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

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861<sup>st</sup> Meeting

Tuesday, 9 April 2013, 10 a.m.

Vienna

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*Chairman: Mr. T. Brisibe (Nigeria)*

*The meeting was called to order at 10.09 a.m.*

*It is so decided.*

**The CHAIRMAN:** Good morning distinguished delegates. I now declare open the 861<sup>st</sup> meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This morning we will continue our consideration of agenda item 3, General Exchange of Views, and begin our consideration of agenda items 4, Status and Application of the Five United Nations Treaties on Outer Space, and 9, Examination and Review of the Developments Concerning the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets.

The Working Group on the Status and Application of the Five United Nations Treaties on Outer Space will then hold its first meeting.

I would like to remind delegations to provide the Secretariat with any additional requests for technical presentations by close of business today.

I also remind delegations that speaking notes for technical presentations should be provided to facilitate simultaneous interpretation.

Distinguished delegates, I have also received a communication from Luxembourg indicating its interest to attend this current session and participate in the meetings of the Legal Subcommittee as observer.

I would, therefore, suggest that, in conformity with past practice, we invite this delegation to attend the current session and to address the Subcommittee as appropriate. This is, of course, without prejudice to further requests of this nature and does not involve any decision of the full Committee concerning status.

If there is no objection, we will proceed accordingly.

**General exchange of views (agenda item 3)**

Distinguished delegates, I would now like to continue our consideration of agenda item 3 on our agenda, General Exchange of Views.

The first speaker on my list is the distinguished delegate of Portugal.

**Mr. J. CRUZ (Portugal):** Thank you Mr. Chairman. First of all, let me congratulate you on the chairmanship of this Legal Subcommittee.

I would also like to extend our greetings to the Director of the Office for Outer Space Affairs, Madam Mazlan Othman, and to her able team.

Mr. Chairman, the delegation of Portugal takes this opportunity to give a brief account of the Portuguese Government's view on some of the main items of the agenda of this session of the Legal Subcommittee.

We would start by recalling that Portugal has ratified two of the five core international space conventions and that official steps are under way with a view to formal acceptance of the two other conventions and the Moon Agreement. Accession to these conventions has been rendered in some sense imperative following Portugal's accession to the European Space Agency in 2000 and the country's greater involvement in space activities.

It may be worth adding that, at domestic level, outer space law has become a regular component of the programmes of public international law courses in Portuguese universities, particularly at the post-graduate level.

Accordingly, we understand the regular consideration by the Legal Subcommittee of the status and application of international treaties on space law as

a major opportunity to review how member States of COPUOS are fulfilling their international responsibilities as well as exercising their rights under the international space treaties.

In our view, though, attention should also be paid in this connection to the sets of principles prepared by this Legal Subcommittee and adopted by the General Assembly on remote sensing, satellite broadcasting, international cooperation and use of nuclear energy sources. Though formally non-compulsory, these sets of principles are part of international law and their implementation should, in our view, be followed as well.

On the issue of the definition and delimitation of outer space, the delegation of Portugal to this Subcommittee has had the opportunity in previous sessions of the Subcommittee to share with other delegations the recognition that the practical difficulties to define geographical limits in a physically intangible and imprecise environment as outer space does not recommend that rigid boundaries be established.

We favoured the initiative and the efforts undertaken by the Legal Subcommittee around the topic of aerospace objects. We still believe that the elaboration of a set of principles or guidelines for the launching and operation of aerospace objects could respond adequately to the present requirements of clarity and legal security in this field.

Lastly, we would also wish to support efforts to develop a normative framework for space debris through the joint work of the Scientific and Technical and Legal Subcommittees. This effort is, as has been repeatedly indicated, more and more urgent as space debris multiply with the ensuing risks for the safety of equipment and even people.

Thank you.

**The CHAIRMAN:** I thank the distinguished delegate of Portugal for his statement.

The next speaker on my list is the distinguished representative of Ukraine.

**Ms. N. REDCHYTS** (Ukraine) (*interpretation from Russian*): I thank you very much Chairman. Chairman, distinguished delegates, the delegation of Ukraine would like to join the words of thanks expressed by delegates yesterday with regard to the Chair and Ms. Othman. We would like to indeed say that we believe that all of the agenda items before

this fifty-second session of the Legal Subcommittee are important. We hope that the work that we do today will be useful in resolving issues having practical importance for the development of international outer space law.

We believe that study and use of outer space must be conducted exclusively for peaceful purposes and on the basis of the following principles, i.e., equal and non-discriminatory access to outer space and equal conditions for all States irrespective of their degree of development in terms of technology and economics. The principle of equitable and rational use of outer space, and the principle of non-appropriation of outer space including the Moon and other celestial bodies and the non-militarization of outer space is used only for peaceful purposes.

We are party to the four main United Nations outer space agreements and treaties and we believe that it is important the process of accession to these basic treaties on outer space, especially for those States which are not yet parties to them. However, it is not the first year that we are advocating the initiation of work on the codification of international outer space law. We believe that this is necessary. We are in favour of a comprehensive convention on outer space law. We believe that given the rapid development of outer space technologies and the growing number of players in the field of outer space, it is necessary for the international community to respond adequately to new problems arising requiring international regulation, for example, the pollution of near-Earth outer space, the prevention of militarization of outer space, etc.

We support initiatives on other development of international documents having to do with the use of outer space, for example, the development of an international Code of Conduct in Outer Space and the development of an agreement on preventing the deployment of weapons in outer space, the threat and use of force on space objects. And we also attach great importance to the development of measures of transparency in the strengthening of confidence in outer space activities and we have actively participated in the work of the Group of Governmental Experts on these issues which took place 1-5 April in Geneva and we certainly hope that the Group's report will be prepared and tabled for the consideration of the sixty-eighth session of the United Nations General Assembly.

We would like to take this opportunity to say that in Kiev from 16-17 May this year, we will be conducting consultations on the draft International

Code of Conduct in Outer Space and our delegation, on behalf of Ukraine, would like to invite all of the participants of this session to take part in this undertaking.

Thank you very much.

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

The next speaker on my list is the distinguished representative of Russia.

**Mr. D. GONCHAR** (Russian Federation) (*interpretation from Russian*): Chairman, distinguished colleagues, at the outset, I would like to congratulate you, Chairman, with the fact that you are going to be guiding the work of our Subcommittee once again and I hope that under your guidance our body is going to be able to successfully discharge its duties.

I would also like, on behalf of the Russian delegation, to thank the Head of the Office for Outer Space Affairs, Madam Mazlan Othman, for her contribution over ever so many years to developing and promoting international cooperation in this sector which is so important and far from easy.

I believe that it is extremely laden with symbolism that it is in this year that we are going to be celebrating the anniversary of the first flight of a woman in outer space, cosmonaut Valentina Tereshkova, that we are going to be thanking Ms. Othman as well for her personal contribution to the development of outer space activities for peaceful purposes and for the benefit of all mankind.

Dear colleagues, at the very beginning of our statement, once again I would like to draw your attention to the fact that the Office for Outer Space Affairs, COPUOS, as well as its subsidiary bodies, pursuant to its mandate, as confirmed by the United Nations General Assembly, is the main universal body which is responsible for the formulation and development of political and legal bases for the activities of States in outer space. It is precisely pursuant to this mandate within the framework of the Committee and our Subcommittee that those five treaties were developed and those five principles which, at present, indeed present the entirety of international outer space law. And it is in this connection that the Russian delegation believes that it is of great importance indeed the activity done by our Subcommittee under the agenda having to do with the

consideration of the status and application of the five United Nations treaties on outer space.

We indeed have to achieve truly universal application of these treaties with respect to which the activity of the Office for Outer Space Affairs on accession of new States can only be supported wholeheartedly.

At the same time, it would be erroneous, we believe, that to consider these documents as something which is set in stone, indeed something which never should be considered as requiring development. We agree that, at present, thanks to the great reserve of stability which is enshrined in the formulation of the main outer treaties by their developers. On the whole, they continue to adequately regulate those inter-relationships which arise among States as they indeed conduct their outer space activities. However, the very nature of this activity in our day is radically different from the way it worked when these treaties were initially developed. To start off with, there is increasing commercialization and privatization of outer space activity which recently is developing most actively indeed. And indeed, just around the corner we are going to have the manned space vehicle flights on the part of private entities. And in this connection, Chairman, our delegation believes that we have to constantly analyze the application of the treaties on outer space which are in effect and to stand ready to modify them, to develop them, as soon as this is truly required in the practical plane.

