

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

Unedited transcript

835th Meeting

Wednesday, 6 April 2011, 3 p.m.

Vienna

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

The meeting was called to order at 3.29 p.m.

The CHAIRMAN Excellencies, distinguished delegates, ladies and gentlemen, good afternoon. I now declare open the 835th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

I would first like to inform you of our proposed schedule of work for this afternoon. We will continue our consideration of agenda item 7, review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space. We will continue and hopefully suspend our consideration of agenda item 11, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space, pending adoption of the report of the working group on this agenda item. We will continue with our consideration of agenda item 12, proposals to the Committee on new items to be considered by the Subcommittee.

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

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

Distinguished delegates I would like to continue our consideration of agenda 7, review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

The first speaker on my list is the distinguished delegate of the United States of America. I give the floor to the distinguished representative of the United States, Mr. McDonald.

Mr. S. McDONALD (United States of America) This standing agenda item is a welcome opportunity to share my delegation's views regarding the Legal Subcommittee's consideration of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space. I would like to commend the Scientific and Technical Subcommittee for its work on this topic and its recent success in developing, along with IAEA, a safety framework for the use of nuclear power sources in outer space. The achievement of international consensus on a technically based framework for space nuclear power source applications represents a significant step forward in ensuring their safe use. We note that the STSC, at its forty-seventh session in February 2010, approved a new five-year workplan for its working group on the use of nuclear power sources in outer space. The workplan focuses on exchanges of information on national implementation of the recently approved safety framework and the identification of potential challenges to implementation that might be the subject of future work in the STSC. This year, the STSC NPS working group began a series of workshops at which member States and intergovernmental organizations are invited to make presentations regarding their experiences, plans and progress to date, on implementing the framework. The United States was pleased to make two presentations at the workshop this year. One on safety and the design and development of US nuclear power source applications for use in outer space and the second, on

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our approach to risk assessment and its role in implementing an effective safety programme for space nuclear power source applications. We believe these presentations, and the workshop in general, were most helpful in demonstrating how important aspects of the safety framework can be implemented. We do not object to keeping a reference to this agenda item on next year's LSC agenda to track the work of the STSC. Thank you for your consideration of the US views on this agenda item.

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

The next speaker on my list is the distinguished representative of Venezuela. I give the floor to the distinguished representative of Venezuela.

Mr. F. VARELA (Venezuela) (*interpretation from Spanish*) Good afternoon. Acknowledging that the Principles Relevant to the Use of Nuclear Power Sources in Outer Space are subject to review in light of the new space activity applications and particularly international recommendations on safety radiological protection, safety and protection of the environment, this delegation puts a great store by this particular agenda item. Having said this, it is undeniable that the current principles relating to the use of nuclear power sources in outer space and other international precepts including the framework for safety relating to applications of nuclear power sources in space, adopted by the Committee at its fifty-second session, amount to progress in the progressive move forward in international law and its codification. Nonetheless, they are insufficient to guarantee life, protection of the environment, of the biosphere of Earth and maintenance of peace. Under these circumstances any principle, norm, technical regulation of any other demonstration of _____(?) relating to the use of nuclear power sources in outer space must come about in line with international law, the United Nations Charter and United Nations treaties on outer space. Similarly, this delegation acknowledges the need to use nuclear power sources to render viable some interplanetary missions. Nonetheless, there is a need for more in-depth research on this score to optimize the use of other, safer, sources of energy generation which have been proven to be efficient as well as accompanying all of these by an international legal framework. Hence it ratifies Principle 3 of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, guidelines and criteria for the safe use, which expresses that the use of nuclear power sources in outer space shall be limited to space missions which cannot function with non-nuclear

power sources. Along these lines, this delegation considers very risky the use of nuclear energy sources in the Earth's orbit in the light of reported defects and potential collisions which pose a threat to humanity and the environment and the Earth's biosphere. This is why we consider inadmissible the use of nuclear reactors or other sources of nuclear energy in these orbits and urges States to promote modification of this type of practice in the Principles Relevant to the Use of Nuclear Power Sources in Outer Space. Starting from the premise that any activity conducted in outer space must be governed by the principles of preservation of life and maintenance of peace.

Finally, there is a need to go into greater depth in research to optimize the use of this energy and it is essential to promote the creation of binding international laws which regulate the use of nuclear power sources in outer space. Considering the current principles and the safety framework on nuclear power sources in outer space, they should strengthen the interaction between this subcommittee and the Scientific and Technical Subcommittee. Thank you.

The CHAIRMAN I thank the distinguished representative of Venezuela 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 see none.

We will therefore continue our consideration of agenda item 7, nuclear power sources, tomorrow morning.

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 and hopefully conclude our consideration of agenda item 11, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space, pending adoption of the report of the working group on this agenda item.

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

Mr. L. HE (China) (*interpretation from Chinese*) In recent years, thanks to numerous major breakthroughs in space science and technology, China has made tremendous achievements in the field of outer space. With the rapid development of China's space undertaking, to establish and improve domestic

space legal system are given priority in the government's work and they are attracting increasing attention. The Chinese delegation would like to take this opportunity to give an account of the development of China's national space law legislation.

Since the 1990s, there have been continuous voices in China for a national outer space law and study and initiation of the space law legislation process have been placed on the government's agenda. China National Space Administration, as the competent government authority for space industry, has been working with other relevant agencies to study and to draft space legislation in accordance with the provisions of the constitution and the legislation law of the country.

