

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

Unedited transcript

838th Meeting

Friday, 8 April 2011, 10 a.m.

Vienna

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

The meeting was called to order at 10.18 a.m.

The CHAIRMAN Excellencies, distinguished delegates, ladies and gentlemen, good morning. I now declare open the 838th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

I would like to inform delegates that yesterday the General Assembly declared 12 April as the International Day of Human Space Flight.

I would now like to inform you of our programme of work for this morning. We will suspend the plenary meeting so that the working group on agenda item 11, general exchange of information on national legislation, can hold its final meeting to adopt its report contained in A/AC.105/C.2/2011/LEG/L.1. We will then reconvene the plenary to continue and conclude our consideration of agenda item 11 with a view to endorsing its report and to continue with the adoption of the remaining section of the report contained in A/AC.105/C.2/L.284/Add.3.

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

I therefore suspend the plenary meeting so that the working group on agenda item 11 can hold its final meeting to adopt its report. We will then resume our meeting.

The 838th meeting of the Legal Subcommittee is now suspended.

The meeting was suspended at 10.21 a.m.

The meeting was reconvened at 10.34 a.m.

The CHAIRMAN Distinguished delegates, I now reconvene the 838th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. I would like to continue and conclude our consideration of agenda item 11, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space, with a view to endorsing the report of the working group.

I would like to give the floor to the Chair of the working group on agenda item 11, Ms. Irmgard Marboe of Austria, to present the report of the working group to the Subcommittee.

Ms. I. MARBOE (Austria) Mr. Chairman, distinguished delegates, it is my pleasure to inform you that the work of the working group on agenda item 11, national legislation relevant to the peaceful exploration and use of outer space, at the current session of the Legal Subcommittee, was very productive. The working group held seven meetings during which time it was able to advance in the finalization of its final report. A thorough review was conducted on a draft set of conclusions. The working group agreed that its mandate should be extended for one more year to allow it to finalize its final report and recommends that the current mandate, ending in 2011, should therefore be extended to 2012. The report of the working group, which has just been adopted by its members, is contained in A/AC.105/C.2/2011/LEG/L.1. It is my

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pleasure to submit the report to the Subcommittee for its action. Thank you.

The CHAIRMAN I thank Ms. Marboe for the very good report.

Distinguished delegates, I would now like to endorse the report of the working group on agenda item 11 as contained in A/AC.105/C.2/2011/LEG/L.1.

Do I take it that the Subcommittee endorses the report of the working group on agenda item 11?

The report of the working group on agenda item 11 is endorsed.

We have now concluded our consideration of agenda item 11, general exchange of information on national legislation relevant to the peaceful exploration and use of outer space.

Distinguished delegates, adoption of the report of the Legal Subcommittee. Adoption of Addendum 3.

We will now proceed with a paragraph by paragraph adoption of the fourth part of the report as contained in A/AC.105/C.2/L.284/Add.3. This part of the draft report contains the sections on: review and possible revision of the principles relevant to the use of nuclear power sources in outer space; proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-first session.

Distinguished representative of Venezuela, I give the floor to you.

Mr. M. CASTILLO (Venezuela) (*interpretation from Spanish*) Some of us just received that this morning, we would ask you to have 10 minutes just so that we can look at it in a little more depth. Thank you.

The CHAIRMAN I thank the distinguished representative of Venezuela. I give the floor to the distinguished representative of Italy.

Ms. A. PASTORELLI (Italy) I apologize if my delegation has to come back to one paragraph of the addendum 2, I really apologize for that.

Paragraph 10 of Addendum 2 in particular.

I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) As the Chair announced we will proceed with Addendum 3, first giving delegations 10 minutes to review the document and then proceed with the adoption of Addendum 3. We will then go back to Addendum 1 and Addendum 2. There is one additional paragraph you recall in Addendum 1 reflecting the proposal made by the Czech Republic on the Space Debris Mitigation Guidelines. Then of course we will bring up Addendum 2 to hear the proposal made by Italy. Thank you.

The CHAIRMAN I thank the Secretariat for the announcement.

Therefore we have 10 minutes to review the document and then adopt paragraph by paragraph.

Distinguished delegates we shall now proceed with a paragraph by paragraph adoption of the fourth part of the report, A/AC.105/C.2/L.284/Add.3.

Review and possible revision of the principles relevant to the use of nuclear power sources in outer space

Paragraph 1. No objections.

Adopted.

Paragraph 2. No objections.

Adopted.

Paragraph 3. I give the floor to the distinguished representative of the Czech Republic.

Mr. V. KOPAL (Czech Republic) We read with great attention this particular draft paragraph and agree in principle with the evaluation of the Safety Framework for Nuclear Power Source Applications in Outer Space as a major result in the work of the Scientific and Technical Subcommittee and I believe that it is a very important document. However, further on, we would have some reluctance to accede to the statement that this document constituted an important step in codification of international law. This is, to our knowledge and assessment, a little bit exaggerated. So first of all, it is an important step in the codification of international space law and I, myself, would suggest to redraft the foregoing saying that 'constituted an important step in the efforts for the progressive development of international space law', this would, in our opinion, reflect better the contribution of this particular document to our dealings with the

progressive development of space law. Thank you very much

The CHAIRMAN I thank the distinguished representative of the Czech Republic for a very good comment.

Any other comment to this paragraph?

With the comments of the Czech Republic, therefore if no objections.

Adopted.

Paragraph 4. No objections.

Adopted.

Paragraph 5. No objections.

Adopted.

Paragraph 6. I give the floor to the distinguished representative of Iran.

Mr. A. SHAFAGH (Islamic Republic of Iran) About paragraph 5, third line, I think it should be 'is required'.