And in this connection, we would like to recall the proposals of the Russian delegation for the development of a comprehensive United Nations Convention on Outer Space Law. We believe that this proposal and this way of organizing work would allow us to concentrate the process of the progressive, gradual development of international outer space law in a body which is dedicated to these activities and this in a comprehensive fashion are allowing the resolution of the problems which are pending in this area and this to the interest of all parties.

As before, our delegation stands ever ready to engage in constructive dialogue in considering and discussing our proposal.

An important conclusion to the work of the Legal Subcommittee and of our COPUOS as a whole last year, is the revised draft recommendation on national legislation having a bearing on the study and use made of outer space for peaceful purposes. And our delegation, on the whole, is satisfied with the text which is to be found in document L.289 and we are

ready to actively participate its discussion at this session.

It is satisfaction that we note that this year the Legal Subcommittee is starting to consider a new agenda item having to do with the review of international mechanisms for cooperation in the use and study of outer space for peaceful purposes.

We also plan to take an active role in participating in the discussion of this agenda item and we will be expressing the position of our delegation on all of the remaining agenda items as we get to them.

Thank you very much for your attention.

**The CHAIRMAN:** I thank the distinguished delegate of Russia for his statement.

The next speaker on my list is the distinguished representative of Canada.

**Mr. C. SCHMEICHEL** (Canada): Thank you Mr. Chairman. The Canadian delegation is pleased to welcome you back as Chair of the Legal Subcommittee this year. With your guidance, the Legal Subcommittee should have a very successful session this year.

The Canadian delegation would also like to take this opportunity to thank the Director of the Office for Outer Space Affairs, Dr. Othman, for her invaluable work over the years. We have all benefited from her tireless efforts and she will surely be missed.

Mr. Chairman, the existing legal framework governing outer space activities has enabled States to enjoy tremendous benefits from activities conducted in outer space. To continue to enjoy such benefits, it is essential for all States to adhere to this legal framework and to encourage the implementation of guidelines designed to improve conduct in outer space. Canada reiterates its strong support for the core United Nations conventions on outer space, namely the Outer Space Treaty, the Rescue Agreement, the Liability Convention and the Registration Convention.

Mr. Chairman, the Legal Subcommittee features regular discussions on the application of the existing legal framework to current issues and challenges faced by States in the use and exploration of outer space. One of those challenges is the continuing accumulation of space debris. Clearly, this is an important issue for all members States and Canada looks forward to a productive discussion on this topic. The Canadian Space Agency has recently adopted a

new policy in regards to space debris mitigation which the Canadian delegation will elaborate upon during the course of this session.

Canada is also considering where future discussions on the topic of space debris may lead. There have been discussions among technical experts regarding the desirability and feasibility of active debris removal. In such discussions, there is often mention made of the legal implications associated with such an activity. The Legal Subcommittee may be called upon to weigh in on this issue. Therefore, delegations may want to consider if the time is right for the Legal Subcommittee to add this aspect to our discussions on space debris at future sessions.

Another issue that is of interest to Canada which could also be addressed in the Legal Subcommittee involves the ownership and transfer of space objects in orbit. Whether in the context of debtor-creditor relations or the normal course of business, in-orbit transfers of space objects will only become more prevalent in the near future. Previous discussions in the Legal Subcommittee have touched upon this issue but perhaps all member States would benefit from an expanded discussion on this topic at future sessions.

Mr. Chairman, in closing, the Canadian delegation is looking forward to a productive and informative discussion at this year's session. To best accomplish this goal, the Canadian delegation favours placing the focus of our discussions on practical legal issues that arise from the current or foreseeable use and exploration of outer space by States, international organizations and private entities.

Thank you Mr. Chairman.

**The CHAIRMAN:** I thank the distinguished delegate of Canada for his statement.

The next speaker on my list is the distinguished representative of the United States.

**Mr. B. ISRAEL** (United States of America): Pardon me Mr. Chairman, is this for agenda item 4?

**The CHAIRMAN:** I beg your pardon. Distinguished delegates, based on my list, I would like to give the floor to the distinguished representative of Greece.

**Mr. V. CASSAPOGLOU** (Greece): Thank you very much Mr. Chairman but as my second mother tongue is French, I will give my statement in French.

*(Interpretation from French)* Thank you Chairman. First of all, I too would like to say how pleased I am to see you here at this second session of the Legal Subcommittee and I would like to congratulate you and wish you all the best because following two years of absence due to the economic conditions in our country, Greece is back. So Greece is here, Greece, which has a history of at least 10,000 years of history and civilization.

Mr. Chairman, first of all, let us begin with \_\_\_\_\_(?) and because I will not be here on the 12 April. I have to leave the day after tomorrow. We are celebrating a great event in the history of humanity and that is the heroic space flight of Yuri Gagarin who, with a flight, a 100 minute flight, changed history because that was when we flew in space like Icarus and he escaped from the labyrinth in Greek mythology so humanity emerged from the labyrinth following two bloody wars and the heroism of Yuri Gagarin is unforgettable for the whole of humanity until the end of time. And that was because of three great feats. Nothing is impossible if there is courage, determination and cooperation because without cooperation, space would not exist and would not be conquered. So I would like to say that to encourage younger generations and to learn how to behave on the international stage as far as space is concerned, we should only use space for peaceful purposes. General Ike Eisenhower, well before Sputnik-1, said that space should be used exclusively for peaceful purposes. Unfortunately, we have not followed the policy guidelines of the Commander-in-Chief of the Allied Forces that liberated Europe from the clutches of the Nazis.

As I said, I will not be here on the 12<sup>th</sup> but I would like to make some comments.

First of all, following on from my colleague from the Russian Federation, I would like to add to what he has just said. There is a sort of overlapping. COPUOS and the Disarmament Conference really overlapped in terms of space security within the United Nations and I think it is very unfortunate that when we talk about something that is of such importance for humankind has to be dealt with in different fora. I am sure that you, my pro-international colleagues, have heard about the atomization of the fragmentation of international law. So the international system is becoming fragmented. Three weeks ago, I was not there in person, I was watching it through streaming, I watched the most recent meeting of the Commission on Disarmament in Geneva and I really find its approach unfortunate. There was a Russian-Chinese proposal

that was very realistic and sadly, and it is, I am not even sure if I can find the words to express this, it was almost like a political joke to say that we, here, deal with peaceful uses and for non-peaceful uses, legitimate or otherwise, it is the Commission on Disarmament.

So you see we are really at a dead end. And for at least 20 years we have not come up with a single binding legal text, not even one draft convention. With our colleagues from the Russian Federation and China and Iran and Greece, and I cannot remember who else, we submitted a proposal regarding trans-international space law. We have been talking about this for 10 years, it was before 1999, and we have not been successful. Fortunately, we have discussed this in Working Group 4, which I chaired for 10 years. Fortunately, my colleague from Belgium was able to take over in the interim and then continued very successfully and I would like to congratulate him on the follow-up he provided to this very important Working Group but, apart from that, we really have failed within the European Union for the Code of Conduct Governing Space Activities. We worked so hard, we worked like mad to use layman terms but since 2010, we have been awaiting approval as one set of consultations follows another over a non-binding text which has included clauses that are already enshrined in international protocols. So it is another strange fact.

That is my comment on the current situation of international space law.

To conclude, in the United States recently, the Secretary-General of the United Nations underlined the following that education will bring peace on Earth. Those are wonderful words. That is why we stress the need for education in space law. It would be wonderful to promote education for young people all over the world in space law. That is the way that we could explain to children and to young people how to consolidate the cause of international peace. If space becomes the battlefield then that would be a catastrophe for those of us on Earth.