The Chinese Government in 2001 and 2002, respectively, promulgated and started to implement two regulations namely, measures for the administration of registration of objects launched into outer space and, interim measures on the administration of permits for civil space launch projects. In 2009, the Chinese Government promulgated interim measures on administration of mitigation of, and protection from, space debris, and implementation of this regulation formerly started last year. The provisions of this regulation conform to the spirit of the relevant guidelines adopted by the UN and Interagency Space Debris Coordination Committee.

Apart from the above-mentioned three regulations, the process of developing a comprehensive outer space law has also started. During last year's session of the National People's Congress, deputies representing China's space community presented a proposal on the development of a space law. At present, the drafting work for this law has begun. The experts from the relevant Chinese Government agencies, industry and academia, are conducting intensive research and consultations. It can be expected that this legislative process would be strongly promoted in the next few years.

In addition to the domestic legislation, bilateral treaties and agreements also constitute an important part of China's legal system on outer space. As at the end of 2009 China, either in the name of the Chinese Government or in the name of China National Space Administration, had concluded 44 outer space treaties with 19 States covering, inter alia, space scientific research and satellite technology applications.

Improvement of the domestic space legislation is conducive to the implementation of the provisions of

the outer space treaties and the creation of an orderly environment for international space activities. China is a latecomer in national space legislation and there remains a big room for development. The Chinese Government will spare no efforts in supporting the relevant research and the drafting of legal texts. China is also willing to listen to the useful experience of other States and to take part in international cooperation and exchanges on relevant issues. Thank you.

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

The next speaker on my list is the distinguished delegation of Spain. I give the floor to the distinguished representative of Spain.

Mr. R. MORO AGUILAR (Spain) (*interpretation from Spanish*) Spain respects and promotes the greatest possible acceptance of an international legal regime when it comes to outer space. Our country is a Party to the first four United Nations treaties on outer space and most of the other multilateral international treaties in the field. Similarly, Spain draws upon a large number of bilateral cooperation treaties in space. Our country has not considered it necessary to create extensive space legislation so far for three reasons.

First, it is not a launch country for space objects. There is not yet an extensive private sector on which to legislate, given that to date all national space activities have been either State run or drawn upon large involvement of the public sector and so there has not been the impetus to legislate. Thirdly, because according to the Spanish Constitution itself, international treaties ratified by Spain, once they are published in the official journal or gazette, already become binding law in Spain, that is to say, they come to form immediately part of domestic legislation.

Having said this, it is the case that at least one of the treaties ratified clearly requires the national legislation to develop it. We are talking here about the treaty on registration. Although Spain has not launched space objects itself, it has provided the launch of a series of space objects so far. Hence the need did arise for Spain to establish its own national registry for space objects and, to meet this practical need, in 1995 Spain created its own national register for space objects. The reason behind Spanish space legislation so far has thus to date basically been to comply with international obligations entered into by Spain. The national requirement for registration of space objects in Spain is two-fold, personal and territorial. It relates to satellites launched from Spanish territory or from

Spanish installations and satellites the launch of which has been promoted by Spain. Nonetheless, the debate has begun in Spain about the need to legislate and about the wisdom of creating future national space legislation. The discussion came out in particular in the light of article VI of the 1967 Space Treaty ____ (?) about the about the launch on 29 July 2009 of the first Spanish artificial satellite, entirely privately financed, the tele-observation satellite Deimos-1.

From an institutional point of view, State space activity in Spain comes about through two governmental entities. The National Aerospace Technology Institute which depends upon the Ministry of Defence, which is the State body for specialized research into space matters and technological development. Then there is the Centre for Industrial Technological Development depends on the Ministry of Innovation and Science which is a public body which manages and promotes Spanish involvement in international organizations for space cooperation, in particular in the European Space Agency and the European Meteorological Satellite Institute. For its part, the General Directorate for International Economic Relations of the Ministry of Foreign Affairs and Cooperation also conducts work on the national registry of space objects. Thank you.

The CHAIRMAN I thank the distinguished representative of Spain 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 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, pending consideration of the report of the working group on this agenda item.

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 on new items to be considered by the Subcommittee.

First, as agreed this morning, I would now like to start by inviting member States to make the proposals on new items to be included on the agenda of the Subcommittee for its fifty-first session in 2012. Delegations may also wish to use this opportunity for

keeping this proposal made in the past as contained in the report of the Legal Subcommittee on its forty-ninth session in 2010, A/AC.105/942, paragraph 170.

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

Mr. K. NISHI (Japan) Our delegation would like to express our gratitude for the prompt and appropriate responses by the Secretariat since last week to clarify and explain our organizational and management aspect of COPUOS and other agencies of the United Nations.

In this regard, A/AC.105/C.2/L.282, ____ (?) of 2009 ____ (?) of 2010 are most useful in discussing the future organization for the Legal Subcommittee.

The subject matter of the action to be taken to be better function the Legal Subcommittee covers many issues ____ (?) independent in nature. Since the reduction of the costs is urgent and a much needed issue, our delegation supports the termination of the unedited transcripts of the conference because we can still use the digital recording taking ____ (?) development of technology. Likewise, we are also supportive to concerns that ideas ____ (?) the report including substantial reduction of the pages which is effective in savings costs of documentation to a large degree.

