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**Committee on the Peaceful
Uses of Outer Space
Legal Subcommittee
Fiftieth session
Vienna, 28 March-8 April 2011**

Draft report

VI. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space

1. Pursuant to General Assembly resolution 65/97, the Subcommittee considered agenda item 7, entitled "Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space", as a single issue/item for discussion.
2. The representatives of Brazil, Chile, China, the Republic of Korea, the Russian Federation, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 7. Statements were also made by the representative of Colombia on behalf of the Group of Latin American and Caribbean States and the representative of Venezuela (Bolivarian Republic of) on behalf of the Group of 77 and China. During the general exchange of views, statements relating to that item were made by representatives of other member States.
3. The Legal Subcommittee noted with satisfaction that the adoption of the Safety Framework for Nuclear Power Source Applications in Outer Space (A/AC.105/934) by the Scientific and Technical Subcommittee at its forty-sixth session and the endorsement of the Safety Framework by the Committee on the Peaceful Uses of Outer Space at its fifty-second session, in 2009, constituted an important step in codification of international law and significantly advanced international cooperation in ensuring the safe use of nuclear power sources in outer space.
4. The Legal Subcommittee noted with satisfaction the workshop organized by the Working Group on the Use of Nuclear Power Sources in Outer Space during the forty-eighth session of the Scientific and Technical Subcommittee, in accordance with the multi-year workplan and objectives adopted by the Scientific and Technical Subcommittee at its forty-seventh session (A/AC.105/958, annex II, paras. 7 and 8).

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5. The view was expressed that strict implementation of the Safety Framework by all actors involved in the development of nuclear power source systems for use in outer space was required in view of the seriousness of the safety concerns and the implications with regard to accidents.
6. Some delegations expressed the view that more consideration should be given to the use of nuclear power sources in outer space, specifically in the geostationary orbit and low-Earth orbits, in order to address the legal aspects of the problem of potential collisions of nuclear-powered space objects in orbit and the incidents or emergencies that might be created by the accidental re-entry of such objects into the Earth's atmosphere, as well as the impact of such a re-entry on the Earth's surface, human life and health and the ecosystem.
7. Some delegations were of the view that it was exclusively States, irrespective of their level of social, economic, scientific or technical development, that had an obligation to engage in regulatory activity associated with the use of nuclear power sources in outer space and that the matter concerned all of humanity. Those delegations were also of the view that Governments bore international responsibility for national activities involving the use of nuclear power sources in outer space conducted by governmental and non-governmental organizations and that such activities must be beneficial and not detrimental to humanity. In that context, those delegations called on the Legal Subcommittee to undertake a review of the Safety Framework and to promote binding standards with a view to ensuring that any activity conducted in outer space was governed by the principles of preservation of life and maintenance of peace.
8. Some delegations expressed the view that the use of nuclear power source systems in outer space was inevitable, in particular for deep space missions, and that proper measures should be taken to ensure the reliability and safety of the use of such technology in outer space activities.
9. Some delegations expressed the view that the risks and benefits associated with the use of nuclear power sources in outer space should be thoroughly assessed and that efforts should be made to predict and reduce such risks.
10. The view was expressed that nuclear power sources should be used exclusively as a last resort and preferably in sufficiently high orbits.
11. Some delegations expressed the view that recommendations from the Safety Framework should be considered in further detail in terms of the possibility of their implementation in the Principles Relevant to the Use of Nuclear Power Sources in Outer Space (General Assembly resolution 47/68).
12. Some delegations were of the view that a revision of the Principles was not warranted.
13. The view was expressed that a revision of the Principles would represent an obstacle to research and development with regard to outer space activities.
14. Some delegations expressed the view that there should be greater coordination and interaction between the Scientific and Technical Subcommittee and the Legal Subcommittee in order to develop legal instruments to define the responsibility of States in the use of nuclear power sources in outer space and to undertake research

on the ways and means of optimizing or substituting the use of nuclear energy in outer space activities.