The CHAIRMAN I thank the distinguished representative of Iran for your comment. I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) I think we have to leave this to the editors. Since it is past tense 'the view was expressed' it might be a reason for having 'was' but we certainly will bring this to the attention of the Editorial Section and mark that it is suggested that it would be 'is' instead of 'was' but we are in the hands of the editorial standards. Thank you.

The CHAIRMAN I thank the Secretariat for a very good comment.

Paragraph 6. No objections.

Adopted.

Paragraph 7. No objections.

Adopted.

Paragraph 8. No objections.

Adopted.

Paragraph 9. No objections.

Adopted.

Paragraph 10. I give the floor to the distinguished representative of Brazil.

Mr. F. FLORES PINTO (Brazil) Just regarding the three last words, 'sufficiently high orbit' I do not think that is what the Brazilian delegation meant. We did not mean in orbit, preferably 'at great distances from our planet' or 'from the planet' would be a better text for us. Thank you.

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

Any other comments to paragraph 10?

No objections.

Adopted with the suggestion of the distinguished delegate of Brazil.

Paragraph 11. No objections.

Adopted.

Paragraph 12. No objections.

Adopted.

Paragraph 13. No objections.

Adopted.

Paragraph 14. No objections.

Adopted.

Paragraph 15. No objections.

Adopted.

Paragraph 16. No objections.

Adopted.

Next section. Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fifty-first session

Paragraph 17. I give the floor to the distinguished representative of Austria.

Mr. P. BITTNER (Austria) I just have a question for clarification. It says here under that item, the Subcommittee also considered matters related to the organization of work of the Subcommittee and the preparations for the commemorative segment. I was not aware that we were talking about the commemorative segment under this agenda item, I thought it was rather a process in the margins of this Subcommittee taking place.

The CHAIRMAN I thank the distinguished representative of Austria for your comment. I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) It was indeed a process by means of informal consultations. The results of the informal consultations were referred to under this item, the Chair of the Committee on the Peaceful Uses of Outer Space briefly reported back and the Secretariat read out the amendments to the 2011 declaration as contained in the document under reference (c).

The CHAIRMAN Thank you very much Secretariat for your comment.

Any other comment to this paragraph 17. No objections.

Adopted.

Paragraph 18. No objections.

Adopted.

Next section. Proposals to the Committee for new items to be considered by the Legal Subcommittee at its fifty-first session

Paragraph 19. No objections.

Adopted.

Paragraph 20. No objections.

Adopted.

Paragraph 21. No objections.

Adopted.

Paragraph 22. No objections.

Adopted.

Paragraph 23. No objections.

Adopted.

Paragraph 24. No objections.

Adopted.

Paragraph 25. No objections.

Adopted.

Paragraph 26. No objections.

Adopted.

Paragraph 27. No objections.

Adopted.

Paragraph 28. No objections.

Adopted.

Paragraph 29. No objections.

Adopted.

Paragraph 30. No objections.

Adopted.

Paragraph 31. No objections.

Adopted.

Paragraph 32. No objections.

Adopted.

Paragraph 33. No objections.

Adopted.

Paragraph 34. No objections.

Adopted.

Paragraph 35 with subparagraphs (a) (b) (c) (d) (e). No objections.

Adopted.

Paragraph 36. No objections.

Adopted.

Paragraph 37. No objections.

Adopted.

Distinguished representative of the Czech Republic.

Mr. V. KOPAL (Czech Republic) My delegation agreed with the formulation of paragraphs 26 through 32 because they reflect our assessment or views that have been pronounced in connection with our initiative. However, I am not quite sure what to do next because there are then some items listed here that were already proposed earlier, should we not add also, among those items, our own initiative? I am not sure about it this is just seeking your advice. Thank you.

The CHAIRMAN I thank the distinguished representative of the Czech Republic for your comment. I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) It is a good question. The list that was provided in the report from 2010 was reviewed and those States that had made proposals in the list were asked whether they wanted to retain. Of course we have had now a new document proposed by the Czech Republic and it has been considered at this session so there are actually two ways of approaching this. Either that this new document at this session be included in the list next year if that is the wish of the delegation of the Czech Republic. It could also of course be retained in the list because the same proposal was made and it was included in the list but without this documentation so, if the Czech Republic would like to see that particular subitem with the proposal by the Czech Republic inserted here, of course we can do that. It is entirely up to the Czech Republic to decide whether to include it then in the list for next year when we come next year to review the list or we do it already now, entirely up to the Czech Republic. Thank you.

The CHAIRMAN I thank the Secretariat for your comments. I give the floor to the distinguished representative of the Czech Republic.

Mr. V. KOPAL (Czech Republic) Thank you very much Mr. Chairman and the Secretary of the Committee for the explanation how to deal with this procedural question. As to the opinion of my delegation, I believe it would be better to include it.

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

Organizational matters.

Paragraph 38. No objections.

Adopted.

Paragraph 39. Distinguished delegate of Brazil, I give the floor to you.

Mr. F. FLORES PINTO (Brazil) I just thought this paragraph was a bit too lengthy and too detailed, maybe we could cut some things. In the third line we could just cut 'the first 14 plenary meetings at its current session had been' and cut '1 hour and 20 minutes' put something more general, below 3 hours or something. Then I would propose to delete this next sentence from 'those' up to 'saved' and in the 45 per cent here to substitute it for 'part' it would read 'for meetings in which only part of the available time' it is just a proposal, others could disagree.

The CHAIRMAN I thank the distinguished delegate of Brazil for your comment.

I give the floor to the distinguished delegate of France.