Regarding two point just mentioned above, our delegation is of the view that this discussion on the documentation is in the direction of convergence ____ (?) may be confirmed on this specific issue of documentation ____ (?) Legal Subcommittee. This afternoon we would like to start discussion on this point ____ (?). Thank you.

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

Again, I would like to continue our consideration of this announcement first, as agreed this morning, I would now like to start by inviting member States to make the proposal on new items to be included on the agenda of the subcommittee at its fifty-first session in 2012. Delegations may also wish to use this opportunity for keeping the proposals made in the past as contained in the report of the Legal Subcommittee on its forty-ninth session in 2010.

I give the floor to the distinguished delegate of Greece.

Ms. E. RAPTİ (Greece) Greece wishes to retain its proposals as listed in the report of the Legal Subcommittee of last year, paragraph 170, proposal (a) and (d). Thank you.

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

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

Mr. V. TITUSHKIN (Russian Federation) (*interpretation from Russian*) Our delegation would like to preserve (e) in paragraph 170 in A/AC.105/942. We would like to keep it in the way it is drafted.

There is another request to you. After delegations have spoken on confirming those agenda items which we had in the document in 2010 and then the question of new agenda items, we would like to take the floor to make a short statement. Thank you.

The CHAIRMAN I thank the distinguished representative of the Russian Federation.

Any other delegations wishing to make a statement?

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

Mr. A. TARABZOUNI (Saudi Arabia) I think we would like to keep our request of last year in paragraph 170 (g). Thank you.

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

Any other delegations wishing to make a statement on paragraph 170?

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

Mr. V. KOPAL (Czech Republic) I kindly ask you if it would be possible, and the delegations of course, to refer to the numbers of the items of the present session because my understanding is that we should declare whether we are interested in continuation of the discussion on these old items that have been included in this year's session, also next

year. It was not clear, at least to me, what was referred to by the foregoing delegation.

The CHAIRMAN I give the floor to the Secretariat to clarify exactly the number of documents.

Mr. N. HEDMAN (Secretariat) We are referring to paragraph 170 of last year's report of the Legal Subcommittee, in document 942. Just to clarify that this is the first point, new proposals, retaining proposals on the list then we will come separately to the proposal made by the Czech Republic because that is a new proposal made at this session.

The CHAIRMAN I thank the Secretariat.

Before I go to new proposals, I give the floor to the distinguished representative of the Russian Federation.

Mr. V. TITUSHKIN (Russian Federation) (*interpretation from Russian*) I would like to speak on the following point. Recently during the discussion in the Legal Subcommittee and among the experts who are dealing with questions of outer space law, there is a disquiet in respect of the fact that that branch of international law is, to some degree, stagnating. Over many years, the Legal Subcommittee has not adopted any significant document. For many years, within the Legal Subcommittee on many questions, consensus has not been reached including new questions which are included on the committee's agenda. It seems to us to be absolutely obvious that the time has come when the Legal Subcommittee must take steps to confirm its authority in the sphere of the whole question of outer space law and to confirm that role which it has been assigned by the appropriate United Nations resolutions.

In that connection, we would like to make a proposal to our colleagues in all delegations. Let me repeat, it is not a question of having to start working on this at this session, it is not a question of that. What I am saying is that it would be a good idea to do this at the next session and to discuss this all in the next session in 2012. Let us think about the appropriateness of creating some sort of a listing of legal problems which we have in the whole area of regulating activities in outer space, we have been talking about many of these in our discussions in the subcommittee and many have been discussed in other international fora. It seems to us that if the subcommittee can shape up this sort of listing which would be acceptable to all delegations, if we do that then we will get a sort of road map and with the use of that the subcommittee can define the future directions of its work, it can define those directions where achievement of

consensus is the most obvious possibility and to lay down those directions which should be the sort of priority directions to be looked at in the first instance. By the way, in doing that we would also be able to resolve yet another problem. We would be able to optimize the work of the Legal Subcommittee so that we do not hear any more criticisms, saying that we are wasting our working time in a very unproductive way. I would appeal to delegates to do a bit of thinking about these proposals and perhaps they could express their thoughts now but in principle we could continue this discussion in 2012. Thank you.

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

Any other delegation wishing to make a statement under this paragraph?

I give the floor to the distinguished representative of Indonesia.

Mr. C. SUPROJO (Indonesia) With regard to the agenda item to be included in the next session of the Legal Subcommittee, the Indonesian delegation would like to join the other delegates in supporting the proposal by the Czech Republic of the transforming of the space debris mitigation guidelines into a set of principles in order to enhance the minimization of space debris and _____(?) to human life as well as to ensure the sustainability of future of space activities.

Furthermore, the Indonesian delegation also supports the inclusion of climate change issue to the agenda item, the problem of climate change has increased and poses great risk to human life. The target set out in the Kyoto Protocol will be finished in 2012 and yet the next step has not been formulated. The Indonesian delegation believes that space technology and its applications should contribute to the solution of global climate change, this issue has been on the agenda in the Scientific and Technical Subcommittee. By including this agenda to the Legal Subcommittee we believe the synchronization of the two subcommittees will be enhanced especially in finding a solution to the global climate change problem. Thank you.

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

I would now like to proceed to the consideration of the proposal by the Czech Republic. I would like to open the floor for views on the possibility

of its inclusion on the agenda of the subcommittee at its fifty-first session in 2012.

The floor is open. Would any delegation wish to make a statement?

