

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

*Unedited transcript*

815<sup>th</sup> Meeting

Tuesday, 30 March 2010, 10 a.m.

Vienna

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

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

**The CHAIRMAN:** Good morning distinguished delegates, ladies and gentlemen, I now declare open the 815<sup>th</sup> meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

I would first like to inform you of our programme of work for this morning.

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

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

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

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

Are there any questions or comments on this proposed schedule?

Yes, the distinguished representative of Venezuela. I give the floor to the distinguished representative of Venezuela.

**Mr. R. BECERRA** (Bolivarian Republic of Venezuela) (*interpretation from Spanish*): Thank you Mr. Chairman. I just have a question.

I see that my colleague would like to make a statement under item 7 and is inscribed under item 7 but we wanted to actually address item 5. Would that be a problem or not?

**The CHAIRMAN:** No problem. We give the floor to the distinguished representative of Venezuela.

**Mr. R. BECERRA** (Bolivarian Republic of Venezuela) (*interpretation from Spanish*): Mr. Chairman, my colleague informs me that the Secretariat has suggested that we make that statement in the afternoon. I hope that is not a problem. I just wanted to make sure that there is no problem and if he can speak in the afternoon, he will.

**The CHAIRMAN:** OK, we do not have a problem. It depends do you want to have a morning or the afternoon?

OK, are there any questions or comments on this proposed schedule?

I see none.

I would like to remind delegations to provide the Secretariat with possible corrections to the

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In its resolution 50/27 of 6 December 1995, the General Assembly endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that, beginning with its thirty-ninth session, the Committee would be provided with unedited transcripts in lieu of verbatim records. This record contains the texts of speeches delivered in English and interpretations of speeches delivered in the other languages as transcribed from taped recordings. The transcripts have not been edited or revised.

Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, within one week of the date of publication, to the Chief, Conference Management Service, Room D0771, United Nations Office at Vienna, P.O. Box 500, A-1400, Vienna, Austria. Corrections will be issued in a consolidated corrigendum.



provisional list of participants which was distributed as Conference Room Paper 2 so that the Secretariat can finalize the list of participants. Any corrections should be submitted in writing by the close of business today.

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

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

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

**Mr. S. McDONALD** (United States of America): Thank you Mr. Chairman. Mr. Chairman, this standing agenda item is a welcome opportunity to share my delegation's view regarding the Legal Subcommittee's consideration of the Principles relevant to the use of nuclear power sources in space.

My delegation would like to commend the Scientific and Technical Subcommittee for its work on this topic and its recent success in developing, along with the IAEA, a Safety Framework for the Use of Nuclear Power Sources in Outer Space. We applaud the quick and efficient progress made by the Joint Experts Group which allowed the Scientific and Technical Subcommittee at its February 2009 meeting to adopt, by consensus, considerably ahead of schedule, the Technical Framework for Nuclear Power Source Applications in Outer Space.

We welcome the approval of the Framework by the IAEA Commission on Safety Standards last spring and the adoption of the Framework by the full COPUOS in June 2009. 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 Scientific and Technical Subcommittee at its forty-seventh session in February 2010 approved a new five-year Work Plan for its Working Group on the Use of Nuclear Power Sources in Outer Space. The Work Plan 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

Scientific and Technical Subcommittee. We do not object to keeping a reference to this agenda item on next year's Legal Subcommittee agenda to track the work of the Scientific and Technical Subcommittee.

Thank you for your consideration of the United States' views on this agenda item.

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

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

I see none.

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

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

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

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

**Mr. S. McDONALD** (United States of America): Thank you again Mr. Chairman for affording us the opportunity to present the United States views regarding the work of the International Institute for the Unification of Private Law, UNIDROIT, and the development of a Space Assets Protocol.

We continue to support the goals of the proposed Space Assets Protocol, as originally stated, although we note that there is lack of consensus among commercial interests as to whether the purposes of the Protocol can be achieved.

We recognize that this Protocol offers an opportunity to facilitate the expansion of the commercial space sector as well as to enable the

broader range of States as well as a broader range of companies to benefit from this expansion. However, unless the provisions of the draft Protocol can be upgraded so as to produce economic benefits and gain sufficient support among users, it is not clear that those objectives would be met. Although such a treaty framework under the Cape Town Convention has already been established for aircraft and for railroad equipment, it has yet to be demonstrated that the same approach will, under today's circumstances, be able to meet the needs of commercial finance in the space sector.

We understand that UNIDROIT is expected to schedule a fourth meeting and we will reiterate our concerns at that time.