Mr. L. SCOTTI (France) (*interpretation from French*) My thanks to the distinguished delegate of Brazil for his proposals. This paragraph reflects the views which were expressed, inter alia, by my delegation. It reflects exactly the views as set out, so we would like these views to be reflected as they were. The French delegation is not here to speak about the contents expressed by other delegations on the other hand, if our friend disagrees, he could propose another wording which he thinks more faithful to what was said but nevertheless we think, in the interests of courtesy, one should leave the wording as it stands.

The CHAIRMAN I thank the distinguished delegate of France. I give the floor to the distinguished delegate of Italy.

Ms. A. PASTORELLI (Italy) I just wanted to support the intervention made by the distinguished delegate of France and leave the paragraph as it is. For my delegation it is perfect. Thank you.

The CHAIRMAN I thank the distinguished delegate of Italy. I give the floor to the distinguished delegate of Brazil.

Mr. F. FLORES PINTO (Brazil) By all means I did not mean to exclude division of any countries, I was only trying to maybe reduce, make it a little more readable, but if the French delegation wants to keep it, we have no problem with this. Thank you.

The CHAIRMAN Thank you so much distinguished delegate of Brazil. If no more comments to this paragraph. No objections.

Adopted.

Paragraph 40. I give the floor to the distinguished delegate of Venezuela.

Mr. M. CASTILLO (Venezuela) (*interpretation from Spanish*) To make a new proposal for the paragraph. This would be 38*bis*. I am going to read this out in English because this is the language in which we have drafted it.

(*continued in English*) 'Some delegations expressed the view that the Legal Subcommittee remains as the only international forum where developing countries can engage in the legal aspects of space activities. Those delegations were of the view that the rationalization and optimization of the time allocated to the Legal Subcommittee should be done through the inclusion of substantive items with the objective to strengthen the international legal framework of space activities and therefore the current duration of the Committee should be kept.'

(*continued in Spanish*) I could hand over this new wording to the Secretariat so that it could be included in the report. Thank you.

The CHAIRMAN I thank the distinguished delegate of Venezuela. If it is possible could you write this out and hand to the Secretariat to be added to the report.

Any other comments?

Distinguished delegate of Iran.

Mr. A. SHAFAGH (Islamic Republic of Iran) My delegation supports the suggested paragraph by the distinguished delegation of Venezuela. Thank you.

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

No objections.

Adopted.

Paragraph 40. No objections.

Adopted.

Paragraph 41. No objections.

Adopted.

Paragraph 42. I give the floor to the distinguished representative of Italy.

Ms. A. PASTORELLI (Italy) Sorry to take the floor but this paragraph should probably reflect also my delegation's views so I would like to make it a bit clearer that some delegations were of the view that the session of the Legal Subcommittee should be shortened. This should be included as it is what was said by several delegations. I would also like this paragraph to be a bit earlier in the report because as I well remember there was the briefing from Conference Service and then the reaction on the basis of our proposal of shortening. So I will leave this to the Secretariat to propose where this paragraph should be inserted but I would like the report to reflect what was said in the debate, how it developed during this session.

The CHAIRMAN I thank the distinguished representative of Italy. Any comments?

Distinguished representative of France.

Mr. L. SCOTTI (France) (*interpretation from French*) Very briefly, simply to support the request made by the distinguished delegate of Italy. Thank you.

The CHAIRMAN I thank the distinguished representative of France for your comment. Any other comments to this paragraph?

I give the floor to the Secretariat for an announcement.

Mr. N. HEDMAN (Secretariat) Sorry because the Secretariat tries to see how to fit the placement of paragraph 42 as amended. There was a request by Italy to have it in connection with the

paragraph 38 that gives the fact that CMS and FRMS were here. Venezuela proposed paragraph 38*bis* which is more a conceptual paragraph not strictly speaking addressing the number of sessions. The Secretariat simply has to look into this a little bit more. We could of course put the amended paragraph 42 immediately after paragraph 38 and then put the paragraph proposed by Venezuela as a 38*ter* but I would like Venezuela and Italy to just think about this, do you have any objections. So, 38 stays, the amended paragraph 42 becomes 38*bis*, Venezuela's paragraph becomes 38*ter*. Is that in order? Is that acceptable?

The CHAIRMAN I give the floor to the distinguished representative of Venezuela.

Mr. M. CASTILLO (Venezuela) (*interpretation from Spanish*) In this case my delegation would ask that the paragraph we are suggesting be given 38*bis*.

The CHAIRMAN I thank the distinguished representative of Venezuela. I give the floor to the distinguished representative of Italy.

Ms. A. PASTORELLI (Italy) Sorry to take the floor again but I would like really to reflect what was the facts and the succession of the proposal. There was a general exchange of views where already some delegations mentioned organizational matters and raised the issue and the proposal of shortening the session, so this should be at first. Then, if I am not wrong, I ask also the distinguished delegate from Venezuela to tell me if I am wrong, Conference Service were called to clarify the consequence of the shortening of the session, then there was a reaction from some other delegations expressing themselves in a negative way concerning the shortening of the sessions but I ask also the Secretariat to clarify how the things were. Thank you.

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

Mr. N. HEDMAN (Secretariat) We are in the process now where the Secretariat cannot be of assistance in the ordering of these paragraphs. Paragraphs are structured, there are conceptual views, there are views on details of the shortening or, the retaining of the sessions, so we are clearly in the hands of delegations and, through you Mr. Chairman, it would be good if Venezuela and Italy thought a little bit about this and we will come back to the placement of these particular paragraphs and we can continue with paragraph 43. Thank you.

The CHAIRMAN I thank the Secretariat and the distinguished representatives of Italy, Venezuela and France.

We will go to paragraph 43. Distinguished delegate of France, I give the floor to you.