I give the floor to the distinguished representative of Argentina.

Ms. G. HUARTE (Argentina) (*interpretation from Spanish*) The delegation of Argentina would support the presentation of the working document developed by the Czech Republic: Legal aspects of guidelines for outer space law for peaceful purposes in order to transform those guidelines into a set of principles approved by the General Assembly. We would manifest our support that we look at these in the fifty-first session of the Legal Subcommittee. Thank you.

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

Any other delegation wishing to make a statement on the proposal of the Czech Republic?

I give the floor to the Secretariat for an announcement.

Mr. N. HEDMAN (Secretariat) Just to inform delegations that tomorrow, at 2 p.m., there will be informal consultations on the Czech proposal that we are referring to, so 2 p.m. tomorrow in room M7 in this building. Room M7, 2 p.m. tomorrow, informal consultations on the Czech proposal and those informal consultations will be led by the Chair of the Legal Subcommittee.

The CHAIRMAN I thank Mr. Hedman for your announcement.

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

Mr. F. VARELA (Venezuela) (*interpretation from Spanish*) Our delegation would like also to support the proposal made by the Czech Republic. When we look at this, the legal guidelines on the use of outer space for peaceful purpose so as to transform the guidelines into a set of principles to be approved by the General Assembly. Our opinion is that this is very positive aimed at provoking discussion within this committee and therefore it can count upon the support of my delegation. Thank you.

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

Any other delegation wishing to make a statement?

Distinguished delegate of Brazil. I give the floor to the distinguished representative of Brazil.

Mr. J. FILHO (Brazil) (*interpretation from Spanish*) Perhaps I am not respecting the order in which we are working but it is important that, for example, Greece which has spoken about a proposal earlier could perhaps explain to us a little more about what was said because there were a number of us who were not here and then others who wish to know why Greece wishes to put forward this question. Perhaps I could have spoken about this a bit earlier because now we are talking about the Czech proposal but in any event I would just like to know what are the items which we have here and which of those are points where countries maintain their positions. I would like to have information on the proposals made and whether they continue, or do not continue, to be approved or not approved by us, so could I sort of understand what points are remaining in that position, approved, not approved, whatever.

The CHAIRMAN I thank the distinguished representative of Brazil. I give the floor to the Secretariat for clarification.

Mr. N. HEDMAN (Secretariat) Just to recall what the understanding of the Secretariat is regarding the list that we are considering.

In paragraph 170 of last year's report of the Legal Subcommittee: proposal (a) is retained by Greece; proposal (d) is retained by Greece; proposal (e) is retained by the Russian Federation; and proposal (g) is retained by Saudi Arabia. I repeat, proposal (a) retained, to be proposed by Greece; proposal (d) retained, to be proposed by Greece; proposal (e) retained, to be proposed by the Russian Federation; proposal (g) to be retained, proposed by Saudi Arabia. Thank you.

The CHAIRMAN I thank Mr. Hedman of the Secretariat for the explanation.

I give the floor to the distinguished representative of Chile, His Excellency, Ambassador of Chile.

Mr. A. LABBÉ (Chile) (*interpretation from Spanish*) I have a question. Do you consider that we will look at this agenda item, that is agenda item 12, in the meetings which we still have in this subcommittee? I am asking this question because this delegation understands that the delegation of Chile, in earlier years, made proposals which were contained in paragraph 170 in document 942. Now I would like to inform you and the members of the subcommittee that those proposals are being studied, or to be more accurate being re-studied, by the Foreign Ministry of Chile in consultation with other national competent and concerned bodies and, until we have an assessment which has been updated of those proposals, Chile is not in a position to have an opinion in this session on those proposals. We understand that the delegation of Chile has the right to return to these proposals at later sessions and given the _____(?) and time used by this subcommittee, it is not an *allegro forte* it is an *adagio molto*, I do not think this would do any damage to the idea of undertaking a look at those matters in either 2012 or even 2013. Thank you.

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

Any other delegation?

Distinguished delegates, now I would like to invite delegations to address organizational matters. We have informal consultations tomorrow about the Czech Republic proposal therefore we will continue this agenda item, address organizational matters, now.

There are no speakers on the list. Are there any delegations wishing to make a statement under this item?

I give the floor to the distinguished representative of Indonesia.

Mr. C. SUPROJO (Indonesia) Having listened carefully to the comments of other delegations to the organization of work, especially on the shortening of the duration of the Legal Subcommittee. In our opinion, the shortening of the duration does not resolve the core criticism of the ineffectiveness of the Legal Subcommittee as we believe the problem does not lie in the duration itself. Without strong political commitment there would be no change in the resolve of the subcommittee whether we extend or shorten the period. We would like the Legal Subcommittee to increase substance and its productivity to fit the time allocation. Indeed, if we span the period of two weeks with a loose agenda it will make the budget expensive but with the same duration and budget with higher

resolve or productivity the budget spent is worthy of the result. To achieve this we need not only the hard work of the Secretariat of the subcommittee but also the whole members to offer its political commitment, good willingness to reach consensus. The good willingness and hard work of the members and the Secretariat will surely be reflected in the increased productivity and fruitful result of the meeting. Thank you.

The CHAIRMAN I thank the distinguished representative of Indonesia.

I give the floor to His Excellency, Ambassador of Chile.