I would just like to say that in Cyprus, in September last year, we held the Summer Course for European Space Law. I think that, thanks to the great efforts of my friend and colleague, Professor Marchisio, it was very successful. We had 45 students from 15 universities, 15 European universities, who spoke 12 languages. It was wonderful to have this many United Nations in Cyprus at Pathos University. Unfortunately, because of the disastrous situation in Cyprus, a post-graduate course that we were setting up

for the coming academic year called “The Peaceful Use of New Technologies”, so, that is, space communications has fallen by the wayside but we hope that there will be an improvement in our economy and the European Union in general so that this can eventually go ahead.

Chairman, that, I think, concludes the comments I wanted to make here.

And to conclude, please allow me to say something about Japan’s proposal to include a new agenda item.

I think it is an important initiative and I think it could contribute to enhancing our work because we need to break with routine.

Thank you very much Chairman and colleagues for your patience.

**The CHAIRMAN:** I thank the distinguished representative of Greece for his statement.

The next speaker on my list is the distinguished representative of Cuba.

**Mr. J. C. MARZÁN AGUILERA** (Cuba) (*interpretation from Spanish*): Thank you Chairman. My delegation is pleased to see you once again chairing the fifty-second session of the Legal Subcommittee of COPUOS and we reiterate our desire to work with you to achieve the aims of this meeting.

We would like to take this opportunity to express our acknowledgement to the Office for Outer Space Affairs for its work throughout 2012 and the efforts made to organize this session of the Subcommittee.

My delegation would also like to express its full support of the statement made under this agenda item by the distinguished Ambassador of Guatemala on behalf of GRULAC.

Mr. Chairman, Cuba considers that the development of space sciences and technologies is of great importance for the present and future of humanity, as reflected in the Final Declaration of Rio +20. The services provided by these technologies in communications, climate change and natural disaster management to name but a few, are eloquent examples of this importance and the need to keep outer space only for peaceful use.

My delegation coincides with the criterion that the United Nations space treaties and principles are a significant legal basis for the development of peaceful space activities. However, we also consider that the aim of reserving outer space for peaceful purposes would require updating international legislation to clearly ban the use of any type of weapons in space. The danger of the arms race moving to outer space is increasing on a daily basis and this is not just a threat to the peaceful use of space but also to the continued existence of humanity. In this context, we reiterate our position on the need to eliminate all nuclear weapons and to completely abandon the arms race in space. We, therefore, reaffirm the need to make progress in multilateral negotiations for a legislation that will prevent the militarization of space and prevent placing nuclear weapons in outer space. In the opinion of my delegation, there is nothing more important and pressing than dealing with this critical problem and all international organizations, including COPUOS, should be involved.

Mr. Chairman, before definitively solving the issue of weapons in space, new measures and legal instruments will also have to respond to other important issues such as the definition and delimitation of outer space, guarantees regarding the non-discriminatory use of geostationary orbit, regulations related to access to space by private institutions and measures to reduce the danger linked to space debris and the indiscriminate use of nuclear power sources in space, Cuba grants singular importance to the use of geostationary orbit. It is extremely important for developing countries and we believe it should continue to be debated by this Subcommittee. We, thus, support the proposal made by other delegations to promote the establishment of working groups or intergovernmental panels on the fair use of geostationary orbit.

My delegation is opposed to manoeuvres to reduce the time allotted to the Legal Subcommittee to limit its work to purely practical aspects of space law whilst neglecting theoretical aspects such as the definition and delimitation of outer space or the discussion of vacuums in international space legislation. Those positions hamper negotiations of new legal instruments to cover legal vacuums regarding the militarization of outer space and they also have an impact on the work of the Scientific and Technical Subcommittee.

Cuba reaffirms the need to continue strengthening space law in order to guarantee the harmonious nature, the security and transparency of space activities. There are some new aspects such as the arrival of private transnational companies or space

flights which are not covered in current legislation. We believe that in order to establish multilateral regulations governing activities in space that will cover new technological discoveries and scientific progress, my country believes that Subcommittee needs to work more with the Scientific and Technical Subcommittee. The synergy between these two Subcommittees will also promote understanding, acceptance and real application of existing United Nations legal instruments.

Regarding nuclear power sources in outer space, my delegation believes that in light of progress made by the Scientific and Technical Subcommittee, we need to review the principles for the use of nuclear power sources and work towards drawing up a binding instrument to guarantee the responsible use of these power sources.

Mr. Chairman, Cuba truly believes that regional and interregional cooperation is one of the essential pillars in the use of outer space. It enables us to exchange knowledge and best practices as well as to bring about capacity-building at national and regional level.

In this context, we would like to thank the Office for Outer Space Affairs and Argentina's CONAE for their support which enabled Cuban experts to participate in the Eighth United Nations Space Law Course which took place in Buenos Aires in October 2012 and we would ask the Secretariat to continue supporting the participation of experts from developing countries in capacity-building programmes and training programmes on space law.

Before I conclude, we would like to reiterate our adherence to the principle of equal access to outer space without any kind of discrimination and we also reaffirm our belief to keep outer space purely for peaceful use.

Thank you.

**The CHAIRMAN:** I thank the distinguished representative of Cuba for his statement and I now should give the floor to the observer representing the International Institute of Space Law.

**Ms. T. MASSON-ZWAAN** (International Institute of Space Law): Thank you Mr. Chairman. It is my pleasure to give a brief statement on activities of the International Institute of Space Law.

In December last year, the Institute organized, together with the Centre for Remote Sensing Air and

Space Law at the University of Mississippi, and its traditional Eilene Galloway Symposium on Critical Issues in Space Law in Washington D.C. The topic of this Symposium was "Regional and Global Space Organizations and the Law".

Again, in December 2013 on 5 December, the eighth of these symposia, the Eighth Eilene Galloway Symposium will be held again in Washington D.C.

Yesterday, you all hopefully attended the Symposium organized by IISL, together with the European Centre of Space Law, on the UNIDROIT Space Protocol, followed by the traditional IISL/ECSL reception.

Next October, the International Institute of Space Law will host its Colloquium on the Law of Outer Space and Related Events in Beijing, China. This will take place from 23-27 September and it will be the Fifty-Sixth Colloquium of the IISL.

We will have sessions on the following topics. First, we will have the N. Jasentuliyana Keynote Lecture on Space Law in combination with the Fifth Young Scholars Session dedicated to students and young professionals.

Second, we will have a session on "The Settlement of Space-Related Disputes". Third, a session on "International Regulations of Space Communications: Current Issues". Then a session on "Legal Aspects of Space Debris: Remediation", and lastly, the tradition of session of "Recent Developments in Space Law".

Also in this session, the Twenty-Eighth Scientific Legal Roundtable will be held in Beijing and it will deal with "Space and the Polar Regions: Issues of Satellite Applications, Policies and Regulations".

Also, another Joint Session with the International Astronautical Federation will be held on the "Legal Framework of Cooperative Space Endeavours".

Some news about the Manfred Lachs Space Law Moot Competition. The World Finals held in 2012 in Naples, which was the twenty-first of these competitions, was held in Naples, and the winners of these World Finals was the National Law School of India University. Second place was the team of the National and Kapodistrian University of Athens, Greece, while the University of California, USA, and Obafemi Awolowo University of Nigeria, were the

semi-finalists. It was the first time that an African Regional Round had been held.

Three judges of the International Court of Justice in The Hague judged the World Finals and the 2012 Competition addressed the “Case concerning on-Orbit Collision, Non-Cooperative Satellite Removal and Damages” and was written by James Rendleman.

The World Finals of the Twenty-Second Manfred Lachs Moot Court Competition will be held in Beijing during the 2013 Colloquium. Again, three judges of the International Court of Justice will judge the finals and Regional Rounds will again be held in Europe, North America, the Asia-Pacific, as well as for the second time, Africa.

In total, more than 60 teams have registered for the Regional Rounds. The 2013 Competition addresses the “Case Concerning the Operation of a Lunar Station”

The names of all the participating universities and all the judges will be listed in a Moot Court brochure that is always published on our website. We are very grateful to sponsors of the Regional Rounds as well as of the World Finals and to the hard work of the Moot Court Committee.

In the field of research and publications, I would like to mention that IISL has made several submissions to the United Nations COPUOS at its request. We have submitted input on two issues. One addressed the “Nature of Sub-Orbital Flights”, and the other “The Legal Issues of Space Debris Mitigation” which have been distributed to the delegates.