Mr. L. SCOTTI (France) (*interpretation from French*) My delegation thinks that the view expressed here was expressed by several delegations. So the proposal agreed upon for extra hours was deemed possible and it was also deemed to be something we could reverse if need be. So, could we please, if possible, change the beginning of the paragraph 'Some delegations expressed the view that'. Thank you.

The CHAIRMAN I thank the distinguished delegate of France for your comment.

Any other comments to this paragraph? No objections.

Adopted.

Paragraph 44. No objections.

Adopted.

Paragraph 45. I give the floor to the distinguished representative of France.

Mr. L. SCOTTI (France) (*interpretation from French*) I just wanted to add a small paragraph which might be put between current paragraphs 44 and 45 to reflect the fact that my delegation had suggested that, given the absence of progress on the substance on certain things, some agenda items could be taken into account only every alternate year. I could perhaps suggest some wording to the Secretariat which I will read out now in English at a normal speed and then I will read it out again at dictation speed.

(*continued in English*) 'was expressed that due to the lack of substantial progress on some issues, some items could be included in the agenda of the Legal Subcommittee every two years.'

(*continued in French*) If you wish now I can read it out more slowly.

(*continued in English*) 'was expressed that due to the lack of substantial progress on some issues, some items could be included in the agenda of the Legal Subcommittee every two years.'

(continued in French) I will leave it to English native speakers to perhaps see if there is anything that needs polishing up, I will leave that up to the wisdom of others. Thank you.

The CHAIRMAN I thank the distinguished delegate of France for your comment.

OK it is 44*bis*, distinguished delegate of France?

No objections.

Adopted.

Paragraph 46. No objections.

Adopted.

Paragraph 47. No objections.

Adopted.

Paragraph 48. No objections.

Adopted.

Paragraph 49. No objections.

Adopted.

Paragraph 50. No objections.

Adopted.

Paragraph 51. I give the floor to the distinguished representative of the Netherlands.

Mr. R. LEFEBER (Netherlands) The idea of broadcasting the sessions of the Subcommittee, through the World Wide Web, was introduced by us. Some responded to that favourably, then we heard that it had significant financial implications and we said that we would not push for it but requested the Secretariat to explore the financial implications of webcasting. That was not objected to so I think that should then be a request to the Secretariat to do that if this could be phrased in the form of a recommendation or a request so that some action will result from it. So my proposal for rephrasing this paragraph would be as follows. In the first line delete the phrase 'view was expressed' and insert 'Legal Subcommittee considered'. In the second line before 'the Secretariat' replace the word _____(?) by 'requested' and then after the phrase 'the Secretariat' you replace the word

'could' by 'to'. The paragraph would read as follows. 'The Legal Subcommittee considered that sessions of the Subcommittee could be broadcast via the World Wide Web and requested the Secretariat to explore the financial implications of webcasting.'

Now I have the floor what I have noted here is that the requests or the conclusions and recommendations are scattered over the text. We have one in paragraph 49, one in 51, one in 54, one in 55 and one in 56. For our future use, and also in order to make this report more action-oriented, it would be useful to bring those paragraphs together at the end and have one paragraph on conclusions on recommendations that says 'The Legal Subcommittee agreed to do (a) (b) (c) (d) and (e)' and that would read better, it will be easier next year to look back at what we agreed to do and how that has been implemented. Thank you.

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

I give the floor to the distinguished representative of Venezuela.

Mr. M. CASTILLO (Venezuela) (*interpretation from Spanish*) As to the change the distinguished delegate of the Netherlands has proposed, this delegation would prefer the wording '_____(?) the opinion that' we would like that to stay as it is because this delegation did not consider that in any document. There was a detailed proposal about the World Wide Web so we would prefer the initial language contained in paragraph 51 to stay. Thank you.

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

Any other comments to this paragraph.

Again, distinguished delegate of the Netherlands.

Mr. R. LEFEBER (Netherlands) I have no objection to keeping the text as it was. The point that I was making, and I will make again, is that at the end of the discussion there was a request to the Secretariat to explore the financial implications of the webcasting. That was introduced in the meeting, it was not objected to so that should be reflected as well, so you can keep the text but then add in the paragraph that I suggested at the end, this request to explore the financial implications. Thank you.

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

I give the floor to the Secretariat for an announcement.

Mr. N. HEDMAN (Secretariat) It could read as follows, paragraph 51. 'Some delegations expressed the view that sessions of the Subcommittee could be broadcast via the World Wide Web and that the Secretariat should explore the financial implications of webcasting.'

The CHAIRMAN Distinguished delegate of the Netherlands.

Mr. R. LEFEBER (Netherlands) Thank you, I am happy with that reformulation in this part of the text, what I still would like at the end is the request to the Secretariat to do something. That happened in the meeting where a request was made, it was considered here, there was no objection, so that should be clearly reflected somewhere in the text. Thank you.

The CHAIRMAN I thank the distinguished representative of the Netherlands.

If there are no objections to paragraph 51, no corrections, no additional sentences or words, paragraph 51 as in the report.

I give the floor to the Secretariat for an announcement.

Mr. N. HEDMAN (Secretariat) The Secretariat read out the modified text as follows, just to repeat. 'Some delegations expressed the view that sessions of the Subcommittee could be broadcast via the World Wide Web and that the Secretariat should explore the financial implications of webcasting.' The distinguished delegate of the Netherlands wanted the second element here on looking into the financial implications should actually be a request put forward by the Legal Subcommittee, this is still under debate.

The CHAIRMAN I thank the Secretariat.

Distinguished delegate of the Netherlands.

