
Committee on the Peaceful Uses of Outer Space:
Legal Subcommittee
Fifty-third session

Script

893rd meeting
Wednesday, 2 April 2014, 3.00 p.m.
Vienna

Chair: Mr. Kai-Uwe Schrogl

The meeting was called to order at 3.11 p.m.

Mr. Kai-Uwe Schrogl (Chair) Dear distinguished delegates, if you still can listen and have the capacity of your ears, I declare open the 893rd meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. This afternoon we will continue and hopefully conclude our consideration of agenda items 9, Capacity-building in space law and agenda item 10, Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space. We will also continue our consideration of agenda item 14, the proposals to the Committee of new items for consideration by the Subcommittee. We will hear one technical presentation this afternoon by a representative of China, entitled “United Nations/China/Apsco Workshop on Space Law: An invitation”.

Distinguished delegates I would like to continue now and hopefully conclude our consideration of agenda item 9, Capacity-building in space law. So far I have no speaker on my list. Are there any delegations wishing to speak. I see the distinguished delegate from Venezuela.

Mr. C. Parra (Venezuela) Thank you, Mr. Chairman. Yesterday there was a presentation from the Secretariat and the Subcommittee on the education curriculum on space law. There’s a document that seems to be fairly completed; 76 pages long. I’m just going through it, and our delegation saw that it is available only in English. If you look at the report from 2007 from the Legal Affairs Subcommittee, it was a Subcommittee decision that year to draw up the curriculum. That was backed also by the Committee itself that same year, and, if you look at the report, the curriculum was done to be used by developing countries to have space law curriculum. So, my delegation would be very grateful if that document on the curriculum drawn up by the Secretariat could be translated into the six official languages. Or the other five languages actually. So that it could be available in all six. That way it could more accessible for countries such as my own, and that would also foster development of space law. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you Venezuela. I pass your question to the Secretary.

Mr. N. Hedman (Secretary) Thank you Mr. Chairman and thank you distinguished delegate of Venezuela for this suggestion. As delegations recall, the old curricula, the scientific curriculums for the regional centres are in all official languages. Recently we also established a curriculum on global navigation satellite system, which was translated into French and Spanish if I’m not mistaken. So, the Secretariat is of the view that considering that the regional centres are operating in various languages, it would definitely enhance the capacity-building efforts to have them translated into the official languages of the United Nations. We need a mandate, we need a request from the Subcommittee in that regard because there might be cost implications. So we will definitely, if the Subcommittee so agrees and requests the Secretariat to do so, we will definitely bring this back and I can assure you that we will do all we can to have them translate it into the different languages. Thank you.

Mr. Kai-Uwe Schrogl (Chair) I thank the Secretariat. Is there an agreement among the members of this Subcommittee to request to the Secretariat to translate the space law manual into all official languages? I see no objection. So we will put that in the report. Thank you Venezuela. Are there any other delegations wishing to speak under this item? I see Germany.

Mr. P. Wennholz (Germany) Thank you Mr. Chairman. Just a very brief statement. Mr. Chairman, distinguished delegates, Germany attaches great importance to the different efforts for promoting capacity-building in space law on international and national level. Therefore we support the various activities such as the Moot Court Competition and summer schools. The annual report of the activities of the Cologne Institute of Air and Space Law reflects these academic efforts. In this context we would just like to briefly mention the bilateral cooperation between Cologne University and Universities in China, India and South Africa. Which all aim at capacity-building in space law. Thank you for your kind attention.

Mr. Kai-Uwe Schrogl (Chair) Thank you Germany. Any other delegation wishing to speak under this item before we close our deliberations? I see none. So, therefore we conclude our consideration of agenda item 9, Capacity-building in space law.

Distinguished delegates, I would now like to continue and hopefully conclude our consideration of agenda item 10, Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space. Are there any delegations wishing to speak? I see Indonesia, you have the floor.

Mr. W. Sastroamidjojo (Indonesia) Thank you Mr. Chairman. With respect to this agenda item 10, my delegation believes that the discussion on the possibility to review the principle relevance to the use of nuclear power sources in outer space needs our attention. In this regard, I wish to underline that any initiative or proposals, on identifying the way forward on this issue, should take into account the views that the use of nuclear power sources must be as limited as possible, because outer space has to be used solely for peaceful purposes and for the benefit of all humankind. Having said that, therefore the use of nuclear technology for peaceful purposes in outer space should comply with the international laws and regulations. Particularly the 1967 outer space treaty, the treaty on the non-proliferation of nuclear weapons and the IAEA safeguard agreement, conventions, protocols and standards in order to ensure the safety and security as well as the sustainability of space environment. Thank you Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from Indonesia for his statement. Any other delegation wishing to speak? The Netherlands.