Furthermore, the IISL is working on input for Expert Group D of the Working Group on the Long-Term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee of the United Nations COPUOS.

Our Proceedings, the IISL Proceedings, has moved to a new publisher and in 2012, we publish the first volume with Eleven Publishing International which was the 2011 Proceedings of the IISL. The book is available to the United Nations COPUOS delegates for a specially reduced price on forms that I have put in the front of the room and I am very pleased to offer one complementary copy to the Library here.

The IISL is also proud to have submitted the book “Some Pioneers of Space Law”, which was edited by Professor Stephan Hobe, to the publisher.

This will be an IISL publication, hopefully available by the time of next Colloquium.

In addition, we continue to publish the Report of the Standing Committee on the Status of Space Law Treaties which are published both on our website and in the IISL Proceedings under the chairmanship of Andre Terekov(?).

In Naples, the General Assembly has elected several members of our Board of Directors. We have elected Professor Kai-Uwe Schrogl as Vice-President of the IISA, also Professor Setsuko Aoki from Japan, Professor Elisabeth Back Impallomeni from Italy, Dr. Tare Brisibe, Chairman of this Subcommittee, Professor Joanna Gabrynowicz, Dr. Les Tennen, Professor Lesley Jane Smith, Mr. Skip Milton, Professor Maureen Williams and Professor Haifeng Zhao from China, were elected.

Professor Jonathan Galloway, Toshio Kosuge and Sylvia Ospina became Honorary Directors and in all last year about 20 new IISL members were elected in two sessions of the Board of Directors.

In 2012, a Distinguished Service Award given to Corinne Jorgenson in recognition of her years of outstanding and dedicated service to the Institute as Editor of our Proceedings for over 10 years and as a member of the Board and Executive Secretary.

The Diederiks-Verschoor Award for Best Paper by a young author was granted to Mr. Olavo Bittencourt Neto of Brazil for his paper entitled “The Elusive Frontier: Revisiting the Delimitation of Outer Space”.

Lastly, some news about our Statute. The General Assembly in Naples has approved major changes in the Statutes and Bylaws of the Institute. Apart from a general streamlining and increasing of transparency, the main changes concerned elections where the Nomination Committee for the Board is now elected by the General Assembly not the Board and is called Election Committee and all members can vote on all candidates by electronic means or mail before the meeting.

In addition, we are happy to announce that a new category of prospective members has been established to allow students and young professionals to join the Institute without paying a fee. They do, however, not have the right to vote. This is a step towards full membership for them.

We are happy to refer the delegates to the website of the IISL and to the website of the Moot Court for any further information and I would like to reiterate that we are very happy to welcome any of the delegates who would be interested to join the IISL as a member and information is also contained on our website.

I would to thank you for the opportunity to give this statement. Thank you Mr. Chairman.

**The CHAIRMAN:** I thank the observer representing the International Institute for Space Law for her statement.

I should now give the floor to the observer representing the European Space Agency, the European Centre for Space Law.

**Mr. A. SOUCEK** (European Space Agency): Thank you very much Mr. Chairman.

Let me first express ESA's happiness as permanent observer to see you chairing this session of the Legal Subcommittee. We would also like to thank Dr. Mazlan Othman for the outstanding work she has done during the past years in the function as Director of the Office for Outer Space Affairs. Being an astrophysicist by training, she has brought into this position not only a profound understanding of the nature of outer space, which is a prerequisite for its exploration and utilization, but also the necessary fascination and humbleness that should drive mankind's continuous advancement into this dimension.

Thanks are also extended to her staff who have, once again, in a sound and professional manner, prepared this Legal Subcommittee as well as many events and gatherings throughout the past year.

ESA is convinced that under your able and experienced guidance, Mr. Chairman, and with the proficient assistance of the Office for Outer Space Affairs, this fifty-second session of the Legal Subcommittee will achieve important results and we shall look forward to the spirit of cooperation to be exercised during the coming days.

Mr. Chairman, distinguished delegates, let me thank you very much for providing us with the opportunity to submit to this Subcommittee a brief summary report on the activities of the European Space Agency, in particular related to the field of space law. Since the last meeting, my colleague from the

European Centre for Space Law will complement this report.

ESA looks back to successful launches and other programmatic results during 2012 and the first quarter of 2013. The highlights include, for example, the first flight of Europe's new VEGA launcher, the dual launch of the Galileo FM-3 and FM-4 satellites, the successful flight, docking and return of the third European ATV, named Eduardo Amalfi, and the second long-term mission of our colleague, Andre Kuipers, from the Netherlands to the International Space Station. In the frame of Earth observation, 2012 saw the successful launch and start-up operations of two meteorological satellites, Meteosat Second Generation-3 and the polar orbiting MetOp-B. Both have been developed by ESA and are now operated by our partner, EUMETSAT.

And in space science, let me highlight one remarkable result in particular, the first completed survey of the early Universe by the Planck mission. Likewise, the Earth Explorer mission GOCE mapped the gravity field of Earth in an unprecedented accuracy, helping an ever-increasing understanding of our own planet.

And finally, the most important political signal and impetus was received during the successful ESA Council at Ministerial Level in November 2012 which was related earlier by the delegation of Germany.

Let me now turn to space law-related achievements. One of the most important space-related activities that saw the involvement of ESA was the United Nations/Argentina Workshop on Space Law on the theme "Contribution of Space Law to Economic and Social Development" which took place in November 2012 in Buenos Aires. A report of the subject Workshop has been submitted to this Committee and I shall draw your distinguished attention to this report.

ESA believes that the support of such initiatives is imperative to advance our common goal of capacity-building in the field of space law. We would like to take the opportunity also to thank the Government of Argentina, together with CONAE and the United Nations Office for Outer Space Affairs for having organized this Workshop.

In 2012, representatives of ESA also continued to publish legal studies on various aspects of space law. Special mention should be made of the participation of ESA representatives in the undertaking of the Cologne Commentary on Space Law which is a

joint project of the Institute of Air and Space Law of the University of Cologne and the German Aerospace Centre and we will celebrate the publication of the second volume of this project at the occasion of this Subcommittee.

Furthermore, representatives of ESA's Legal Department continued to lecture on space law and assisted in or edited publications in the field. This includes, among others, spaced law teaching at the International Space University or at the Fifty-Fifth Annual Colloquium of the International Institute of Space Law, Naples, Italy. And with pleasure, ESA acknowledged the Award of the International Academy of Astronautics Social Book Prize 2012 to the publication of "Outer Space and Society, Politics and Law", a space law book co-edited by a member of ESA's Legal Department.

Let me now come to the important field of international cooperation. In 2012, ESA welcomed its twentieth member State, Poland. With its continued enlargement, ESA actively fosters coordination and cooperation among European States, thus acting in the spirit of the outer space treaties imperative to promote international cooperation in the exploration and use of outer space, including the Moon and other celestial bodies. Poland's cooperation with ESA is long-standing. In 1994, Poland was one of the first Central and Eastern European countries to sign a Cooperation Agreement in the field of the peaceful uses of outer space with ESA.

Since the last Subcommittee meeting, ESA also entered into several new agreements with its international partners, as example, I shall name the Exomars element of ESA's Aurora Programme. And ESA also continues to foster international cooperation in the fulfilment of international space law through initiatives such as the Charter on Cooperation to Achieve the Coordinated Use of Space Facilities in the Event of Natural or Technological Disasters, or the contribution to global initiatives like CEOS and GEO or regional partnerships, for example, with EUMETSAT and ECMWF.

Distinguished delegates, dear Chairman, the European Space Agency is an international, intergovernmental organization and as such it is very aware of the important role international organizations play in terms of international cooperation and the advancement of space law. The more international organizations enter the arena of space flight in order to explore and utilize outer space for peaceful purposes, the more it becomes imperative that the rule of international law established through the well-proven

mechanisms of the United Nations, not least in this Committee, is fostered and promoted. International organizations are, in themselves, the very result of cooperation among States and, as such, international organizations carry the responsibility to act within their limits as dutiful members of the international community. The European Space Agency tries to apply this responsibility in the spirit of, and according to, the rules of space law, not at least following the Liability Convention, the Rescue Agreement and the Registration Convention, three instruments ESA formally declared as being committed to.