Mr. A. LABBÉ (Chile) (*interpretation from Spanish*) This delegation has spoken at our session this morning specifically referring to a proposal in respect of what we consider to be the best possible way of having a dialogue on this problem but on this occasion I would like to refer to other aspects of this particular problem which our delegation has not spoken about, so that is why I am speaking yet again.

We note that there is consensus among member States in regard to the need to rationalize our work in our committee. No delegation has been against the idea of rationalizing the work of the committee. It seems to us that this thinking, this discussion, is very important because it is a sort of exercise in good practices which, I assume, we would all like to introduce into the management of international organizations. More than that, it is a type of exercise which we must do in a periodic manner in conformity with the global outlines and guidelines which come from the superior body namely, the General Assembly of the United Nations and the Secretary-General.

Like other delegations, the delegation of Chile believes that a very important point, which is to be looked at very deeply and seriously, is the question of documentation at meetings. We have received some reports and each page of this documentation is worth \$246 which has to be multiplied by 5, once you include translation to the other official languages of the UN. For the same reason, we would suggest that the report should avoid repetition and should not include the details of national positions. Where they should concentrate is on decisions, recommendations or guidelines that the committee has decided upon. What must be respected also is the provisions from the central system namely, which lays down that reports should not exceed 10,700 words, in other words a maximum of 20 pages. Believe me that, as has been

demonstrated in Latin American literature, 20 pages is plenty to cover important matters.

The delegation of Chile also shares the concern expressed by France and other countries which is that it is necessary to make maximum use of time available for meetings, closing the agenda, not letting it wander around and re-circulated in the way it has been doing right now. We also agree with the delegation of Brazil that it is necessary to infuse more dynamics into the work of the subcommittee. We must look for more presence and participation by member States and in particular the developing countries. We are among those who believe that the drop in the number of working days of this subcommittee by itself will not produce the rationalization which we desire. The problem, as was pointed out this morning, is more a matter of substance and it is a reflection of this problem of the substance. We are in a situation where we are not making the appropriate use of the resources and time that we have. One way of promoting more participation by developing countries would be to incorporate, into the meetings of our subcommittee, a space where we could hold seminars or symposia on well-defined subjects which could be attractive to experts in that area and without in any way to the detriment of the academic work which was organized by the delegation of Austria in cooperation with the University of Vienna last Saturday. I am not saying anything against that but in this way we could develop a similar activity to that and that could be done during the course of the work of the subcommittee and this could be of special interest for the countries from the developing world and would also mean that we are better using our time. That is all I want to say on this subject, I hope this is recorded in an appropriate way. I hope what I have been saying would be recorded in the minutes. We continue to be open to any discussion, we will continue to have dialogue through which we can reach some kind of consensus on this whole subject. Thank you.

The CHAIRMAN I thank His Excellency, Ambassador of Chile, for a very good statement.

Distinguished delegation of Japan. I give the floor to the distinguished representative of Japan.

Ms. S. AOKI (Japan) We would like to reiterate the importance in the reduction of much needed cost and our delegation is of the view that, and have an impression that, some kind of _____(?) is being made about the reduction of pages and the termination of the unedited transcripts. So we hope that a constructive discussion about that specific point will be continued this afternoon. Thank you.

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

Any other delegation wishing to make a statement?

I give the floor to the distinguished representative of France.

Mr. L. SCOTTI (France) (*interpretation from French*) My delegation would like to recall that, at the end of this morning's session meeting under the same agenda item, the Secretariat shared with us a number of measures which could be taken to instil new dynamism into the work of the subcommittee and to give the Secretariat greater flexibility when planning our work. The Secretariat explained that there were some points on which it already had a remit to act and that there were others on which the subcommittee needed to make some recommendations to give it this remit. An example was given on the Scientific and Technical Subcommittee which met a while ago and, at the end of which, some recommendations were made to help further improve planning of the sessions and the way in which different agenda items are discussed. In particular this morning the issue was raised of giving the Secretariat an option of re-working our agenda and I noted, in particular, the possibility of organizing thematic groups and letting them work at the beginning of the session and in particular the mandate to be given to the Secretariat to concentrate consideration of the number of agenda items over just a few days. That would have the advantage of facilitating planning and sending experts from capitals who are here in advance and it would raise the feasibility of their presence here and would help us to plan things better for the subcommittee and make easier their task and the work of the capitals. I would like to know whether the Secretariat could perhaps go into more detail, the language in particular that could be discussed on that. Thank you.

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

Any other delegations wishing to make a statement?

I give the floor to the distinguished representative of Brazil.

Mr. J. FILHO (Brazil) (*interpretation from Spanish*) I would like to draw the attention of the distinguished delegates to the link which exists, at least I think it exists, between item 12 of the agenda, presentation of new issues to be discussed and the issue

of rationalization or optimization of our work. This point, new items, is essential, it will decide whether or not we increase or decrease our ability to discuss things here. It is often a question of whether or not something is actually discussed here, very often these things are dealt with before official discussion. This seems to me unhelpful in terms of the productive nature of our work, it is a key issue here. We agree completely that we need to be efficient in the way we use services, we are very sensitive to this. Today, for example, Brazil is making major cuts in its budget so that more is done with less money but, you have to bear in mind, the question of what these issues are to be discussed and above all the possible opening up of things for discussion. If we do not open things up for discussion then we are doing away with options and will be dissuading people from becoming involved and creating walls, building up barriers, and dissuading potential initiatives. This is a legal, political, point. So we, from the Brazilian delegation, would like to set this out clearly, how we present things, how we approach new items, is crucial also for the productiveness and for optimizing the way we work. Thank you.