Mr. R. LEFEBER (Netherlands) I think that it cannot be under debate at this stage of our proceedings because we are now considering our report and we are reflecting what happened earlier this week. The only thing we are doing here is trying to find the

right wording for it and the right placement. Thank you.

The CHAIRMAN I thank the distinguished representative of the Netherlands.

Paragraph 51 with the suggestion of the Secretariat. No objections.

Adopted.

Paragraph 52. No objections.

Adopted.

I give the floor to the distinguished delegate of China.

Ms. K. PAN (China) (*interpretation from Chinese*) Sorry, I would like to comment on paragraph 49. In principle, my delegation is not against this wording however, we would like to propose some amendments to it. In our discussions a view was expressed, including the view of the Chinese delegation, that is we have some doubt about giving the Secretariat maximum flexibility. We believe that this maximum flexibility should not undermine the rights of all delegations. Therefore we would like to propose the following amendment to paragraph 49, line 3, I will read it in English

(*continued in English*) 'just by working group, and the Secretariat in close consultation with the Chair of the Subcommittee to take measures with the approval of the Subcommittee, to rationalize and optimize the Subcommittee's use of time.' Thank you.

The CHAIRMAN I thank the distinguished delegate of China for your comment to paragraph 49. Any other comments to this paragraph?

I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) First a question to the distinguished delegate of China. The paragraph should be read as follows. 'The Legal Subcommittee agreed that maximum flexibility should be applied in the scheduling of agenda items in particular those to be considered by working groups and requested the Secretariat, in close consultation with the Chair of the Subcommittee, to take measures with the approval of the Subcommittee, to rationalize and optimize the Subcommittee's use of time.'

The CHAIRMAN I thank the Secretariat. I give the floor to the distinguished representative of China.

Ms. K. PAN (China) I just want to clarify my proposal, that is by working group at the beginning of the third line and then delete 'request' at the end and we said 'and the Secretariat may, in consultation with the Chair of the Subcommittee, to take measures with the approval of the Subcommittee, to rationalize and optimize the Subcommittee's use of time.'

The CHAIRMAN I thank the distinguished delegate of China for your comment.

If no objection with the comment of the distinguished delegate of China.

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

Mr. S. McDONALD (United States of America) My delegation is quite comfortable with the paragraph as currently drafted but if the addition, as proposed by the distinguished delegate from China, adds a bit more clarity to other delegations then we would have no objection to that addition but we have a practical question which is: how would we go about getting the approval of the Subcommittee? Right now the Secretariat provides an indicative schedule of work, we are giving the Secretariat maximum flexibility in drafting that schedule of work and working in consultation with the Chair. So at what point is it that the Subcommittee approves that? Is that going to be with the adoption of the agenda? I am not quite sure of the mechanism through which we are going to get approval of the Subcommittee for an action that the Secretariat is taking before we convene. Perhaps the Secretariat might be able to tell us what would be proper under current procedures. Thank you.

The CHAIRMAN I thank the distinguished delegate of the United States for your comment.

I give the floor to the distinguished delegate of Algeria.

Mr. M. OUZEROUHANE (Algeria) (*interpretation from French*) On the question raised by the distinguished representative of the United States, I believe that we could make use of the briefings organized by the Secretariat, some two weeks or four weeks before the meetings are held. One could metamorphose these briefings into a meeting where we could usefully debate about Secretariat proposals. Thank you.

The CHAIRMAN I thank the distinguished delegate of Algeria for your comment.

I give the floor to the distinguished delegate of France.

Mr. L. SCOTTI (France) (*interpretation from French*) My delegation wanted to put the selfsame question as was put by the United States as to how this could be realized in practice. I realize that 49 was a simple copy of the equivalent paragraph that we adopted in the STSC, the idea there having been that it was necessary to get delegations' approval before we went in for that maximum flexibility. That had not been proposed at the time and it was for that reason not approved of, that would have involved a double regime and the Secretariat would have a lot of flexibility to organize the STSC and less flexibility or controlled flexibility if this were to affect the Legal Subcommittee. I would be very intrigued to hear the Secretariat's reaction to this proposal. Thank you.

The CHAIRMAN I thank the distinguished delegate of France for your comment.

I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) Well, the provisional agenda is prepared well in advance of the session because it is a document that is edited and translated into all languages. We are required to provide documents ten weeks before the commencement of the session, so the document cannot be changed at a later stage like two weeks during the briefing, as was proposed. If it is the wish of delegations to put some constraints on how the Secretariat is trying to rationalize and optimize the use of time, this paragraph would not be implemented until next year it would then be for further discussion during the next Legal Subcommittee and then delegations could debate, on the basis of that particular provisional agenda, how the agenda should look like in the future. This is something that the Subcommittee can debate next year but these measures will not be taken then for the session in 2012 but in 2012 it can be debated. There is no other way of approving a provisional agenda in advance of the Legal Subcommittee.

The CHAIRMAN I thank the Secretariat for your comment.

I give the floor to the distinguished representative of China.

Ms. K. PAN (China) Thank you for the interventions of previous delegations and also the

explanation by the Secretariat. I have compared the version of the Scientific and Technical Subcommittee's report and our report and, regarding this paragraph, in the S&T Subcommittee report there is only one sentence which reads 'The Subcommittee agreed that the maximum flexibility should be applied in the scheduling of items in particular those to be considered by working groups.' With no other sentences in our report, so if we follow the wording of the S&T Subcommittee report, we have no objections.

My second point is that if we can consider further about the explanation given by the Secretariat.

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

I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) Just for clarification so that the Secretariat fully understands the proposal now made by the distinguished delegate of China, would mean that this paragraph would be verbatim to the paragraph that we have in the STSC report which means that it should end after 'working groups' so it would be the same paragraph as is reflected in the report of the Scientific and Technical Subcommittee and that is then the proposal. Thank you.