One of the pressing topics for future cooperation in the peaceful uses of outer space is how to deliberately deal with the problem of space debris. It is with satisfaction that ESA as permanent observer to this Committee takes note of agenda item 11, General Exchange of Information and Views on Legal Mechanisms Relating to Space Debris Mitigation Measures, taking into account the work of the Scientific and Technical Subcommittee.

ESA promotes through its work and together with its member States research and progress towards space debris mitigation solutions. This must not only be a technical responsibility.

ESA co-organized last year the Workshop on Active Space Debris Removal at the ESA/ESOC premises in Darmstadt, Germany. The preservation of space for space flight is a global task and space debris mitigation is a challenge that must be mastered by joint efforts. This Workshop also featured legal presentations to explain the current space law environment to the actors who, from a scientific and technical point of view, will work on mitigation scenarios in the future.

In this respect, let me tell you that ESA is currently also updating the entirety of information on all its inactive and active space objects as registered with the United Nations in accordance with international space law. ESA believes that the accurate registration as well as continuous information actualization, consequently the assumption of institution responsibility for space objects launched into outer space, is one of the most important tasks to support the acceptance and application, the "*raison d'être*" of international space law.

In the coming year, ESA will continue to support the development, proliferation and advancement of space law through various initiatives, support and also international presence. One of the many examples to be mentioned in this respect is the

contribution of ESA's Legal Department to the First MARSAFENET Plenary Conference this summer in Rome, Italy, where ESA will explain the role of satellite observations in the advancement of maritime safety, a matter of increasing concern for many States and for the international community as a whole. And ESA will also actively support the wide array of activities of the European Centre for Space Law.

Dear Chairman, dear distinguished members of the Subcommittee, the European Space Agency is looking forward to the work of this fifty-second Legal Subcommittee meeting and notices the array of important topics that will be discussed throughout the two weeks here in Vienna.

ESA took note of the important results achieved by the Working Group on National Space Legislation.

As permanent observer, ESA also looks forward to the discussions in this Legal Subcommittee with regard to space debris mitigation, a topic that, as I just said before, necessitates reflections and solutions not solely on its technical aspects.

And we also look with high interest to the deliberations of the new Working Group next year on International Cooperation Mechanisms since its ESA's strong belief that cooperation is one of the sustaining elements for the successful exploration and use of outer space.

Dear Mr. Chairman, with this, I would like to conclude my intervention on behalf of ESA. As said before, with regard to the activities of ECSL, created and supported by ESA, I would like, with your permission to invite my colleague, the Executive Secretary of ECSL to provide the Legal Subcommittee with a short report on ECSL's activities.

Thank you very much.

**Ms. K. RYBAROVA** (European Centre for Space Law): Thank you Alexander. Thank you Mr. Chairman.

I join my colleague in congratulating the Chairman on his work and for the continuation of his chairmanship.

Many of the distinguished delegates mentioned the importance of education and space law teaching in particular. It is my pleasure to present the European Centre for Space Law and its activities, whose main objective is to build up and spread in

Europe and elsewhere an understanding of the legal framework relevant to space activities. Information exchange among interested stakeholders and improving and promoting the teaching of space law are the two major tools for reaching that goal.

The European Centre for Space Law was established in 1989. The Centre will, therefore, celebrate 25 years of activity next year. The Centre was established, on the initiative and under the auspices of the European Space Agency with the support of a number of pioneers in the field. It functions under a Charter, amended in October 2009, which defines its missions, structure and objectives. The current Chairman of ECSL is Professor Sergio Marchisio of Sapienza University in Rome, Italy.

ECSL has a flexible and open structure. The Centre brings together mainly professionals, lawyers, academics and students and encourages interdisciplinary exchanges. The ECSL General Assembly, open to all members, meets every three years and elects the ECSL Board which functions are to oversee and assist in the running of the activities. The Executive Secretariat is in charge of the management and growth of the Centre's activities.

Members of the ECSL Board, which is responsible for the management of the Centre, are elected by the General Assembly for a period of three years. Board members have outstanding backgrounds and experience in space law and commit themselves to actively promoting the objectives of ECSL at the national and international levels. The Board's Members for the triennium 2013-2016 were elected at the end of 2102.

Membership is open to natural or legal persons from ESA members or associated States. It is a prerequisite for voting at the triennial General Assembly and receiving ECSL publications, such as the ECSL Newsletter and the Summer Course Proceedings. ECSL has international membership and a network of National Points of Contact which have been set up in 13 ESA Member States and I would like to mention two new National Points of Contact, one in Greece and one in Romania, and these National Points of Contacts were established in order to facilitate contacts among members and the organisation of activities.

And now let me please present the ECSL activities in 2012.

First of all, there was a Practitioners Forum took place on 16 March 2012 at ESA Headquarters in

Paris and it focused on the theme "Insurance of Satellite Activities from the Cradle to the Grave: Legal Aspects". The Forum discussed the legal aspects of insurance issues from the development and manufacturing of a satellite through the shipment to the launch site and integration on the launch vehicle to the actual launch, in-orbit deployment and ongoing space operations.

Now for the Manfred Lachs Space Law Moot Court Competition. The ECSL set up, as the official regional organizer, the European Rounds of the Manfred Lachs Space Law Moot Court Competition, in cooperation with the Faculty of Law of the University of Bucharest, Romania, the then newest ESA member State, in April 2012. Fourteen teams composed by 38 university students registered for this competition and sent in their memorials, four of the teams withdrew from the oral round. The National and Kapodistrian University of Athens, Greece, winner of the European Round, represented Europe at the World Finals of the Competition, which took place during the Sixty-Third International Astronautical Congress in Naples, Italy, in October 2012 and went on to be the World Finalist and runner-up. The National Law School of India University from Bangalore, India won the Final, which was judged by three members of the International Court of Justice.

I would like to speak now about the twenty-first ECSL Summer Course on Space Law and Policy. The twenty-first edition of the ECSL Summer Course on Space Law and Policy was organized from 27 August to 8 September, 2012 in cooperation with the Neapolis University of Pafos, Cyprus and Professor Vassilios Cassapoglou. There were 41 students coming from 14 countries of different parts of the world. The students followed lectures on space law and policy issues given by speakers, either academicians or practitioners specialized in the space field. The Course was completed by a inter-active work on a case study dealing with international space cooperation.

2012 Workshops and Conferences. The ECSL and the International Institute of Space Law, IISL, jointly organized in 2012 a symposium on: "Transfer of Ownership of Space Objects: Issues of Responsibility, Liability and Registration" during the fifty-first session of the COPUOS Legal Subcommittee. The event was coordinated by Tanja Masson-Zwaan, President of IISL, and Professor Sergio Marchisio, the ECSL Chairman. The Subcommittee noted with appreciation in its report that the symposium had constituted a valuable contribution

to its work. Presentations and details can be found on the website of the Office for Outer Space Affairs.

Dear Chairman, dear distinguished delegates, I would like to draw your attention to the documentations and publications of the ECSL, mainly to the Legal Database to documentation concerning space law teaching in Europe and the Newsletter.

As far as the Legal Database is concerned, it was updated in 2011. It can be consulted via the ECSL homepage. It contains an extensive bibliography on space law as well as legal texts relating to ESA, the United Nations and other international and national institutions involved in the development of space activities. The ECSL website site is also intended to promote the work carried out by the ECSL National Points of Contact, space law institutes, universities, research centres, the Committee on the Peaceful Uses of Outer Space and other organizations, as well as national space agencies, in order to create a network among all institutions, educational centres and research facilities working in the area of space law. The ECSL Legal Database contains also a large bibliography which intends to be a useful tool for students and practitioners.

The booklet "Space law teaching in Europe" is an ECSL initiative, first issued in 1991 and revised in 1993. The booklet includes a list of space law teaching institutions, universities and educational centres in Europe. It also provides detailed information on teaching staff, credits, tuition fees and the duration of the different courses, together with illustrations of the institutions listed. The fifth edition will be published soon.

And the ECSL Newsletter features articles on legal issues and others topics of interest to the space community, as well as on the ECSL activities. The last Newsletter Number 39 was published in March 2013 and we are preparing the Newsletter Number 40 for the summer 2013.

Let me now present the major events and projects planned for 2013.

