committee for new agenda items?

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

Mr. V. KOPAL (Czech Republic) I would like to recall that we expressed our view concerning

the unedited transcripts in the first consultation of this kind, I would like briefly to repeat it. I believe that this might be terminated but, on the other hand, we would appreciate having access to the script that is being made for the needs of the Secretariat. We do not insist on getting all these texts but at least those that would be of our interest and for which we could request the Secretariat. It was my understanding, after the first consultation meeting, that it would be possible and we would find it very useful for our preparation, for our work, for the discussions, and so on.

Having already the floor, I would also like to support the comment made by the distinguished representative of Germany and by his suggestion concerning the possible closer cooperation of both subcommittees and arranging at least one or two days of joint sessions of the experts from both subcommittees for the consideration of issues of common concern. Thank you.

The CHAIRMAN I thank the distinguished representative of the Czech Republic, Mr. Kopal.

The next speaker is the distinguished representative of Brazil. I give the floor to the distinguished representative of Brazil.

Mr. J. FILHO (Brazil) (*interpretation from Spanish*) Brazil, too, thinks that we should rationalize our work as much as possible. We should have a rationalization plan with clear data so that we have an idea of what we would gain and of the benefits we would have. At the same time, we support the idea put forward by the delegation of Germany of the need to have a tighter coordination between the Legal Subcommittee and the Scientific and Technical Subcommittee.

As to reducing the number of days on which we meet, I do have hesitations here. It seems to us much more important to create a plan to inject new dynamism into our work. We could think in broad terms about regaining, if not all at least some, of the dynamism and efficiency which this subcommittee had in the 1960s and 70s when great experts came here and we had major debates and very rich discussions here. If we go back to the origins of this subcommittee, or if we go back a little in the history of COPUOS which is now celebrating its fiftieth anniversary, it is a good opportunity. We have known times of great achievements now there are still not so many countries involved here and the benefits to be gained from space seem to be much less than they are today. Today we have many more countries represented here and space services are much more complicated and more

necessary. Space has proven necessary for all countries, no one can feel left out or on the perimeter so it is an important matter. We have a type of work here which seems too timid, too modest, to us in Brazil, we need to have a greater plan, to have broader reaching discussions about the problems which exist and the challenges still facing us. We can think about a broader prospect, not just for countries which have major programmes today but for other emerging States, for those which have not yet reached that stage but which need to do so because it is necessary in the evolution of all of humanity. Thank you.

The CHAIRMAN I thank the distinguished representative of Brazil for a very good 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 12, proposals to the Committee for new agenda items, in the afternoon.

Distinguished delegates, I would now like to proceed with the technical presentation. The presenter is kindly reminded that the technical presentation should be limited to 20 minutes.

I give the floor to Ms. Laura Montgomery of the United States who will make the presentation entitled: Federal Aviation Administration Definitions.

Technical presentation

The CHAIRMAN Thank you very much Ms. Montgomery for a very good presentation.

We have time for one or two questions. Any questions regarding this presentation?

I give the floor to the distinguished representative of Austria.

Ms. I. MARBOE (Austria) We are very grateful for this presentation which is giving very interesting definitions and clarifications on what the object of national space legislation authorization is. However, yesterday our attention was drawn to a new re-statement of the US national laws on space activities. My expectation would have been that there is some reference to this today in the technical presentation, perhaps you could explain why this has not yet been done? Is perhaps the process not finalized? I would appreciate some more information about this new codification.

The CHAIRMAN Thank you distinguished representative of Austria. I give the floor to Ms. Montgomery.

Ms. L. MONTGOMERY (United States of America) The answer to that is, yesterday our delegation described the recodification of our statute and, in essence, it was moved it was renumbered so I have used the new numbers. All of the words are the same but now, instead of being located at title 49 of the United States code in chapter 701, it is now located in title 51 of the United States code, chapter 509 and all of the sections have been renumbered.

Ms. I. MARBOE (Austria) Thank you very much for this clarification. Does this only include or comprise the commercial space launch act or does it comprise also other acts?

Ms. L. MONTGOMERY (United States of America) As the delegation said yesterday, it includes the other space law acts most especially those of the National Aeronautics and Space Administration (NASA) and also some from the Department of Congress as well I believe.

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

Mr. V. KOPAL (Czech Republic) I would like to express our gratitude for an interesting presentation because it deals with some new developments that are of great interest of course. Moreover, this text also includes, as it was already observed by our distinguished colleague from Austria, very important and precise definitions. I would therefore kindly ask if it were possible to distribute this text that was on the screen and _____(?) graphs that it included and the definitions for those delegations that would be interested in having such a text. I believe that we have not had so far many technical presentations, as a matter of fact yesterday it was the presentation of France, today it was a presentation of the United States, so perhaps the Secretariat, if not the delegation itself, might be prepared to meet our kind request.

The CHAIRMAN I thank the distinguished representative of the Czech Republic.

Any other questions related to the presentation?

I give the floor to the distinguished representative of Brazil.

Mr. J. FILHO (Brazil) (*interpretation from Spanish*) I wanted to highlight a detail which seems important to me. This presentation made by the professor from the United States, the distinguished delegate from North America, is very important in that it addresses the issue of definition and delimitation of outer space. I believe that, in the solution that we are considering for the future discussion in this subcommittee, this type of information is extremely important. Could we perhaps get a copy of this presentation if possible?

I have a question on another issue. Someone referred here to marking the fiftieth anniversary of Gagarin's flight. If we could hear more about that I would be really grateful. Thank you.

The CHAIRMAN Thank you very much Mr. Filho from Brazil. I think the presentation is here and distributed by the distinguished representative of the United States.

I give the floor to Mr. Hedman of the Secretariat.

Mr. N. HEDMAN (Secretariat) Just an information to delegations that the presentation from the symposiums held last week, technical presentations we have heard so far and conference room papers are, if not already all of them, up on the OOSA website, they are now being uploaded on the website. The reason why there has been a slight delay for this particular session is that the person doing this job is split between many assignments so that is the reason why we have been lagging behind but they are on the website or they will be during the day. Thank you.

The CHAIRMAN I thank Dr. Hedman for your comment. Any other questions?

Again, thank you very much distinguished representative of the United States for a very good technical presentation.

Distinguished delegates, I will shortly adjourn the plenary meeting so that the working group on agenda item 11 can hold its third meeting under the chairmanship of Professor Marboe of Austria. 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 and hopefully conclude our consideration of agenda item 8, 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 also continue and hopefully conclude our consideration of agenda item 9, capacity building in space law. We will continue our consideration of agenda item 11, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space. We will then continue our consideration of agenda item 12, proposals to the Committee on new items for consideration by the Subcommittee, to discuss organizational matters. We will then adjourn the plenary meeting so that the working group on agenda item 11 can hold its fourth meeting under the chairmanship of Professor Marboe of Austria. At the end of the afternoon's meeting, at 6 p.m. a reception will be hosted by the delegation of the United States of America in the Mozart Room of the VIC Restaurant.

Are there any questions or comments on this proposed schedule? I see none.

I now invite Professor Marboe of Austria to chair the third meeting of the working group on agenda item 11.

This meeting is adjourned until 3 p.m. today.

The meeting closed at 12.08 p.m.