15. The Legal Subcommittee agreed that it was necessary to continue examining the issue and that the item should remain on its agenda.

16. The full text of the statements made during the discussions on agenda item 7 is contained in unedited verbatim transcripts (COPUOS/Legal/T.[...]-[...]).

XI. 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

17. Pursuant to General Assembly resolution 65/97, the Legal Subcommittee considered agenda item 12, entitled “Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Subcommittee at its fifty-first session”, as a regular item of its agenda. Under that item the Subcommittee also considered matters related to the organization of work of the Subcommittee and the preparations for the commemorative segment of the fifty-fourth session of the Committee, to be held on 1 June 2011.

18. The representatives of Argentina, Austria, Brazil, Chile, China, Colombia, the Czech Republic, France, Germany, Greece, Indonesia, Iran (Islamic Republic of), Italy, Japan, Morocco, the Netherlands, Portugal, Romania, the Russian Federation, Saudi Arabia, Spain, the United States and Venezuela (Bolivarian Republic of) made statements under agenda item 12. A statement was also made by the representative of Colombia on behalf of the Group of Latin American and Caribbean States. During the general exchange of views, statements related to that item were made by representatives of other member States.

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

19. The Legal Subcommittee recalled that the General Assembly, in its resolution 65/97, had agreed that the Subcommittee, at its fiftieth session, would submit its proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Subcommittee at its fifty-first session, in 2012.

20. The Chair invited member States to propose or reiterate existing proposals for new items to be included in the agenda of the Legal Subcommittee, as contained in the report of the Subcommittee on its forty-ninth session (A/AC.105/942, para. 170).

21. The Subcommittee agreed to retain all the single issues/items for discussion currently on the agenda for consideration at its fifty-first session.

22. The Subcommittee agreed on the following items to be proposed to the Committee on the Peaceful Uses of Outer Space for inclusion in the agenda of the Subcommittee at its fifty-first session:

Regular items

1. Opening of the session, election of the Chair and adoption of the agenda.
2. Statement by the Chair.
3. General exchange of views.
4. Status and application of the five United Nations treaties on outer space.
5. Information on the activities of international intergovernmental and non-governmental organizations relating to space law.
6. Matters relating to:
 - (a) The definition and delimitation of outer space;
 - (b) The character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union.

Single issues/items for discussion

7. Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.
8. Examination and review of the developments concerning the draft protocol on matters specific to space assets to the Convention on International Interests in Mobile Equipment.
9. Capacity-building in space law.
10. General exchange of information on national mechanisms relating to space debris mitigation measures.

Items considered under workplans

11. General exchange of information on national legislation relevant to the peaceful exploration and use of outer space
2012: Finalization, by a working group, of a report to the Legal Subcommittee.

New items

12. 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.
23. The Subcommittee also agreed that the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space, the Working Group on Matters Relating to the Definition and Delimitation of Outer Space and the Working Group on National Legislation Relevant to the Peaceful Exploration and Use of Outer Space should be reconvened at its fifty-first session.
24. The Subcommittee further agreed to review, at its fifty-first session, the need to extend beyond that session the mandate of the Working Group on the Status and Application of the Five United Nations Treaties on Outer Space.