Mr. Oosterkamp (Netherlands) Thank you Chairman. We support what has been said by the delegate of Indonesia.

Mr. Kai-Uwe Schrogl (Chair) Thank you Netherlands.

I see no more speakers so. We have therefore concluded our consideration of agenda item 10, Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

Distinguished delegates, I would like now to continue our consideration of item 14 on our agenda, Proposals to the Committee on new items for consideration by the Subcommittee. As delegations are aware, under this agenda item we will consider two elements; namely proposals for new items and organizational matters. Are there any delegations

wishing to speak? We will have this item also on the agenda of tomorrow morning's meeting.

I see no delegation wishing to take the floor at this stage so we will therefore continue and hopefully conclude our consideration of agenda items 14 and I'm interrupted in the sentence to give Venezuela the floor before we move to another item. Venezuela, you have the floor.

Mr. C. Parra (Venezuela) Thank you Mr. Chairman. This morning during the discussion on this item, my delegation made a proposal regarding item 12 and we listened to the delegation that has brought this item for discussion, Japan. We understand their argument on not changing the name of that. However, we believe that non-binding instruments have direct impact on the regulations that are binding and I'd like to ask, if possible, if it could be made implicit through the document drawn up by Japan that it would be a first step at least to examine the direct or indirect link of non-binding regulations over the binding regulations, or with the binding regulations. That way, we could have a basis for discussion in the future on that matter.

Mr. Kai-Uwe Schrogl (Chair) Thank you distinguished delegate from Venezuela. I understand that consultations are still going on, and there has not been progress reached in order to present something to the Subcommittee. So, I encourage you to either, in the course of these ongoing consultations, or tomorrow morning, when we reconvene to discuss this item, to come up with your proposal again.

This provides me with the opportunity to, possibly already under this agenda item today, to come to one or two conclusions, which we have to take anyway and which regard our agenda for next year. The first is that we have to come to a conclusion whether or not to retain items 10 and 11 as single-issue items for discussion. These two items are Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, and the General exchange of information and views on legal mechanisms relating to space debris mitigation measures, taking into account the work of the Scientific and Technical Subcommittee. Are delegations in a position to accept that these two items will be on the agenda of next year's session as single issues/items for discussion? I see Venezuela has asked for the floor.

Mr. C. Parra (Venezuela) Thank you Mr. Chairman. I've listened to your proposal and I can support it, that is that we continue with our discussion on these items. My delegation made a proposal and that was to examine whether the Legal Committee

examines some articles and suggest changes for the safety framework for use of NPS in outer space, and we believe that these are questions that should be examined by the Legal Subcommittee because of the impact of these issues in international relations or the scope of that, and we believe it's important that the Legal Subcommittee continue with the discussion of this matter next year.

Mr. Kai-Uwe Schrogl (Chair) Thank you Venezuela. It means you support a decision to have these two items on the agenda of next year. Are there any delegations opposing this proposal? Chile.

Ms. T. Alvarez (Chile) Thank you Mr. Chairman. I would like to say that my delegation also feels that it is very important that we retain these two questions for next year as separate items and I would like to support what was said by our colleague from Venezuela. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you Chile. The United States.

Mr. B. Israel (United States of America) Thank you Mr. Chairman. I would just like to clarify that the decision before us is to retain the two agenda items in their present form. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you U.S. Yes, the decision is only that. I see no objections. So it is decided.

The other point I think we can already agree upon today is that we would invite IISL and ECSL again to organize a symposium to be held during the fifty-fourth session, typically on Monday afternoon. Is there any objection? I see none. So this is decided. Now, Venezuela asks for the floor.

Mr. C. Parra (Venezuela) Thank you Mr. Chairman. On the question, we're not against inviting IISL next year, however, we would like to know is there anything for now on the theme of the symposium next year?

Mr. Kai-Uwe Schrogl (Chair) Thank you Venezuela. Traditionally we leave the topic, finding a topic, to IISL and ECSL who have a joint programme committee setting up the item also reflecting on the discussions in the Subcommittee and I think in the past they have done a very good job in identifying the right topics, and if I look at the topic of this session, which was small satellites, I think they made a very very good proposal, which might not have come from the floor and I think this kind of method of finding a topic has its merits and we should go ahead. They usually do that in Autumn, when there are the meetings, the plenary meetings of IISL so by then a topic will be decided. So

we can go ahead with that. So it is decided. I apologize, Brazil.