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

I give the floor to the Secretariat for an announcement.

Mr. N. HEDMAN (Secretariat) Mainly to respond to the questions put by the distinguished delegate of France. The Secretariat related to these issues during our morning's discussion, particularly the part of administrative measures that the Secretariat is able to take and what we would need to take even further steps in a direction that delegations wish.

First of all, delegations recall the report of the Scientific and Technical Subcommittee from this year, and I am reading out now that particular language in paragraph 216 of document 987, Report of the Scientific and Technical Subcommittee, 2011, 'The Subcommittee agreed that maximum flexibility should be applied in the scheduling of items, in particular those to be considered by working groups.' If delegations are in agreement this same language could then of course be included in the report of the Legal Subcommittee. I would, however, like to explain a little bit further what this would mean.

If delegations look at our provisional agenda, that is already adopted of course on the first day, in L.280, the provisional agenda with the schedule of work that we are using for this session. What this proposal would mean is that the Secretariat, in

scheduling the work for the session next year in 2012, would make efforts to break the natural order of how agenda items appear in the agenda before us. Which means that item 11 for instance, on national space legislation, could very well appear on the second or even the first day of our subcommittee. So this is a way of really looking into the working groups, which working groups have a heavy agenda and for instance, since we have the distinguished delegate of Brazil, the agenda item 6 on definition and delimitation with its working group could very well appear in the second week, so this is the way how we will look into this and balance the agenda items. We have already started this year as you may recall, you will see that item 7, nuclear power sources, appears only on the last days, so we took this freedom of doing that in that way. Delegations will also see that, and this is also recognized and there has been no disagreement, we schedule general exchange of views over a longer period in order not to get stuck with general exchange of views in the first days of the subcommittee. This is what the Secretariat clearly feels that it has a mandate to do. There has been raised, during these discussions we have had in this session, the possibility of streamlining, or I would not use the word clustering, but I will explain in a minute, agenda items in the sense that, an agenda item should be considered in less meetings, which means that it could be considered over one day and if necessary over two days but it should not be scattered throughout the agenda. If you look at for instance, I am just taking an example, item 5 on information on the activities of international organizations and non-governmental organizations relating to space law, we scheduled it four times. It could be in fact scheduled for only one day which means, as an example, on Wednesday of the first week. It could very well be scheduled only twice in the morning and in the afternoon. That could then also apply to other items.

There is a concern here that the Secretariat would like to bring up with you because this also relates to a mandate to be given to the Secretariat in order to avoid criticism. In the past, we have experienced that when we have attempted to allocate more time to heavy agenda items and less time to items that are more of a reporting nature, delegations have not been that happy with that. This is a matter that I am bringing up because it could be a good departure for further discussions but, as you see, in the agenda that we have before us we have been very careful in assigning the slots in the schedule of work so it is equal for all items. Maybe, if you so decide, it is time to look into another way of doing this, in a way of assigning more time to items we expect to need more time and

for other items we give less slots in the schedule of the work.

I think it is quite important that we have some exchange on these issues that I have raised here because the Secretariat needs some certainty. If we produce an agenda for next year that is not to the agreement of delegations, that delegations feel that this is an abuse by the Secretariat, we would be very unhappy of course and we would like everyone to feel that we are really doing something for the best of the subcommittee.

Having said that, when it comes to documentation, the Secretariat is well aware that we are not in a position to radically change the report unless there is really a guidance and a mandate from delegations in which way they would like to see the report being changed. This is something that the Secretariat cannot decide upon. Furthermore, the Secretariat feels that it would be good to have a more clear platform for our discussions on organizational matters.

There are three ways here, either to create a separate new agenda item, I am just putting this to the table, for instance 11bis, which would mean before item 12 that could read, organizational matters, that is one option. The other option is to integrate the issue of organizational matters with agenda item 12 on proposals for new items, to add, and organizational matters of the subcommittee. The third way, which we have already started with and there has been no objections, in the annotation to the provisional agenda under item 12 we have taken the freedom of putting in italics, organizational matters also the symposium. So we already have it in the annotations to the provisional agenda on page 5, organizational matters.

One last issue regarding how to reflect our discussions at next year, if delegations wish to really look into organizational matters and that is, if there is a need to have it more visible in the schedule of work of the subcommittee. That goes back to the three options that I just outlined for your consideration so that it appears also in the schedule of work. I also would like to confirm to all delegations that the Secretariat is working to, I said 170 per cent this morning but I would like to increase it to 250 per cent now in drafting the report from this session. I have actually released three of my colleagues, that should be in the room here, to start drafting these particular elements on organizational matters and new items, so that all views are duly reflected in the report for adoption on Friday.

I was a bit long here I admit but basically it would be good to know if delegations wish to give a broader mandate to the Secretariat to test ideas for how to reorganize our indicative schedule of work. Thank you.

The CHAIRMAN I thank the Secretariat for very good comments and suggestions.

We have had very good discussions on organizational matters and the Czech Republic proposal and new items for the Legal Subcommittee, of course we can continue these three for tomorrow.