25. The Subcommittee agreed that IISL and ECSL should again be invited to organize a symposium, to be held during its fifty-first session.
26. The Subcommittee had before it a working paper submitted by the Czech Republic (A/AC.105/C.2/L.283), in which it was proposed that the Subcommittee should include on its agenda a new item entitled "Review of the legal aspects of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space, with a view to transforming the Guidelines into a set of principles to be adopted by the General Assembly".
27. Some delegations expressed the view that the initiative by the Czech Republic was timely in view of the importance of the issue of space debris to all States and the absence of relevant firm legal mechanisms to address that issue. In that connection, those delegations also expressed their support for the proposal.
28. Some delegations expressed the view that the title of the new agenda item proposed in the working paper (A/AC.105/C.2/L.283) could be shortened to include only a review of the legal aspects of the Space Debris Mitigation Guidelines of the Committee on the Peaceful Uses of Outer Space and should not include the matter of transforming the Guidelines into a set of principles.
29. Some delegations expressed the view that matters relating to the review of legal aspects of space debris at the international level could be considered jointly with the item currently on the agenda of the Subcommittee entitled "General exchange of information on national mechanisms relating to space debris mitigation measures".
30. Some delegations expressed the view that, while the Subcommittee could begin its consideration of matters related to space debris at the international level, it was important to ensure that the exercise was not going to impose a prejudged outcome.
31. Some delegations expressed the view that the introduction of a new legal instrument on space debris at the international level was premature, owing to the fact that States were still continuing to implement the Space Debris Mitigation Guidelines of the Committee at the national level.
32. Some delegations expressed the view it would be productive to revisit the proposal following the results of the work of the Working Group on the Long-Term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee.
33. The view was expressed that the Legal Subcommittee should begin to consider at its fifty-first session the forming of a list of topical problems and issues related to the legal aspects of space activities. Such activity by the Subcommittee could help define future directions and optimize the work of the Subcommittee.
34. The view was expressed that the Subcommittee should consider legal aspects related to climate change.
35. The Subcommittee noted that the sponsors of the following proposals for new items to be included on its agenda intended to retain their proposals for possible discussion at its subsequent sessions:

(a) Review of the Principles Governing the Use by States of Artificial Earth Satellites for International Direct Television Broadcasting, with a view to transforming the text into a treaty in the future (proposed by Greece);

(b) Review of the Principles Relating to Remote Sensing of the Earth from Outer Space, with a view to transforming them into a treaty in the future (proposed by Greece);

(c) The appropriateness and desirability of drafting a universal comprehensive convention on international space law (proposed by the Russian Federation);

(d) Regulation of the dissemination of Earth observation satellite images through the World Wide Web (proposed by Saudi Arabia).

36. The Subcommittee noted that proposals for new items that had not been retained on that list could be included on the list at a later time, as appropriate.

37. The Subcommittee noted that its fifty-first session had been tentatively scheduled to be held from 19 to 30 March 2012.

B. Organizational matters

38. The Subcommittee noted with satisfaction the clarifications made by the Conference Management Service and the Financial Resources Management Service related to the organization of sessions and the administration of documentation for the Subcommittee.

39. Some delegations expressed the view that, according to the data recorded by the Conference Management Service at the United Nations Office at Vienna, the actual average duration of the first 14 plenary meetings of the Subcommittee at its current session had been 1 hour and 20 minutes. Thus, only 7 meetings would have been required, instead of the 14 meetings scheduled, and three full session days could have been saved. The necessity of sending experts to Vienna for meetings in which only 45 per cent of the available time was actually used therefore represented a heavy financial burden on member States, in particular developing countries.

40. Some delegations expressed the view that the plenary time was not fully utilized in view of the lack of substantive issues on its agenda and that the role of the Subcommittee should be strengthened in order to demonstrate the operational relevance and importance of the Subcommittee. Those delegations were of the view that the issue of substance was political, in view of the lack of consensus in developing space law.

41. Some delegations expressed the view that the work of the Legal Subcommittee should be closely coordinated with the work of the Scientific and Technical Subcommittee, as well as the work of intergovernmental bodies other than the Committee. Those delegations were of the view that the sessions of the two Subcommittees could be organized consecutively, with one or two days of joint meetings so that greater benefits could be derived from the participation of experts from both Subcommittees.