Mr. Rypl (Brazil) Thank you Mr. Chairman. Well, while I appreciate your comments and I can understand that we should perhaps leave it to the IISL to decide the best topic to be covered in the seminar. I wonder if there is any way perhaps that we could indicate topics of interest. You know, informally, perhaps, because we've seen that there are a few issues here that tend to attract more attention; such as space debris, but I mean that there are a number of others. I don't know if there could be a process of informal consultations, or there are many mechanisms, but perhaps it would be nice if we could somehow indicate, not request, they present a seminar on a specific topic, but perhaps indicate topics of interest that would contribute to our work here. That is not to say of course that other seminars have not, they all have been very successful. It's just a suggestion. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you Brazil. Are there any indications which we could accept already from the floor? Republic of Korea.

Mr. Y. Lee (Republic of Korea) Thank you Mr. Chairman. I also would like to join the made remark by the Brazilian delegation on the chance for us to have some indication on the agenda setting and the composition of the symposiums to be held next session. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you, Republic of Korea. What I would like to avoid is that we do that in a very formalized way and in the end we need a consensus on the topic, we need a consensus on every speak, on the composition of the panel and I think we should avoid that. What would be the easiest way, that we provide you, at the next session, with the email addresses of the presidents of IISL and ECSL, and you can submit to them topics for their consideration, and you should do that before, let's say, September or so, in order for them to be able to find a decision and a conclusion. Shall we do, shall we conduct this in this way? Brazil.

Mr. Rypl (Brazil) Thank you Mr. Chairman, I think that's not only acceptable but desirable. It is very democratic and you would avoid us getting stuck in that kind of loophole here. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you Brazil. So, I think we can decide on that. Thank you very much. So this will be reflected in the draft report.

So with this, we will continue and then hopefully conclude our consideration on agenda item 14, Proposals to the Committee on new items for consideration by the Subcommittee tomorrow morning.

Under this item, we will then have a short presentation by Germany on the revision of their document and then we will have to see how to continue with the agenda item 12 where Japan is conducting still informal consultations and where we can then hopefully conclude on the way forward with this topic. Distinguished delegates, I would now like to proceed with a technical presentation. We will have one presentation on United Nations/China/APSCO Workshop on Space Law: An invitation by Mr. Li from the Chinese delegation. Mr. Li, you have the floor.

Mr. Li (China) Distinguished Chairman, distinguished delegates. In November this year, a UN/China/APSCO workshop on space law will take place in Beijing, China. The workshop will be jointly organized by UNOOSA, China National Space Administration and Asia-Pacific Space Cooperation Organization. The United Nations has long worked towards the peaceful exploration and use of outer space to promote international cooperation in and the development of international rule governing outer space as well as relevant national legislation. Since the beginning of the twenty-first century, the United Nations has held multiple regional workshops on space law in cooperation with different countries.

CNSA is a governmental agency of the People's Republic of China responsible for the Civilian's Space Administration and International Space Cooperation. It regulates space activities in China and carries out exchange and cooperation in the space arena on behalf of China. APSCO is an international intergovernmental organization of Asian Pacific countries with headquarters in Beijing, China. It aims to build space capacity in its member States by promoting multilateral cooperation among them in space science and technology applications, and promote peaceful uses of outer space by mankind.

With support from this organization, space science and technology development and applications in Asian Pacific countries have consistently developed, and the mechanisms for cooperation and mutual confidence in the space area have continually improved. The workshop to be held in Beijing, China is aimed at boosting space legislation in Asia-Pacific countries and promoting international space cooperation, and the development of space law, and contributing to capacity-building in developing countries.

The Chinese government have long placed a great importance on the development of space law, advocated strict compliance in conducting space activities with international law and the United Nations charter, carried out international cooperation actively and worked tirelessly with other countries and

international organizations towards a sustainable outer space environment. For nearly twenty years, China has cooperated bilateral cooperation with many countries in space exploration and use, concluded international space cooperation agreements or MOU's with over 30 countries, space agencies and international organizations, which have provided impetus to multilateral cooperation in space science and technology applications, and the institutionalization of space cooperation in the Asia-Pacific region.