The CHAIRMAN I thank the Secretariat.

If no objections.

Adopted.

Paragraph 52. No objections.

Adopted.

I give the floor to the distinguished representative of China.

Ms. K. PAN (China) (*interpretation from Chinese*) Regarding the report, my delegation made a statement with regard to paragraph 52 and we do not think it accurately reflects our position so we would like to add *52bis*, I will read it in English.

(*continued in English*) 'The view was also expressed that while reports could be optimized the content and length of the report should not be substantially reduced since the views of member States being recorded could be conducive to delegates attending future sessions.' Thank you.

The CHAIRMAN I thank the distinguished delegate of China for your comment. If it is possible please write it down and send it to the Secretariat.

No objections.

Adopted.

Paragraph 53. No objections.

Adopted.

Paragraph 54. No objections.

Adopted.

Paragraph 55. No objections.

Adopted.

Paragraph 56. I give the floor to the distinguished representative of the Netherlands.

Mr. R. LEFEBER (Netherlands) No objection to paragraph 56. I was wondering whether the Secretariat has already come up with a formulation to cluster paragraphs 49 _____(?) with respect to the request of 51, 54, 55 and 56 or otherwise if they can confirm that they will cluster those elements and have a final paragraph here that brings all those agreements together, conclusions and recommendations. Thank you.

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

I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) Just a clarification. When the Secretariat drafted this section we clustered the paragraphs according to the thematic areas but the Secretariat is of course in the hands of delegations, if delegations would like to see the decisions in one final paragraph. That relates then in this particular section, we have an agreement in paragraph 49, we have an agreement in paragraph 54, we have an agreement in paragraph 55 and we have an agreement in paragraph 56. So it is four agreements reached and those could be placed after each other at the end of this particular section. Thank you.

The CHAIRMAN I thank the Secretariat.

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

Mr. R. LEFEBER (Netherlands) I thought we had come to the conclusion that there was also an agreement relating to the request to the Secretariat to explore the financial implications of webcasting. Again, what we are doing here today reflects what happened earlier in the week and that request was made and not objected to, so therefore agreed to. I want that to be a fixed element of that final paragraph.

The CHAIRMAN I thank the distinguished representative of the Netherlands.

I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) With regard to paragraph 51 with the request of the distinguished delegate of the Netherlands. Since the first element, the views expressed by some delegations, has to be separated so that could be retained. Some delegations expressed the view that sessions of the Subcommittee could be broadcast via the World Wide Web. The second element, which means a request to the Secretariat to explore further the financial implications of webcasting, that particular element with the endorsement of the Subcommittee could then be placed in a paragraph to be clustered with the other agreement paragraphs and requests that we would put at the end of this section. If this is the wish of the Subcommittee and it could read then as follows, I am just repeating now. Paragraph 51 would read 'Some delegations expressed the view that sessions of the Subcommittee could be broadcast via the World Wide Web.' Now a new paragraph to be placed at the end of this section together with the other paragraphs requesting and agreeing, it could read as follows 'The Subcommittee requested the Secretariat to explore the financial implications of webcasting and prepare a paper for the next session of the Subcommittee.' Thank you.

The CHAIRMAN I thank the Secretariat for the announcement and comments.

Mr. M. OUZEROUHANE (Algeria) (*interpretation from French*) I think that we are making undue haste on this matter of webcasting. I was participating in the debate and only one delegation made this sort of proposal. I even remember that, following that proposal made in order not to name names, the representative of Belgium I believe expressed a general view on this matter indicating that this could be restrictive this idea that it could even prove to be, the term he used was that this could disturb the serenity of our deliberations. I believe that there is no agreement within the Subcommittee to go any further on this idea, so I suggest that we just refer

to one delegation expressed the view that and asked the Secretariat for clarification. Thank you.

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

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

Mr. A. LABBÉ (Chile) (*interpretation from Spanish*) Simply to recall that the delegation of Chile also expressed support for the idea of webcasting. Thank you.

The CHAIRMAN I thank the distinguished delegate of Chile, His Excellency Ambassador of Chile.

Any other comments?

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

Mr. R. LEFEBER (Netherlands) Just to express my complete agreement with the statement that was made by our colleague from Algeria. He correctly states that the substantive discussion did not result in an agreement on webcasting, on the contrary, when we came to the formal meeting I said I am not going to push for it, I am not going to put it on the table because I want to know the financial implications first. Thank you.

The CHAIRMAN I thank the distinguished representative of the Netherlands for your comment. Any other comment to paragraph 51 with the suggestion of the Secretariat?

I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) Paragraph 51 could be retained as it is with no changes. There would be a new paragraph, at the end of this section, clustered with the other paragraphs agreeing or requesting the Secretariat and that paragraph still needs to be drafted. It could not only incorporate the element of the financial implications but it should rather be a paper that the Secretariat comes up with for the next session looking into the whole issue of the webcasting of meetings of intergovernmental bodies, not only the financial implications but also what experiences there are that we are aware of, here at UNOV, of using webcasting and what implications there might be so that it is a paper that also brings the issue for the

attention of delegations to discuss, not only on the financial aspects.

The CHAIRMAN I thank the Secretariat.

I give the floor to the distinguished delegate of South Africa.

Mr. P. SEKHULA (South Africa) During the report back from the Financial Service, a report was made on this particular issue wherein it was stated that it is not financially feasible now or in the near future given the experience of another organization that is using this on sponsored funds. I wonder if that aspect of that report could not be made to at least give an indication on whether or not it is productive at this moment to incur financial cost to explore an issue that is quite obviously not feasible at the moment.