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

Mr. S. McDONALD (United States of America) I fully agree with the proposal that the Secretariat be given maximum flexibility in organizing the schedule of work for all three bodies. They are in the best position to know how many statements had been made under a particular item. Of course the number of meetings assigned to a particular item is not necessarily indicative of the importance of that item, it is more indicative of the willingness of members to make statements under that particular item. I would fully support the idea of giving the Secretariat the leeway to organize the indicative schedule of work.

Secondly, I would also welcome any thoughts the Secretariat might have on how we can reduce the length of our reports and the documentation. When you look at the report, there are some paragraphs in there that are reflected year after year, whether or not those views in fact were expressed. There are ways of streamlining the report of all three bodies as well.

Thirdly, I would like to suggest that instead of having an agenda item on new items or organizational matters, both of which are fairly limiting, we should just have an agenda item on other matters. We should not spend from now until eternity talking about organizational issues unless we have to. So it could easily be that we solve the organizational problems but then we would have this agenda item, I suppose we could just drop it from the agenda but if we have an item on other matters then we can take up new items, issues that have not necessarily been covered under the agenda but need to be raised and we can also discuss organizational matters. Thank you.

The CHAIRMAN I thank the distinguished representative of the United States.

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

Ms. A. PASTORELLI (Italy) I would like to thank the Secretariat for the useful résumé and also the proposal he has made. I would like to support the proposal of introducing the same paragraph which has been drafted in the Scientific and Technical Subcommittee concerning the flexibility. My delegation would support the proposal of giving a larger mandate to the Secretariat to arrange the items of the agenda in a manner which can allow us to work for the entire hours which were scheduled until the end of the discussions. Concerning the agenda for next year, I am flexible on the way of introducing the organizational matters but this subject has been of interest to most delegations, if not all, I think they all took the floor, but I am flexible on the way of what would be the best way to raise the issue also in future sessions. Thank you.

The CHAIRMAN I thank the distinguished representative of Italy for your comment.

I give the floor to the distinguished representative of France.

Mr. L. SCOTTI (France) (*interpretation from French*) My thanks also to the Secretariat for recalling these very specific proposals which could indeed help our collective work. My delegation is completely in favour of this wording, identical or similar to what was adopted in the Scientific and Technical Subcommittee, to give greater flexibility to the Secretariat in planning our sessions. Like previous speakers, I have no particular preference for the way we address organizational points whether it is through an additional agenda item or we expand an existing one but we would like the matter to continue to be discussed during successive sessions, during the plenary and in the Legal Subcommittee. Experience shows that one of the procedures often used very effectively to deal with this, is to ask a State to coordinate thoughts among delegations, this could be taken on board by a State which is on the fringes of the plenary in June and again, if need be, on the fringes of the Legal Subcommittee or, during the Legal Subcommittee next year. That is one suggestion we would make at this point which would allow us then to have work in substance among delegations to think about matters which would be of interest to all delegations here present. Thank you.

The CHAIRMAN I thank the distinguished representative of France for your comments.

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

Mr. A. CORDEIRO (Portugal) We would like to support Italy and France on their positions on the problem of work and for the next agenda. Thank you.

The CHAIRMAN I thank the distinguished representative of Portugal.

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

Mr. V. KOPAL (Czech Republic) I fully agree with the idea that our approach to the agenda should be flexible. If we, for example, end the discussion on a certain topic one day and if it was scheduled to continue the discussion the other day, we should end it during the first day because it would be clear that no other delegation, unless it requests so, would speak the next day. At the same time, I would like to be a little bit against a certain risk and it is defractionalization of the discussion. For example, the general exchange of views which now was divided into the agenda of eight days or so, could be concentrated in the beginning of the first week of the session and then once more in the beginning of the second week of the session and no more such a scheduling because everybody will know that he has to be prepared for a statement on general exchange of views and either if he prepared in the beginning during the first week or in the beginning of the second week and we need not have it on our agenda several times.

I would also like to make an appeal to the Secretariat, and of course also to the whole composition of delegates, to maintain a certain concentration of interest on one topic and after that on the second topic and so on, in order to keep the consistency and correlation of the discussion. If it is so much split in short parts of the session, so there is no _____(?) about the whole exchange of ideas, you simply listen to it but the next day nobody knows about it and the next week again nobody knows. So concentration in order to avoid fractionalization. As a matter of fact this is the advice that _____(?) in each serious work, intellectual work, scientific work and so on. Thank you.

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

I give the floor to the distinguished representative of Germany.

Mr. R. LUEDEKING (Germany) We also would support _____(?) the flexibility which has to be given to the Secretariat to organize the work for the next year and then we fully agree with the statement of the Czech Republic and especially with the accentuation of the concentration on certain topics on certain days so that you have the whole picture of the topic concentrated more than it is today. Thank you.

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

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

Mr. R. LEFEBER (Netherlands) In addition to what has already been said, when I listen to the Secretariat they fear that they may be criticized for the scheduling of work. What I was wondering is whether they are not in a position to consult with the Chair or even the bureau because we have a bureau as well. Normally agendas and organizational work are drafted by the Secretariat in consultation with the Chair and the bureau and I think the Chair and the bureau will then have to assume responsibility for that because it is not fair to criticize the Secretariat for that. I wonder whether that is possible or whether there are practicalities that prevent you from doing that because you may not know who will be the Chair of the next meeting until the very last moment.