We have also taken an active part in the relevant activities of the United Nations and the relevant international organizations, building positive results. At the same time, China through efforts to improve its own space science and technology capabilities has successfully implemented major programmes and projects including the DFH-1 satellite, the Shenzhou series human space flights, the [...] series lunar missions, the Tiangong space station, the BeiDou Navigation Satellite System, and the resource prospecting remote sensing satellites among others. China always attaches importance to the development of space law. China is a party to the outer space treaty, the rescue agreement, the liability convention and the registration convention. The Chinese government has issued three white papers on China's space activities. Comprehensively elaborating China's space policy. We enacted measures to regulate the registration of space objects in 2001, promulgated an interim measure on the administration of licensing for civil space launching projects in 2002, and formulated interim measures on the mitigation and the protection against space debris in 2010, which have all effectively contributed to the regulation of China's space activities. As China's capital, Beijing is the political, cultural, scientific and educational centre of the country as well its centre for international exchanges. As a city, with a history of over 3,000 years and a capital with a history with more than 860 years, Beijing is renowned for its history and culture. Its numerous historical monuments and cultural sites, as well as 151 registered museums, ranked the second in the world. With six world heritage sites. Beijing is among the world cities with the largest number of cultural heritage sites. In terms of congresses and exhibitions, Beijing is one of the international congress and exhibition centres, topping ten international meeting cities in 2010. It successfully hosted the 2008 Summer Olympic Games. In recent years, multiple international conferences have taken place in Beijing. Last September, the International Astronautical Congress was successfully held in Beijing, 3,727 participants from 70 countries attended this event, which is, in terms of the numbers of papers submitted, and the

numbers of the participating space agencies, it is the highest in IAC's history.

Since the beginning of this century, UNOOSA has in cooperation with various countries, organized workshops on space law in various regions, including; the Hague, Netherlands; Daejeon, Korea; Rio de Janeiro, Brazil; Abuja, Nigeria; Kyiv, Ukraine; Tehran, Iran; Bangkok, Thailand; and Buenos Aires, Argentina. A look at the past workshops points to the international space law, national space legislation, international cooperation mechanisms and education and capacity-building in space law as themes of common interest. In addition to these themes, each workshop set a number of featured items for discussion in light of circumstances prevailing then, and the needs of the host country and the participating countries. Concerning items on the agenda of the Beijing workshop, we suggest that while continuing discussion on the above themes the workshop should consider focusing on the development of space law and a national space legislation. We also hope to hear constructive comments from UNOOSA and other delegations. Taking those comments extensively into account, we will improve the theme and items of the workshop and make it a great success so that on this platform, participants can discuss, and frankly and extensively exchange views on the various aspects of space law.

The Chinese government has always attached great importance to international exchanges and cooperation in space exploration and use and the important role of United Nations workshops on space law as a platform for space law research and exchanges. My government attaches great importance and it gives strong support to this workshop in Beijing. We hope that with the active participation of member states, the 2014 Beijing workshop will facilitate the elaboration and development of international rules on outer space and promote national space legislation and capacity-building in developing countries in particular.

We look forward to meeting every one of you in Beijing. Thank you.

Mr. Kai-Uwe Schrogl (Chair) I thank Mr. Li from China for his presentation as well as to the invitation he extended to the workshop. I can testify that Beijing was an excellent host of the 2013 International Astronautical Congress. Are there any questions from delegations? Yes, Mexico please.

Ms. R. M. Ramirez (Mexico) Good afternoon, thank you Chair. I'm grateful for the invitation extended by the government of China, which wants to organize this workshop related to space law. I do have various questions, but let me just put two for the

moment. When you talk about invitation, it could be two forms of invitation; one is you invite me and you pay for your own, the other is invitation whereby the host pays for this, and I want to talk about the Office of Outer Space Affairs. Normally when it holds an event of this kind, there has always been in the past an opportunity whereby some costs of some delegates had been covered by the organizer of the given event. In this case, Mexico at the least, the Mexican Space Agency would send one person and I'm sure as you say the facilities in China when it comes to the international Astronautical event will be incredible and I am sure the facilities will be excellent but my very specific question is whether there's the possibility of providing some support to some delegates so that they are able to take part in the workshop. And the other question, maybe I lost something, but when exactly, on which dates, will the event be held? Thank you, Chair.

Mr. Kai-Uwe Schrogl (Chair) Thank you Mexico. Are there any other questions? I see none. Yes.

Mr. Li (China) Concerning your first question about the cost. We are coordinating the discussion of the issue with UNOOSA on the selection of participants concerning their preliminary date. It is from 14th to 21st November this year. From 17th to 21st November, this year.

Mr. Kai-Uwe Schrogl (Chair) Are additional information provided by the Secretariat?