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

Any other comments?

I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) The Secretariat tried to strike a balance between different views and the Secretariat proposed then that paragraph 51 is retained without changes and that a new paragraph be inserted at the end whereby the Secretariat would prepare a paper for information to delegations at the next session of the Legal Subcommittee with information and it could be information restating what the representatives of CMS and FRMS have already given orally, it is just that it is a little bit more information adding to this particular aspect. It would be a paper that would also explain what this is, these are new grounds for the Secretariat and, as the distinguished delegate of South Africa pointed out, the representatives of CMS and FRMS related to this issue in their oral presentation to the Subcommittee and there are indeed a lot of elements and challenges to this particular _____(?) of these technological means but a paper could be prepared by the Secretariat if that is the wish of delegations. If delegations would feel that they are satisfied with the oral information provided by the representatives of the Secretariat earlier during this session, that is also fine then there would not be a paper prepared for next year. So it is either a paper or not a paper, it is in the hands of delegations. The Secretariat proposed, and we are ready, to make a paper with information on what this would entail, the webcasting of sessions. If delegations could make a decision on whether such a paper should be produced for next year.

The CHAIRMAN I thank the Secretariat.

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

Mr. V. KOPAL (Czech Republic) I will not try to go into details of this issue however, I would like to say that we have to consider this question very seriously and cautiously because it has many implications indeed and therefore I support the suggestion made by our Secretariat and that is, a paper should be prepared that would touch all the aspects involved for the next session of the Subcommittee and not to do any premature decision on behalf of the Committee. Of course each delegation has its right to make its own suggestion and defend them and propose different drafting changes in our report. However, I believe that the proposal made by the distinguished Secretary has been wise and we should adopt it. Thank you.

The CHAIRMAN I thank the distinguished delegate of the Czech Republic for your comment.

Therefore if there are no comments, we can continue to go to section C Preparations for the commemorative segment of the fifty-fourth session of the Committee, to be held on 1 June 2011.

We will go to paragraph 57. No objections.

Adopted.

Paragraph 58. No objections.

Adopted.

Paragraph 59. Distinguished delegate of Algeria please.

Mr. M. OUZEROUHANE (Algeria) (*interpretation from French*) This does not relate directly to paragraph 59 but rather I would simply like to recall a proposal made by South Africa in the course of our discussion on this. It related to the involvement of an African expert on the panel which was supposed to be involved in this discussion. Let me just recall the fact that he made this proposal and that this should be borne in mind during the preparations. Thank you.

The CHAIRMAN I thank the distinguished delegate of Algeria for your comment.

Any other comments? No objections.

Adopted.

Paragraph 60. No objections.

Adopted.

Before we announce the final part of the report, we have some paragraphs that the Secretariat ... I give the floor to the Secretariat for another paragraph that we discussed and did not adopt.

We have only one paragraph that the Secretariat needs ____ (?) distinguished delegates of Italy and Venezuela.

Distinguished delegates I give the floor to the Secretariat for an announcement.

Mr. N. HEDMAN (Secretariat) First of all just so that delegations are aware, what is now currently reflected in paragraph 42 will be amended as follows. 'Some delegations expressed the view that the sessions of the Legal Subcommittee should be shortened' and then the paragraph remains the same. That is the first thing.

Regarding the order. The order would be as follows. This paragraph 42 would become paragraph 37*bis* so it would be the first paragraph under heading B. organizational matters. Then there would be a new paragraph 37*ter* inserted and that is the paragraph that was read out by the distinguished delegate of Venezuela and agreed to. Then the order remains as is in this section. Thank you.

The CHAIRMAN I thank the Secretariat. Therefore I think all the report of the Legal Subcommittee is adopted.

The Secretariat announced that we have not finished the whole report of the Legal Subcommittee. I give the floor to the Secretariat for clarification.

Mr. N. HEDMAN (Secretariat) The Secretariat will now guide the Subcommittee through a couple of outstanding issues we have in the previous parts of the report. First we go to L.284, that is the first part of the draft report, under general exchange of views, it is a proposal to introduce a new paragraph as paragraph 15*bis* under general exchange of views in L.284 and it is proposed to read as follows. 'The Subcommittee noted with satisfaction the fifty year mark of the adoption by the General Assembly of the Declaration on International Cooperation in the Exploration and Use of Outer Space for the Benefit and

in the Interest of All States, Taking into Particular Account the Needs of Developing Countries' and there the appropriate reference number to this particular declaration will be inserted. Delegations are aware of the fact that this is what we normally call the Benefits Declaration. Thank you.

The CHAIRMAN I thank the Secretariat for the announcement.

Distinguished delegates any other comments to this paragraph?

No objections.

Adopted.

I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) We then turn to L.284/Add.1, the second part of our draft report. It is a proposed paragraph to be introduced in the section on general exchange of information on national mechanisms relating to space debris mitigation measures. Delegations will recall the discussions yesterday in adopting this particular part of the report and the fact that the proposal made by the Czech Republic was *de facto* presented under agenda item 10. In order to provide a cross reference with the paragraphs reflecting the views expressed on that particular proposal, we propose to insert a paragraph 41*bis* on page 5 of Add.1 that would read as follows. 'The Subcommittee noted a proposal made by the Czech Republic as presented in A/AC.105/C.2/L.283. A summary of views expressed on this proposal is contained in chapter 11 of the present report.' Thank you.

The CHAIRMAN I thank the Secretariat for announcement of this paragraph. Any comments to this paragraph? No objections.

Adopted.

I give the floor to the distinguished delegate of Algeria.