We would like to comment further on one issue, the relationship of the preliminary draft Protocol and the rights and obligations of States under the legal regime applicable to outer space. As we and other members of this Committee have stated before, the Space Assets Protocol does not and is not intended to affect rights and obligations of States Parties to the Outer Space Treaty system, under those treaties, or the rights and obligations of member States of the International Telecommunication Union. In addition, this Subcommittee has reviewed this matter and concluded that there was no conflict between the draft Protocol and the Outer Space Treaty system. Indeed, our delegation proposed that this principle be explicit in the text of any Space Assets Protocol recognizing that UNIDROIT's draft Protocol is intended to address only the distinct issue of private transactional law related to financing for commercial space activities. No State has objected to this proposal.

With respect to this Subcommittee, we believe that it is appropriate that the examination of the preliminary draft Space Assets Protocol has remained on the Legal Subcommittee's agenda so that appropriate review of developments in this regard continues. We believe that the Legal Subcommittee and its members have expertise that may be valuable in the development of the Protocol. Although the UNIDROIT Space Assets Protocol will be negotiated by UNIDROIT member States, through the UNIDROIT process, we note that the process has included many members of this Subcommittee and we note also the practice at UNIDROIT to consider favourably(?) requests from non-member States that wish to attend such sessions.

We hope that the Legal Subcommittee will continue to offer its assistance where appropriate. We were pleased that the Office for Outer Space Affairs

has participated as an observer in UNIDROIT negotiating sessions and we hope that that participation will continue to be helpful in informing the positions of various member States. Given the ongoing work on this topic, we would look favourably upon the continued inclusion of this topic as a one-year agenda item.

Thank you Mr. Chairman.

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

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

I see none.

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

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

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

There are no speakers on my list.

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

I see none.

We have, therefore, suspended our consideration of agenda item 12, General Exchange of Information on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space, pending the deliberations of the Working Group.

**Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fiftieth session (agenda item 13)**

Distinguished delegates, I would now like to begin our consideration of agenda item 13, Proposals to the Committee for New Agenda Items.

I would like to inform delegations that a note has been prepared by the Secretariat to facilitate the Subcommittee's consideration of agenda item 13 which is contained in Conference Room Paper 17 and has been distributed to delegations.

I now give the floor to the Secretary of the Subcommittee to introduce the Conference Room Paper.

**Mr. N. HEDMAN** (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. Yes, distinguished delegates should have before them Conference Room Paper 17, Note by the Secretariat regarding proposals to the Committee on the Peaceful Uses of Outer Space of the agenda of the Legal Subcommittee at its fiftieth session next year in 2011.

The document has several sections. In Section I, it is the present agenda of the Subcommittee, the substantive agenda items, that is why the items start with number 3 because we have procedural items, the opening of the session, adoption of the report, which would be items 1 and 2 but we only consider the substantive items. That is in Part I distinguished between regular items, single issues/items for discussion, items considered under Work Plans and, of course, discussions on new items.

On Page 2, Sub-Section II, we have reflected agreements on the reconvening of Working Groups of the Subcommittee in 2001, the reconvening of the Working Group on the Status and Application of the Outer Space Treaties, the Working Group on the Definition and Delimitation of Outer Space, and, of course, the Working Group under agenda item 12 on National Space Legislation, which is going to be reconvened according to the Work Plan.

In Sub-Section III, we address the regular IISL/ECSL Symposium, and in Sub-Section IV, we have listed the proposals for new agenda items which are reflected in the report of the Legal Subcommittee at its forty-eighth session in document 935, that means from last year, 2009, and I refer here to paragraph 194 of last year's report of the Legal Subcommittee.

So, Mr. Chairman, with this document, the Subcommittee is invited to comment on the agenda for its session in 2011 and including the discussion on the proposals for new agenda items that have been retained in the list reflected in paragraph 194 of last year's

report. So, Mr. Chairman, there might be a need to discuss these topics that member States have put on the list and that they would like to re-propose, if I put it that way.

Thank you Mr. Chairman.

**The CHAIRMAN:** I thank the distinguished Secretary for his introduction.

Are there any other delegations wishing to take the floor at this time?

I see none.

Distinguished delegates, I would now like to open the floor for our consideration of agenda item 13.

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

I see none.

We will, therefore, continue our consideration of agenda item 13, Proposals to the Committee for New Agenda Items, in the afternoon.

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

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

We will meet promptly at 3.00 p.m. At that time, we will continue and hopefully conclude our consideration of agenda item 8, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

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

We will continue our consideration of agenda item 13, Proposals to the Committee for New Agenda Items. We will then adjourn the plenary meeting so that the Working Group on Agenda Item 12 can hold its fifth meeting under the chairmanship of Mrs. Irmgard Marboe of Austria.

Are there any questions or comments on this proposed schedule?

I see none.

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

The meeting is adjourned until 3.00 p.m. today.

Thank you very much for your attention.

*The meeting adjourned at 10.39 a.m.*