Mr. N. Hedman (Secretary) Thank you Mr. Chairman, and just to also additionally ask the distinguished delegate of China already, responded to the question by Mexico, but just to also add, on behalf of the Office of Outer Space Affairs. The Office as a United Nations entity will send out invitation with an application form through the UNDP offices of the United Nations and of course, any person may apply for being chosen for the workshop. In addition, the Office for Outer Space Affairs together with our core organizers which means the China/APSCO will also separately invite certain suitable speakers, at our choice, for the programme of the workshop. That is the procedure that we have followed throughout the previous nine workshops. Thank you.

Mr. Kai-Uwe Schrogl (Chair) I thank the Secretariat for the additional information provided and with this I thank again Mr. Li from China for his presentation. And before I adjourn the meeting I would, with your permission, reopen briefly agenda item 14, since Japan would like to make a statement on that agenda item. You have the floor.

Mr. H. Hamada (Japan) Thank you very much, Chairman. And I very much appreciate your kind

suggestion. Having said that, as everybody knows, we have made an intervention on this particular agenda. And even at lunchtime we have already engaged in our informal consultation with interested countries. And now we think that perhaps we can safely say that on this particular item, there is a sort of emerging consensus that this agenda will be maintained as a single-issue item for next year. So, I'd like to ask the Chair to confirm this particular point at this meeting. There are some countries, which said more positively we should continue this item with slightly modified or changed in an agenda item but I think that in our judgement, I think it is probably fair to ask all the delegations to join in the consensus to simply maintain as it is for another year. Thank you.

Mr. Kai-Uwe Schrogl (Chair) I thank the delegation from Japan on their immediate reactions. I see Russian Federation.

Mr. Gudnov (Russia) Thank you Chair. I'd like to make a few comments in response to the proposal just made by the delegation of Japan. When we made our proposal under item 12 of the agenda, to keep it on the agenda, we suggested following the proposal from Venezuela in order to have a general debate and an analysis of these items, that is about the method of work of COPUOS, but also to have an exchange of views and to think about international initiatives, which address the non-binding non-legally binding instruments, for example, the European Code of Conduct and then, as I already said on Monday, Russian initiative, to refrain from deployment of weapons in space. These non-legally binding initiatives, I think it would be very helpful to avoid an arms race in space and to preserve the peaceful use of outer space. That's why in our opinion item 12, as it is currently worded, that is the General exchange of information, doesn't fully make use of the opportunities to fortify this Legal Subcommittee. It wouldn't necessarily lead to any specific outcome which then, could perhaps, be used by all international bodies as a form of guideline. But we've said that this analysis that we would like to have with this Legal Subcommittee could concentrate on the effectiveness on certain non-legally binding instruments. Thinking about their applicability, whether States or others, thinking about their effectiveness when put into practice. Thank you Chair, thank you delegates.

Mr. Kai-Uwe Schrogl (Chair) Thank you. U.S.

Mr. B. Israel (United States of America) Thank you Mr. Chairman. I agree very much with the distinguished delegate of Japan that there is at least a high level consensus, at least that's what we are hearing, among delegations to discuss legally non-binding mechanisms, particularly those adopted by

COPUOS and the General Assembly. I recall that this was the situation last year, that there was such a consensus, there was a general interest to discuss the topic, but not necessarily on the precise modalities, which is why we had a detailed negotiation that led to the plan of work outlined L.288. We hear this same sentiment this year, I think there is even more enthusiasm to continue discussing this topic having seen what a successful and dynamic exchange of information it was but again there are different ideas about how to approach it. And we would continue to urge delegations to proceed with the work as we have as is outlined in L.288 as the most likely basis for a consensus for us to continue this conversation. And as for suggestions that we discuss the efficacy of these non-binding mechanisms that are described in L.288, I think it is possible to do so within this existing item. I think the United States certainly did so in its statement under this agenda item this year. We certainly understood it to allow for that. Thank you Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) Thank you U.S. Indeed, there is a vivid interest but this vivid interest this morning led to many many different and diverging viewpoints on a number of things like the title, the mandate, the relationship with other items, the questionnaire, the further procedure and, in fact, when we discussed this item No. 14 and this issue, we heard another delegation speaking on this issue presenting its viewpoint, which has not been taken into account, obviously, in the informal consultations. So, I should have a real clear indication by delegations whether there is indeed a full consensus and we can adopt this item also knowing and understanding what the contents of the item will be. Indeed, there is a high level understanding that the topic is an important one and a lot of delegations want to continue with it, but do we have a clear understanding on what will be in fact discussed, what will be the scope and the objective of that item? I see Republic of Korea.