The other point relates to the report and the streamlining of the report and I agree with the Secretariat that it is Legal Subcommittee that will have decide on how to streamline the report. However, as I suggested earlier and there was quite a bit of support for that, we have to look into options and therefore it may be useful to have a paper at our disposal at the beginning of the next meeting that provides us with a few best practices. It does not have to be exhaustive but how can we do this in another manner and how is this being done by other bodies in Vienna, Geneva and New York. Just a few examples of best practices that we can use and look at to come to a decision on that. Of course we have to first adopt the agenda next year there should not be any question about that. We then normally take up the issue of organization of work and there we can look at the schedule, probably a bit more closely than we have done this year and previous years, we can look at the issue of streamlining the report and then we have to look at rationalization, optimization, of future sessions, whether that is under agenda an item, new items or other matters, we are entirely flexible in that regard.

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

Any other delegation wishing to make a statement?

Distinguished delegate of China. I give the floor to the distinguished representative of China.

Ms. L. ZHOU (China) (*interpretation from Chinese*) First of all on the proposal of the Secretariat on the organization, where to put this organizational matter? The USA's proposal is a good one. In the provisional agenda we can add a miscellaneous item, other matters.

Concerning the flexibility of the meeting. The Secretariat has mentioned paragraph 216 of the Scientific and Technical Subcommittee, we think that the only sentence of this paragraph is a very good one. The Dutch delegate has also mentioned the following. The Secretariat can consult the bureau and submit the provisional agenda for the plenary for consideration, this is a very good proposal. If I look at the current provisional agenda, on the indicative schedule of work, there is a footnote (a) and it is written as follows. The last sentence, in order to help the member States to consider this agenda with an indicative schedule of work, this would be without prejudice to the actual timing of consideration of specific agenda items. We think that this footnote is well written because our meeting, it is the meeting for member States, and the agenda should be decided by the member States. We think that the current working method is a flexible method. If we give more flexibility to the Secretariat then I am not very clear how to proceed.

Concerning the report of the meeting. We concur with the proposal of the Dutch delegate. We can refer to the other fora, conferences and meetings to see how they proceed on this item but we express our concerns on the fact of extensively reducing the report because the report reflects member States and the view of other organizations and this is conducive for our work. That is why we observe flexibility on this point but we do not agree to reduce it extensively. Thank you.

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

We had good discussions, we can continue our discussions for organizational matters, Czech Republic proposal and new items for the Legal Subcommittee, tomorrow morning.

I will now adjourn this afternoon's meeting. Before doing so I would like to inform delegates of our schedule of work for tomorrow morning. We will meet promptly at 10 a.m. At that time we will continue and hopefully conclude our consideration of agenda item 7, review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space. We will continue with our consideration of agenda item 12, proposals to the Committee on new items to be considered by the Subcommittee. We will then adjourn the meeting so that the working group on agenda item 4, status of treaties, can meet and adopt its report and the working group on agenda item 6 (a) the definition and delimitation of outer space can meet to adopt its report.

Are there any questions or comments on this proposed schedule?

Before adjourning the meeting I give the floor to the Chairman of COPUOS for an announcement.

Mr. D. PRUNARIU (Romania, Chairman of COPUOS) I just want to inform the delegates that, after several informal meetings, we agreed upon the final text of the declaration for 1 June. The slight improvements of the text will be read out by the Secretariat and also the Secretariat will propose the next steps from the administrative point of view of this declaration. Thank you.

The CHAIRMAN I thank the Chairman of COPUOS for your announcement.

I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) The Secretariat is prepared to read out the changes, amendments, to the 2011 declaration that the Chair of COPUOS, the Main Committee, referred to.

I am now referring to A/AC.105/L.283. Paragraph 4 on page 2, in the first ____ (?) of the declaration. 'We, the States participating in the commemorative segment' so 'high-level' will be replaced by 'commemorative'.

The second amendment refers to operative paragraph 4 of the declaration, also on page 2, which begins 'Respectfully recall'. In the second line the word 'solemnly' will be deleted. It will read 'not been without sacrifice, and remember'.

The next change relates to operative paragraph 6, also on page 2, and I will read out the full

paragraph 6 'Recall the entry into force of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (Outer Space Treaty) on 10 October 1967, which establishes the fundamental principles of international space law.'

The next amendment is in operative paragraph 7, also on page 2, and it will be an insertion in the last line, '20 December 1961 including resolution 1721A in which the first legal principles were commended to States for their guidance in space activities, and' and then it continues 'resolution 1721B' and so forth.

The next change relates to operative paragraph 10 on page 3 and it is the deletion of 'international' so it would read 'the rule of law including the relevant norms of space law' deletion of 'international' in that particular paragraph.

The next change relates to operative paragraph 13, also on page 3, on the third line replacing 'in particular' with 'including' so that line would read 'meeting challenges, including that of global climate change' and so forth.

The last change is on page 4, operative paragraph 15 'agree on' will be replaced by 'confirm' so the first line would read 'confirm the need for closer coordination between the Committee' and so forth.

After the session of the Legal Subcommittee the Secretariat will include these changes into the document, the changes will be edited and translated into all languages, so the new version of the declaration will then be amended as has been read out and the document that will appear for adoption on this commemorative segment on 1 June will have the symbol number A/AC.105/L.283/Rev.1. Thank you.

The CHAIRMAN I thank Mr. Hedman for the announcement.

Therefore the meeting is adjourned until 10 a.m. tomorrow morning.

The meeting closed at 5.13 p.m.