42. Some delegations expressed the view that consideration should be given to the possible shortening of sessions of the Legal Subcommittee. Those delegations proposed that the savings in time could be allocated to the sessions of the Committee or the Scientific and Technical Subcommittee, in particular its Working Group on the Long-term Sustainability of Outer Space Activities.
43. The view was expressed that the reallocation of meeting time from the Legal Subcommittee to the Committee was possible, with the understanding that that time could be reallocated back to the Subcommittee, when necessary.
44. The view was expressed that the nature of the sessions of the Legal Subcommittee was different from those of the Committee, as the issues discussed at the Subcommittee level required extensive technical consideration by experts, and that therefore the current duration of its sessions should be kept. The delegation that expressed that view was also of the view that the Committee remained the platform for the exchange of views on broad political matters and thus its sessions could be decreased to five days in order to allow both Subcommittees to have more time for consideration of their agenda items.
45. Some delegations expressed the view that meetings of the working groups of the Legal Subcommittee could be held in parallel with the plenary meetings.
46. Other delegations expressed the view that the parallel organization of meetings would not allow simultaneous interpretation, which was fundamental to the discussion of technical issues, and could also preclude small delegations from full representation at all meetings.
47. Some delegations were of the view that items on the agenda of the Legal Subcommittee should be streamlined in order to improve the effectiveness of discussions and allow the cost-effective participation of delegations in the work of the Subcommittee.
48. Some delegations expressed the view that the work of the Subcommittee must be optimized, streamlined and rationalized and that the efficiency of that work and working discipline should be enhanced.
49. 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 implement measures to rationalize and optimize the Subcommittee's use of time.
50. The view was expressed that, in the scheduling of work, it was important to maintain a certain concentration of interest and avoid any fractionalization in the consideration of agenda items.
51. The view was expressed that sessions of the Subcommittee could be broadcast via the World Wide Web, and that the Secretariat could explore the financial implications of webcasting.
52. Some delegations were of the view that the contents and length of Subcommittee reports could be optimized by avoiding the repetitive reflection of views and making them more streamlined and action-oriented.

53. Some delegations expressed the view that the title of the present agenda item did not properly give room for considerations of organizational matters and proposed that the title “Other matters” should be used, in line with the practice of the Committee.

54. The Subcommittee agreed that informal consultations should be held among interested delegations on the margins of the fifty-fourth session of the Committee to continue the discussions on organizational matters.

55. The Subcommittee requested the Secretariat to prepare for its fifty-first session a conference room paper containing information on good practices used by other comparable United Nations entities on the structure of reports of intergovernmental bodies and agreed that the bulletin of the Director-General and Executive Director on standards for the preparation and submission of manuscripts of United Nations documents and publications dated 4 March 2010 (UNOV/DGB.22-UNODC/EDB.22) should be attached to that paper for further study.

56. In accordance with the request made by the Committee at its fifty-third session, in 2010, the Subcommittee considered a proposal made by the Secretariat to discontinue the use of unedited transcripts (A/AC.105/C.2/L.282), and recommended that the use of unedited transcripts should be discontinued, starting from its fifty-first session, in 2012, in accordance with that proposal.

C. Preparations for the commemorative segment of the fifty-fourth session of the Committee, to be held on 1 June 2011

57. The Subcommittee noted that informal consultations had been held during the session, under the leadership of the Chair of the Committee on the Peaceful Uses of Outer Space, on the preparations for the commemorative segment of the fifty-fourth session of the Committee and on the preparation of a declaration to be adopted on 1 June 2011, as contained in a working paper submitted by the Chair of the Committee entitled “Declaration on the Fiftieth Anniversary of Human Space Flight and the Fiftieth Anniversary of the Committee on the Peaceful Uses of Outer Space” (A/AC.105/L.283).

58. The Subcommittee agreed on the text of the draft declaration contained in document A/AC.105/L.283, as amended, and noted that the revised draft declaration would be submitted to the Committee at its fifty-fourth session, during the commemorative segment, on 1 June 2011.

59. The Subcommittee also noted that the Secretariat would communicate to all permanent missions to the United Nations (Vienna) in the coming weeks information on the schedule of the commemorative segment.

60. The full text of the statements made during the discussion on agenda item 12 is contained in unedited verbatim transcripts (COPUOS/Legal/T.[...]-[...]).