Mr. Y. Lee (Republic of Korea) Thank you Mr. Chairman. I tentatively listened to what the Japanese distinguished delegate of Japan request to decide so whether to retain this item of agenda for next year's works. Mr. Chairman, at this moment, I don't think, we should not be in a hurry to get to the conclusion as whether to retain or not this item of agenda before we are getting to some conclusion on the method of work, some mandate, or L.288. And as already mentioned by the various delegations, and you Mr. Chairman yourself, so this is a very multi-dimensioned issue to be dealt with other item agendas involving the item of agenda 14, new item of agenda and the real obstruction of our work method. So, once again I would like to suggest this should be

decided in conjunction with other issues already mentioned, they should be decided altogether in a sort of package dealing. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you Republic of Korea. Japan has the floor.

Mr. H. Hamada (Japan) Thank you very much for the kind words from the Korean delegates. I think I certainly understand what you meant, but actually, having seen the content of this agenda item, I think what's happened with everything in this COPUOS session is interlinked, virtually everything. For example, we are talking about debris issues even though scientific affairs in a Subcommittee, also in the Legal Subcommittee you see, so, in that sense, for example, the German proposal is another thing, everything is in fact connected to each other. But actually, if you look at the agenda item, we are still maintaining separate items and from that point of view I think there is no justifying reason why this particular item should be regarded or considered in conjunction with others. If that will be the case then other things altogether, even in pairs or whatever, should be considered altogether. I don't think there is no satisfactory, what should I say, persuasive reasoning. So I think, as we have already agreed last year, and I also took note of the reasoning of our Russian colleague and personally I think that could be also encompassed. At the same time, whether other delegations would be able to agree on this particular expansion of the agenda item itself is not clear. So my proposal is very modest. As we have done in the past, as our good tradition, we should have just simply maintained this agenda item because we could attract very, as the Chair himself indicated, the very positive enthusiastic approach and there is no reason we should not further discuss. Therefore I am just proposing very very modest and so long as there is no clear cut objection to it, I think by our tradition in the past, we should maintain this agenda item for the next year at least. We are not proposing it for the many years, or to make it a working group, or just to simply continue the good feeling or good atmosphere of discussions for the next year. That's all.

Mr. Kai-Uwe Schrogl (Chair) Thank you distinguished representative of Japan. Russian Federation.

Mr. Gudnov (Russia) Thank you Mr. Chairman. I'd like to thank the representative of Japan for supporting our proposal. And on your question as to what this could actually involve; I already answered that question in connection with the Venezuelan proposal. In other words, not just speak on an exchange of views, but also an analysis of the non-binding instruments, and expand this review, this analysis, not

only looking at existing United Nations instruments but look at the possibility of new instruments coming from the EU, international organizations, individual States and include evaluation of effectiveness of these initiatives, their applicability by States, in States or international organizations, international community and their application in specific implementation setting.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate of Russia. Next on my list is China.

Mr. Z. Shang (China) Thank you Mr. Chairman. First of all, in the morning we asked a procedural question. But that question has not yet been answered. But the distinguished Japanese delegate put forward this question because the Japanese delegate wants us to make a decision on whether we should maintain this agenda item. But according to our understanding, that decision should be made by the Committee at its June session. Therefore, we wish to know what kind of decision we shall make. My second point is that we agreed with the distinguished delegate from Korea, that is to say we have repeatedly emphasized that the agenda item proposed by the Japanese delegation involves a lot of aspects. First, we need to have full discussion on the purpose, aim and also the scope of this agenda item before we can make a decision as to the way forward. As pointed out by the distinguished representative of Japan when we were discussing other agenda items, before we make any decisions, if there are too many uncertainties before we make any decisions, it would be very difficult for us to make any decision with a lot of uncertainties. Thank you Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) Thank you China. Next on my list, Netherlands has asked for the floor.

Mr. Oosterkamp (Netherlands) Thank you Chairman. I can be quite short. We agree with what has been said by Venezuela and Russia, and I think also by the United States, that we would like under this agenda point an analysis of the non-binding instruments, and from this point of view, that has also been said by the Russian Federation, the title is quite vague, it's the General exchange of information and that could maybe be more precise and we would also like to have this agenda point on the next following LSC next year. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you Netherlands. U.S.