First of all, I would like to speak about Board Meetings. The last Board was held on 15 March 2013 and the next Board Meeting is scheduled at ESA Headquarters in Paris in October 2013.

As far as the ECSL Practitioners Forum is concerned, the annual edition of the Forum was held on 15 March 2013, at ESA HQ and dealt with:

"Registration of Satellites: Legal Aspects and Practise".

A lot of you were present to the IISL/ECSL symposium at the COPUOS Legal Subcommittee that was held yesterday and it focused on the topic of "The UNIDROIT Space Protocol".

Now for the European Round of the Manfred Lachs Space Law Moot Competition, the 2013 edition will be held on 9-11 May 2013 at the Faculty of Law of the Sapienza University in Rome, Italy. The World Semi Finals and Finals of the Competition will take place in Beijing, China, in September 2013, during the Sixty-Fourth International Astronautical Federation's Congress.

The twenty-second ECSL Summer Course on Space Law and Policy will be held in September 2013, at the Faculty of Law of the University of Vienna, Austria.

I would like to refer the distinguished delegates to our website and I thank you for this opportunity to make this statement. Thank you.

**The CHAIRMAN:** I thank the representatives of the European Space Agency and the European Centre for Space Law for their statements.

I would now like to give the floor to the distinguished representative of Indonesia.

**Mr. A. SUBEKHI (Indonesia):** Thank you Mr. Chairman for this opportunity.

Mr. Chairman, on behalf of the Indonesian delegation, we are pleased to see you presiding over this fifty-second session of the Legal Subcommittee of COPUOS. We believe that with your able leadership and vast experience as well as the cooperation of all delegations that you will successfully lead the deliberations of this Subcommittee to valuable outcomes. Let me assure you of our utmost support for your chairmanship.

My delegation would also like to express our appreciation to the Director of the Office for Outer Space Affairs, Dr. Mazlan Othman, and her committed staff for their excellent preparation and documentation required to organize this meeting. Recalling that this will be the last Legal Subcommittee meeting in her capacity as the Director of the Office for Outer Space Affairs, we wish her all success and are looking forward to her future contribution as an expert in the outer space area.

Mr. Chairman, acknowledging the importance of space law, we would like to inform the meeting on progress made related to our national space law.

As mentioned in our statement at the fifty-first session in the Legal Subcommittee last year, we have drafted the national space law and submit the draft to the National Parliament. In this regard, in 2012, the Parliament paid working visits to conduct comparative studies on space policy to the relevant partner countries in order to have a better understanding and further enrich the draft.

In addition, we have also integrated the study of the national space policies of various countries and accommodated the recommended substance of the Working Group in COPUOS, namely "General Exchange of Information on National Legislation Relevant to the Exploration and Use of Outer Space".

Several recommendations of the Working Group that have been integrated into the draft of our national space law includes the scope of space activities that take into account the launch of objects into outer space, the application of space science and technology, the exploration activities and research and the obligation of responsibilities of States for all national activities in outer space.

With this draft finalization, we now expect to pass our national space law as part of our commitment to strengthening the regulation of space activities.

Mr. Chairman, with regard to the agenda item in this Legal Subcommittee meeting, Indonesia supports the continuation of the agenda item on the definition and delimitation which will, in our view, serve to provide guidelines for States in utilizing their air space in an acceptable and orderly manner. Therefore, it is important for this agenda item of the definition and delimitation to be brought to a positive conclusion and safeguard the peaceful uses of outer space for the greater benefit of all mankind.

We would like to encourage delegations to exert greater efforts to reach a consensus on this important matter and explore possible new approaches. In this regard, we highly appreciate the work of the Secretariat in creating a special page on the website on the documents relating to the work of the Working Group on the Definition and Delimitation of Outer Space of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space. We believe that this compilation of documents

will be helpful in the discussions of the definition and delimitation of outer space.

Mr. Chairman, I am also pleased to inform the meeting that Indonesia is now the host of the UN-SPIDER Regional Support Office in South-East Asia. We hope that the existence of the UN-SPIDER Regional Support Office in Indonesia will contribute to disaster management, especially for the members of COPUOS in the region.

With regard to the growing impact of climate change, Indonesia, in cooperation with the United Nations Office for Outer Space Affairs, will host a Conference on Integrated Space Technology Applications to Climate Change from 2-4 September 2013. In the context of the peaceful use of outer space, there is a need to protect the Earth's environment and to promote international cooperation on the use of satellite applications for climate change. Satellites offer a unique point of view to observe climate change variables and features such as sea-level rise, deforestation trends and carbon emissions. It is the objective of the Conference to discuss such initiatives.

In conjunction with the Conference, the UN-SPIDER will also convene a Workshop. We hope that the Conference and the Workshop will further contribute to the use of space technology and applications for the benefit of humankind and we would like to invite interested countries and international organizations to participate in both events.

Mr. Chairman, we welcome the Safety Framework of Nuclear Power Sources Applications in Outer Space, as adopted by the fifty-second session of the Committee in 2009 with the arrangements made by the Secretariat to have technical presentations on the implementation of the Safety Framework at the fifty-first session of the Scientific and Technical Subcommittee in 2014.

It is the focus of the Safety Framework to protect the people and environment in the Earth's biosphere from potential hazards associated with relevant launch operations and end-of-service mission phases of nuclear power source applications. Thus, we encourage those countries and intergovernmental organizations that have developed and use nuclear power source applications in outer space to actively participate in the technical presentations as a means to increase transparency and accountability in this issue. We expect that the Safety Framework will facilitate further measures in the review and possible revision of

the principles relevant to the use of nuclear power sources in outer space.

To conclude, I would like to reiterate Indonesia's commitment to support the work of this Subcommittee. We hope at this fifty-second session of the Legal Subcommittee, there will be a breakthrough in some previously stagnant agenda items.

I thank you Mr. Chairman.

**The CHAIRMAN:** I thank the distinguished representative of Indonesia for his statement.

Are there any other speakers on the general exchange of views at this time?

I see none.

We will, therefore, continue our consideration of agenda item 3, General Exchange of Views, this afternoon.

**Status and application of the five United Nations treaties on outer space (agenda item 4)**

Distinguished delegates, I would now like to begin our consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space.

I would like to remind delegates that this item will also be considered by the Working Group on Item 4. The Working Group will hold its first meeting this morning under the chairmanship of Jean-François Mayence of Belgium.

The first speaker on my list is the distinguished delegate of Germany.

**Mr. R. LASSIG (Germany):** Thank you Mr. Chairman. Mr. Chairman, distinguished delegates, the German delegation warmly welcomes the initiative taken by the Chair of the Working Group on the Status and Application of the Five United Nations on Outer Space. Germany has responded in written form to this questionnaire in the year 2012 as well as in 2013. Therefore, let me just highlight some important issues.

The topics raised by the questionnaire are very valid for the development and application of space law. Since the adoption of the United Nations space treaties, new space law instruments have only been formulated as soft law. Therefore, the questionnaire whether these soft law instruments have legal relevance for the implementation of the United Nations space treaties is

of major importance. It seems reasonable to attach appropriate significance to soft law instruments and standards which have in many cases been reached after many years of consultations. It needs to be taken into account that nowadays consensus-building and updating of standards take place more or less exclusively in the field of soft law.

The German delegation is of the opinion that the resolutions and principles adopted by the United Nations General Assembly and its subordinate bodies should be given adequate importance in the interpretation of general legal terms such as the notion of “fault” as featured in the Liability Convention.

Generally recognized standards such as ISO or special space norms are relevant in interpreting general legal terms such as “adherence to current best practice” which are of relevance in the context of liability.

Even in fields that are universally recognized as problematic, such as space debris, specific legal norms are still missing. If no due significance were attached to soft law standards for the interpretation of responsibility and liability, there would be virtually no relevant development of the law at international level.

A question of major practical and economic relevance is topic 2.2 of the questionnaire, namely of the notion of “damage” of the Liability Convention could be used to cover the loss of fuel which equals lost of operational time, resulting from a manoeuvre performed by an operational space object in order to avoid collision with a space object or space debris not complying with the United Nations Guidelines relating to the mitigation of space debris.