Mr. M. OUZEROUHANE (Algeria) (*interpretation from French*) If you allow me, I would like to go back to paragraph 19 of this same addendum. Here similar views were expressed by my delegation on this paragraph, there was just one slight difference in that we do not consider this idea first come first served is a principle and, for that reason, I would

suggest that one amend the first part of the language in this paragraph 19, it would read as follows.

(continued in English) 'The view was expressed that the utilization by States of the geostationary orbit on the basis of first come first served was unacceptable'

(continued in French) the remainder would remain unchanged. Thank you.

The CHAIRMAN I thank the distinguished delegate of Algeria. Any other comments to the suggestion of the distinguished delegate of Algeria for this paragraph? No objections.

Adopted.

Therefore I ask the distinguished delegate of Algeria to submit this in writing to the Secretariat.

I give the floor to the Secretariat.

Mr. N. HEDMAN (Secretariat) If the Secretariat understands it correctly, there is also a request for some amendments to paragraph 10 in L.284/Add.2 on the section relating to the Unidroit draft space assets protocol.

The CHAIRMAN I thank the Secretariat and give the floor to the distinguished representative of Italy.

Ms. A. PASTORELLI (Italy) Concerning paragraph 10 in addendum 2, my delegation would like to kindly ask the collaboration of the delegations mentioned whose view was reflected in this paragraph 10 in order to reflect, in a more balanced way, the view which was expressed by them. This in order not to affect the on-going negotiations and the negotiations which are still open on the upcoming diplomatic conference on the protocol and so I would propose a different formulation, of course with the agreement of the concerned delegations. 'Some delegations were of the view that, in continuing to support the goals of the proposed space assets protocol as originally stated and recognizing the recent improvements in the draft protocol text,' and then continue with the paragraph as it stands now. Thank you.

The CHAIRMAN I thank the distinguished delegate of Italy for your comment. If it is possible, distinguished delegate of Italy, submit this in writing to the Secretariat.

I give the floor to the distinguished representative of South Africa.

Mr. P. SEKHULA (South Africa) I would like to express a view on L.284/Add.3, paragraph 39.

The CHAIRMAN Distinguished delegate of South Africa before going to the new item, are there any comments to the suggestion of the distinguished delegate of Italy? No objections.

Adopted.

I give the floor to the distinguished representative of South Africa.

Mr. P. SEKHULA (South Africa) The ideas contained in paragraph 39 of L.284/Add.3 were expounded upon by various distinguished delegations here but especially the delegation of Algeria. The view is that the current set up, in light of the need for developing countries, is adequate therefore the last sentence that says 'the reduction thereof represents a heavy financial burden on member States in particular developing countries'. That particular phrase will then not be reflective of the submissions by members of the developing countries in here. My suggestion would be 'it represents a heavy financial burden on member States.' Thank you.

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

I give the floor to the distinguished delegate of France.

Mr. L. SCOTTI (France) (*interpretation from French*) Since paragraph 39 reflects a statement which was made especially by my delegation, in particular the end of this paragraph, the last sentence was expressed by my delegation. At the time of the debate we had heard many views expressed about the duration of the meetings of the Legal Subcommittee and various developing countries' delegations had referred the need to mobilize and send experts from capital as well as experts from diplomatic missions and sometimes difficult to ensure that this could be done for practical reasons and that this incurred costs and since we do not make use fully of the time available this was all the more a pity that we could not do it. My delegation made the point, a couple of meetings later, that it was especially because of such considerations that we should try to better organize the meetings. Thank you.

The CHAIRMAN I thank the distinguished delegate of France for your comment.

Any other comments?

Distinguished delegate of South Africa, do you agree with the explanation of the distinguished delegate of France?

Mr. P. SEKHULA (South Africa) The concern is only the idea that developing countries are always that disadvantaged and with begging bowl even though, in this particular Subcommittee, no developing country has expressed the view that the two-week duration of the Legal Subcommittee is a financial burden but yet it is included in there, either way it is OK Mr. Chairman.

The CHAIRMAN I thank the distinguished delegate of South Africa for your comment.

Any other comments?

Distinguished delegates we have now adopted all parts of our draft report. Do I take it that the Legal Subcommittee adopts its report as a whole, as amended?

I give the floor to the distinguished representative of Venezuela.

Mr. M. CASTILLO (Venezuela) (*interpretation from Spanish*) Before we adopt all of the report we would like to talk briefly about Addendum 3 of L.284 because we did have a proposal for a paragraph which would be 31*bis*. I would like to read out the text in English and then subsequently we could hand it in to the Secretariat. It would read as follows.

(*continued in English*) 'The view was expressed that the legal analysis of the Space Debris Mitigation Guidelines should be undertaken by the Legal Subcommittee at the earliest stage with the objective to guarantee the success of long-term space missions and that delegation was of the view that initiatives to introduce substantive discussions on that issue in the Legal Subcommittee should be encouraged in order to address the concerns of all States including those that are elaborating national legislation on space debris mitigation.' Thank you.

The CHAIRMAN I thank the distinguished delegate of Venezuela. Any comment? If no objections.

Adopted.

Do I take it that the Legal Subcommittee adopts its report as a whole, as amended?

I see no objections.

It is so decided.

Distinguished delegates, before closing the current fiftieth session of the Legal Subcommittee I would like to thank all of you for your constructive cooperation and your valuable support given to me during my two year term. I would also like to thank the Secretary of the Subcommittee, Mr. Niklas Hedman, and his staff for their assistance in my work and in the work of the Subcommittee. I hope to continue our cooperation in the future and wish you a pleasant trip home and every success in your future activity.

I now declare closed the 838th meeting of the fiftieth session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

The meeting closed at 12.44 p.m.