Mr. Hodgkins (United States of America) Thank you Mr. Chairman. Mr. Chairman, my delegation also has some concerns about the method of work that we are using here today where we have singled out an

agenda item that was negotiated and agreed to by consensus last year for special treatment as opposed to all the other agenda items. My delegation's view is that this agenda item has yielded some very useful results and the reason that we would look at, the reason we would discuss renewing the item is if in fact we found that it was not useful. And if we are going to review the results of this particular single-issue item for inclusion next year in the agenda of the Legal Subcommittee, we should have the same evaluation for all of the other agenda items, because when we agreed to this, we did not agree that this item would necessarily be taken up in a special way. The method of work reflected in L.288 is fairly clear, it is an exchange of information. What Japan suggested, and what we support, is that we could next year have the similar exchange and then decide, as reflected in paragraph 5 of L.288, what the modalities will be for seeking a common understanding on how to promote the United Nations instruments. I think it is all very straight forward and we would really be quite disappointed and think it is a mistake to link this to, link this item to other unrelated issues, in our view. Thank you Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) Thank you U. S. Japan.

Mr. H. Hamada (Japan) I highly appreciate some other delegations and also as the U.S. delegation just mentioned. I think that there is no reason why we should just single out this issue. That is the first point, and also, we have very carefully followed Russian or Venezuelan opinions and then we are not necessarily objecting to that opinions, it could be good opinions. But this question, this item, is two tiered. In fact, as U.S. delegation rightly mentioned, we are not proposing new things, we are just trying to reconfirm that this agenda item is useful, which has been already agreed upon last year. So we are not seeking any new mandate in fact. So, in this connection, I would like to ask counter questions to the Chinese delegation, what's wrong with this? Actually, the Chinese has already agreed upon this current formula. We are going to change that framework then immediately, as the Chinese delegation mentioned, there's another problem. What's new, what would be the modality, what is the working method? But this is the next stage. We are not asking anything new. We are simply just reconfirming what we have agreed last year by consensus. This is the first point, and secondly, as I think as I said earlier, for the opinions of Russian or Venezuelan delegations that it could be a good idea, if we are going to further agree on it, if there would be additional consensus, we don't object. So what I'm proposing, anyway, we would like to confirm because a lot of countries kindly appreciate this agenda item, so

we are not going to draft a new thing, we simply just continue it. It's worth doing because of this year's good discussions. So that is all for the moment. This is our thought in the spirit of compromise and cooperation. We are proposing it as the U.S. delegation said, this is just the sort of confirmation and there is no reason why it should be mixed up with other things. And also whether we can further agree, as I said earlier, the additional mandate as is represented by Venezuela or Russia, that is all, the other countries also agree. That is what we would like to say.

Mr. Kai-Uwe Schrogl (Chair) Thank you Japan. China would like to react.

Mr. Z. Shang (China) Thank you Mr. Chairman. Since we have pointed out, we would just like to make some reactions to the questions, or maybe statements, mentioned by our distinguished Japanese delegation. First of all, we would like to point out this agenda item is really very special because in last year, during the COPUOS meeting, we agreed this agenda item would be in the LSC agenda as a single item only for one year so it is different with other agenda items. That's why we need to discuss whether we need to return it next year or not. So it is really a special agenda item. That's the first one. Also, I have to point out, we do need to seek a new mandate because the mandate for that agenda item and this year, that's why we are trying to seek for the new mandate. Not as mentioned, we are not seeking a new mandate. We are really seeking new mandate. The second one, I have to point out, in the technical presentation made by our distinguished Japanese delegation, we have seen a long vision for this new agenda item because it is mentioned. The information will be provided and they will make analysis as pointed out by our distinguished delegates sitting in this room. I need not to point out their names. We want to know this information, we are providing to whom? Who is to make analysis? Of course there are many uncertainties and issues we want to know before we can make such a decision, before we can give a new mandate. As for the other issue is, what we are going to do next, that's to be decided after we decide to maintain it as an agenda item in the LSC agenda. Thank you Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) Thank you China. Next on my list is the Russian Federation.

Mr. Gudnov (Russia) Thank you Mr. Chairman. I would like to thank the representative of Japan, Korea, China, the United States. We listened very carefully to the various comments made and we would like to say that it a question of item 14 of the agenda. It is not by chance that we repeated our proposal under 14 and not 12. We do agree entirely with what was said by the representative of China. We have the mandate to

review this question one year. And we also agree with the representative of China with what was proposed this morning as was said by Japan. The mandate covers questions that we want to review next week and then thereafter. Since we have also proposed to change the wording of this point, through the proposals from Venezuela. It would probably be better not to take a rash decision. I would agree with Korea. We don't need to rush into this. Maybe this is a proposal that could be submitted to the Committee under item 14. If colleagues agree with this proposal, it is a proposal that I believe could lead to consensus, and I am once again focusing on item 14 of the agenda. On 12, if it is approved and if there is a mandate to continue with item 12 then I would suggest that we consider the wording of this in the light of what was proposed by Chile, Mexico, Venezuela, China, Japan, the United States and Korea. That, of course, taking into account, proposals made by Germany, and I don't think we should rush into any decision for the proposal to be submitted to the Committee as a new item for the agenda of the Legal Subcommittee. Thank you.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished representative of Russia for his statement. Next on my list is the Czech Republic.