In consideration of a lack of an elaborate space traffic management, the described loss should, in our opinion, not come under the notion of damage in concrete terms. This shows once more the necessity of paying attention to space traffic management rules. Germany has the expectation that the outcome of the Working Group on Sustainable Development of the Scientific and Technical Subcommittee will contribute to the further enhancement of this subject.

With regard to the registration of space objects, namely topic 3 of the questionnaire, Germany wants to clarify that neither the Outer Space Treaty nor the Registration Convention to permit the transfer of the registration of a space object from a launching State to a non-launching State during its operation in orbit. According to Articles VII and VIII of the Outer Space Treaty, the responsibility for the space object

remains with the launching State and cannot be abandoned. A launching State is not entitled to quit its responsibility and liability according to Article VII of the Outer Space Treaty. The responsibility of a non-launching State, whose operator takes over a space object launched by another State, derives from Article VI of the Outer Space Treaty because it takes over or admits a national space activity.

Bilateral arrangements between the launching State and the State of the current operator are neither excluded nor predetermined by this regime of public international law in order to allow individual internal solutions.

Thank you for your kind attention.

**The CHAIRMAN:** I thank the distinguished representative of Germany for his statement.

The next speaker on my list is the distinguished representative of the United States.

**Mr. B. ISRAEL** (United States of America): Thank you Mr. Chairman for this opportunity to provide the views of the United States on this agenda item.

The four core treaties governing the use of outer space, the Outer Space Treaty, the Agreement on Rescue and Return of Astronauts, the Liability Convention and the Registration Convention have served the States Parties well over many decades. The United States is honoured to serve as one of the depositaries for these three treaties, the Outer Space Treaty, the Rescue and Return Agreement and the Liability Convention.

I consulted with the State Department’s Treaty Office regarding actions taken in Washington with respect to these treaties and can report that since the Legal Subcommittee’s last meeting in March 2012, the Republic of Lithuania deposited instruments of accession to the Outer Space Treaty, the Rescue and Return Agreement and the Liability Convention on 25 March 2013.

We would welcome any further information from other depositaries on any relevant treaty actions since the Subcommittee’s last meeting.

We would also welcome further adherence to these treaties and hope that those States and eligible international organizations, including some members of COPUOUS and some organizations that participate as observers to the Subcommittee, that have not yet

joined these treaties, will carefully consider their status with respect to them in the coming year.

Mr. Chairman, I would like to note further that the United States has recently conducted an analysis of information provided by the United Nations Office for Outer Space Affairs about unregistered space objects that might be under United States jurisdiction and control in accordance with the Outer Space Treaty and Registration Convention.

In the spirit of contributing to the effectiveness of the outer space treaties, the United States is in the process of registering approximately 80 space objects that are considered to be under United States jurisdiction and control.

Thank you Mr. Chairman.

**The CHAIRMAN:** I thank the distinguished representative of the United States for his statement.

Are there any other delegations wishing to make a statement under this agenda item at this morning's meeting?

I give the floor to the distinguished representative of Mexico.

**Ms. R. M. RAMIREZ DE ARELLANO** (Mexico) (*interpretation from Spanish*): Thank you Chairman. I would like to congratulate you on your chairmanship of this group where there are so many experts and interest groups and where we hope to reach consensus on everything.

I agree with comments made by the delegate of the United States and the delegate of Germany and I will raise several of them now.

Mexico has ratified the five space treaties that govern outer space activities and yet the last one was adopted 40 years ago. We have principles that we have tried to respect as governments but they are not binding. We need something more. The United Nations space treaties are a very useful legal framework to regulate different activities in outer space and it is, therefore, important to encourage those States who have not yet done so to accede to the treaty. However, in order to guarantee the peaceful use of outer space, *inter alia*, the Legal Subcommittee could continue to carry out work on a possible future universal treaty on outer space in addition to the existing legal framework. That way it would respond to current and future needs of the community of States on regulating outer space.

As has been pointed out by this Legal Subcommittee, United Nations international treaties on space are a very useful legal framework for the different activities that take place in outer space. The instruments in question are the cornerstone of the international legal system for outer space but they are not enough and that is why we need to encourage States to accede to them and to continue developing the current legal framework in order to keep up-to-date with scientific and technological advances.

Activities in space move very quickly, both in the public and private sector. It is estimated that the Legal Subcommittee could possibly adopt measures to analyze the proposals of different States regarding a general universal treaty which would be binding regarding outer space and which would be a complement to the provisions of existing space treaties.

Mr. Chairman, I would also like to say that in compliance with the Registration Convention, Mexico has been in touch with the Office for Outer Space Affairs to register those satellites we have not yet registered because the Mexican Space Agency is responsible for that and we believe that Mexico should comply with existing treaties.

We hope that in the future, as has been mentioned several times, we need binding provisions. We need them to be compulsory, especially, for example, in the field of space debris.

Thank you Chairman and I will continue to give my opinion throughout the week. Thank you.

**The CHAIRMAN:** I thank the distinguished representative of Mexico for her 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 4, Status and Application of the Five United Nations Treaties on Outer Space, this afternoon.

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

Distinguished delegates, I would now like to begin our consideration of agenda item 9, Examination and Review of the Developments Concerning the

Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets.

The first speaker on my list is the distinguished delegate of Germany.

**Mr. R. LASSIG** (Germany): Thank you Mr. Chairman. On 21 November 2012, the Federal Republic of Germany, which is already a signatory of the Cape Town Convention and the Aircraft Protocol, signed the so-called Berlin Space Protocol which was adopted in March 2012 at the Diplomatic Conference held in Berlin, as well as the Luxembourg Rail Protocol.

This underlines our strong commitment to this new legal financing instrument for the space sector. Thereby, Germany is the first State to have signed the Cape Town Convention and each of its three protocols.

According to resolution 5 to the Berlin Space Protocol, an official commentary to the Protocol is under preparation. We support this work and are convinced that this commentary will become crucial for the understanding of this new legal instrument. The further step in the implementation of the Berlin Space Protocol will be the setting up of the Preparatory Commission for the establishment of the International Registry for Space Assets. Germany will actively contribute to this undertaking.

Following up on our recent demarche in capitals, we invite all participating States of the Berlin Diplomatic Conference, as well as all interested States, to sign and become State Party to the Space Assets Protocol.

Thank you for your kind attention.

**The CHAIRMAN:** I thank the distinguished representative of Germany for his statement.

The next speaker on my list is the distinguished representative of Italy.

**Mr. S. MARCHISIO** (Italy): Mr. Chairman, Italy has always assigned great relevance to the UNIDROIT Protocol on International Interests in Mobile Equipment on Matters Specific to Space Assets. It sets out an optional regime that may be used as an additional guarantee by private parties in case of asset-based financing. Italy has a clear policy supporting the development of economic and commercial uses of outer space. We acknowledge that the Protocol is intended to frame a unified register, to

identify and prioritize international interests in relation to asset-based financing, subject under the present state of law to a number of competing legal orders. The key feature of the Protocol is that the priority established by the registering of an international interest against the space asset must be honoured by the courts of each Contracting State.

Italy is now considering the necessary steps to sign the Space Assets Protocol. In the meantime, we have appointed a representative to the work of the Preparatory Commission which has been established under the terms of the relevant resolution adopted by the 2012 Berlin Diplomatic Conference. The Commission will spell out the details of the registry system that will implement the general provisions and definitions of both the Cape Town Convention and the Protocol on Space Assets. The general definitions need detailed elaboration in this second stage, compatible with computer programming that are functional from a finance point of view.

Considering the practice of the other two protocols to the Cape Town Convention, Aircraft Objects and Railway Rolling Stocks, the institutional issues concerning the future International Registry and the Supervisory Authority will be the core issues for the work of the Preparatory Commission which will hold its first meeting in Rome in May this year. Italy looks forward in cooperating with the other members of the Preparatory Commission in order to take best decisions with regard to these two aspects.

As for the Supervisory Authority of the international registration system, we welcomed the manifestation of interest by ITU as a candidate to assume this function.

As for the adoption of the regulations for the Registry and select the Registrar following public procedure, Italy believes that the International Registry for Space Assets is not intended to be a for-profit operation. However, it is established that the system should be financially sustainable on a self-recovering base. To reach this aim, it seems recommendable that the Registry for Space Assets function in conjunction with the already existing Registry for Aircraft Objects.

In concluding, Mr. Chairman, Italy is convinced that the developments concerning the work of the Preparatory Commission and other elements regarding the UNIDROIT Protocol retain an interest for the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space and that this item should be kept as a single item for consideration in the next session of the Subcommittee.

Thank you for your attention.

**The CHAIRMAN:** I thank the distinguished representative of Italy for his statement.

The next speaker on my list is the distinguished representative and observer for the International Institute for the Unification of Private Law, UNIDROIT.

**Mr. M. J. STANFORD** (International Institute for the Unification of Private Law): Mr. Chairman, Madam Director, distinguished representatives, distinguished observers, ladies and gentlemen, good afternoon.

The International Institute for the Unification of Private Law greatly appreciates the invitation which it has received from the United Nations Office for Outer Space Affairs to report to the fifty-second session of the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space on the developments that have taken place since the last session of the Legal Subcommittee concerning the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets. In the first place, it wishes the Legal Subcommittee very success in its deliberations on this occasion.

UNIDROIT is pleased to be able to report excellent progress over the past 12 months in respect of not only the Protocol but also the Convention on International Interests in Mobile Equipment, the Protocol to that Convention on Matters Specific to Aircraft Equipment and the Protocol on Matters Specific to Railway Rolling Stock. The Convention and the Aircraft Protocol, as we heard yesterday, continue relentlessly to attract new Contracting Parties and the International Registry for Aircraft Objects goes from strength to strength in terms of the proportion of the world's commercial aircraft financing transactions recorded therein.

But implementation of the Rail Protocol has also now begun to pick up speed. It now has six signatories and one State Party and the preparations for the establishment of the International Registry for Railway Rolling Stock have virtually been completed.

The Space Protocol was adopted in Berlin on 7 March 2012 and opened to signature at the closing ceremony of the Conference two days later. As reported at this time last year, three States, Burkina Faso, Saudi Arabia and Zimbabwe, signed the Protocol

on that occasion and a fourth State, as we have just heard, Germany has also become a signatory in the meantime. Ten ratifications or accessions are needed to trigger the entry into force of this Protocol as well as a certification by the Supervisory Authority that the future International Registry for Space Assets is fully operational.

On the question of the Organization best fitted to act as Supervisory Authority, the observer representing the ITU at the Berlin Conference communicated the interest of the Secretary-General of the ITU for that Organization considering becoming Supervisory Authority. He indicated though that this interest was subject to the matter being considered by the governing bodies of the ITU and without prejudice to the decision to be taken by them in this regard. He indicated also that the ITU governing bodies would be looking at this matter in the light of the outcome of the Conference and in particular the financial, juridical and technical implications of their decision in this matter.

On 8 March 2012, the Conference accordingly, in Resolution No. 2, invited the governing bodies of the ITU to consider the matter of it becoming Supervisory Authority upon or after the entry into force of the Protocol and to take the necessary action as appropriate.

Given, however, the necessary uncertainty regarding the body that will be assuming the functions of Supervisory Authority in due course, the Conference considers it appropriate to establish, pending the entry into force of the Protocol, a Preparatory Commission to act with full authority as Provisional Supervisory Authority of the future International Registry and this is what the Conference decided under Resolution No. 1.

Given the uncertainty regarding the identity of the future Supervisory Authority, it was felt that the technical and financial implications of this decision was such as to make it necessary that the operations of the Preparatory Commission be placed under the control of States. And it was, therefore, decided that the Preparatory Commission should operate under the guidance of the UNIDROIT General Assembly.

In line with the proportion of Negotiating States fixed by the Cape Town Diplomatic Conference in Resolution No. 2, the Conference decided that the Preparatory Commission should be composed of experts nominated by one third of the Negotiating States in Berlin.

The Secretariat, after consultation with the President of the Berlin Conference, has invited Brazil, the People's Republic of China, the Czech Republic, France, India, Italy, Germany, the Russian Federation, Saudi Arabia, South Africa, Spain and the United States of America to serve on the Preparatory Commission as members. The first session of the Preparatory Commission will be held at the seat of UNIDROIT in Rome on 6 and 7 May 2013. Invitations have already been sent out to all these States as also to the United Nations Office for Outer Space Affairs, the ITU, ICAO, the Intergovernmental Organization for International Carriage by Rail, the last two as the Organizations of which we prepared the Aircraft Protocol and the Rail Protocol, and representatives of the commercial space and financial communities and other interested parties such as the Registrar of the Aircraft Registry, to participate in the work of the Preparatory Commission as observers.

It will be for the Preparatory Commission at its forthcoming session to organize its own business but amongst this business is likely to be the question of setting up a Working Group to draft regulations for the future International Registry for Space Assets and that of setting up another Working Group to draft a request for proposals for the selection of the Registrar of that Registry, as well, of course, as consideration of the question of the appointment of the Supervisory Authority of the future Registry.

In the event of the governing bodies of the ITU deciding that the latter should not become Supervisory Authority, the Berlin Conference decided in Resolution No. 1 that it would be for the General Assembly of UNIDROIT to appoint another international organization or entity to serve as Supervisory Authority upon or after the entry into force of the Protocol.

Aware of the great usefulness of the Official Commentaries on the Convention on International Interest in Mobile Equipment, the Aircraft Protocol and the Rail Protocol, Sir Roy Goode, the author of those Commentaries, was invited by the Berlin Conference under Resolution No. 5 to prepare an Official Commentary on the Space Protocol. Sir Roy accepted this invitation and has over the past year drafted his Official Commentary in the process receiving invaluable input from representatives of governments, organizations and the commercial, space and financial communities, as well as individual experts. The Commentary will be submitted to the UNIDROIT Governing Council at its ninety-second session to be held in Rome from 8-10 May 2013 with a view to its subsequent publication.

With the Protocol now adopted, UNIDROIT will be looking to take the steps necessary to promote the early entry into force of the Space Protocol. In particular, as I pointed out yesterday, among the emerging and developing States, that stand to benefit most from it.

In conclusion, Mr. Chairman, UNIDROIT looks forward to continuing to work closely with COPUOS members in the process of securing such early implementation.

Thank you Sir.

**The CHAIRMAN:** I thank the distinguished representative of the International Institute for the Unification of Private Law, UNIDROIT, for his statement.

The next speaker on my list is the distinguished representative of the International Telecommunication Union.

**Mr. A. MATAS** (International Telecommunication Union): Thank you Mr. Chairman, good morning. ITU would like to confirm its interest and intention to become Supervisory Authority for Space Assets and I would like to confirm that ITU will participate on next coming meeting of the Preparatory Commission and all activities related to the preparation of the Supervisory Authority and we are going to report to the next coming ITU Council Meeting about the progress. The ITU is going to propose for the final decision on the next year Plenipotentiary Conference in Korea about the final decision related to the Supervisory Authority function. And after then, ITU will report to your Committee in 2015 about the final decision of the ITU related to this issue.

Thank you very much.

**The CHAIRMAN:** I thank the distinguished representative of the International Telecommunication Union for his statement.

Are there any other delegations wishing to make a statement under this agenda item at this morning's meeting?

I see none.

We will, therefore, continue our consideration of agenda item 9, Examination and Review of the Developments Concerning the Protocol to the

Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets this afternoon.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee so that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space can hold its first meeting.

Before doing so, I would like to inform delegates of our schedule of work for this afternoon. We will meet promptly at 3.00 p.m. At that time, we will continue our consideration of agenda item 3, General Exchange of Views, agenda item 4, Status and Application of the Five United Nations Treaties on

Outer Space, and agenda item 9, Examination and Review of the Developments Concerning the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Space Assets.

The Working Group on Matters Relating to the Definition and Delimitation of Outer Space will then hold its first meeting. Immediately after this afternoon's meeting, at 6.00 p.m., all delegates are invited to attend a reception hosted by Germany in celebration of the publication "Cologne Commentary on Space Law Volume II". The reception will be held in the Mozart Room at the Vienna International Centre Restaurant which is located on the Ground Floor of the 'F' Building.

Are there any questions or comments on this proposed schedule?

I see none.

The meeting is adjourned until 3.00 p.m.

*The meeting adjourned at 12.10 p.m.*