Ms. M. Smuclerova (Czech Republic) [*switches to Chinese on the recording for some unknown reason. Please search for another recording*]

Mr. Kai-Uwe Schrogl (Chair) [*recording missing*]

Mr. H. Hamada (Japan) [*starts here with:*] uneasy, well, particularly with the Chinese delegation's intervention. If I'm not wrong, what he is saying, for example, this agenda item should be special and should be treated differently while we have already agreed upon this, in adoption of this single agenda item last year. It does not matter if it is finally agreed upon this LSC or the main Committee. Once it is agreed upon, then we will continue and then certainly it is up to the delegations to confirm. But what he is saying is that if we will be asked to set up a new mandate, or the discussion for that purpose, each year would require it, so I think that will be a possible challenge for, in the past, good practice and history of this Commission. In this connection, I would also like to ask the Chair to clarify if, the Chinese delegation, if what they are saying is correct, then that same principle should be applied even to the other single agenda item like NPS and debris. In other words, if we are not going to agree upon the framework for the mandate for these things, these two single item agendas will not be continued for the next year. Am I correct?

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from Japan. I will respond to that. But next on my list is Chile. Not? Then I may ... the Russian Federation.

Mr. Gudnov (Russia) Thank you Mr. Chairman. I would like to respond to that question raised by the Czech Republic. When we look at analysis of non-binding instruments, we mean non-binding instruments that exist that have been adopted in the United Nations as well as any initiatives or any proposals from States or international organizations, to be submitted through, or that were submitted or will be submitted through the General Assembly or that they might want to have adopted, for example, draft codes of conduct even, to be submitted for review with the proposal from the Russian Federation on placement of weapons in outer space, proposals for a goodwill transparency. And these are declarations that are not legally binding but with that type of commitment, States are taking a specific legal commitment in the case of any breach there could be economic or political consequences that may be greater than any advantages, non-compliance. That's why we want to examine, existing instruments, as well as proposals, should look at effectiveness and we would want to have proposals from States as to what extent such existing or proposed instruments or defective for long-term viability of outer space activities, and for protection of outer space and to what extent it might be acceptable to have such mechanisms or proposals. Or why something may not be acceptable or relevant because of legal reasons, compatibility with national law or requirements of international law. That evaluation could then allow us to then adjust proposals and make them more acceptable, for all stakeholders in space activity and for all delegations because we believe the peaceful uses of outer space are questions to be settled not only among participants but also all States. It's difficult at present to find a State that wouldn't benefit from activities even if they're not directly involved and I hope with that I've responded to the question.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished representative of Russia, before I continue in the speakers list I think I should respond to the question addressed to the Chair by Japan, and I hope everybody remembers the question because my response will be exact and brief, and it is yes. Now let me elaborate, the working methods of both Subcommittees, the Scientific and Technical, and the Legal Subcommittees were changed and renewed in the year 1999. This was done briefly, or shortly, before UNISPACE, because everybody understood and was aware that following UNISPACE, the work of the Committee and its Subcommittees, would have to cope with and in a very much more flexible way than

they have been working in the past, because there would have been, or would be, new topics, a lot of new topics upcoming. From and emanate from UNISPACE 3. Now what has been decided was the following; based on an experience, which was a little bit different from the Scientific and Technical to the Legal Subcommittee. Some of you might recall that the Legal Subcommittee had duration of sessions of three weeks, three weeks. In the course of these three weeks only a few, three or four items were discussed, some of them we have still today. Now, this was reduced to two weeks and it was still the impression in the late nineties that there should be a completely different and new way of approaching topics in a more flexible way, in a more constructive way and also, I should call it that way, in a more courageous way, because the Legal Subcommittee was very shy and timid in taking up new items, because everybody was afraid that as soon as an item is on the agenda, you would stay with it for eternity and eventually there would be some output, which delegations would not really like to have.

So what was done for the two Subcommittees in order to change and make more flexible and renew the working methods was that two categories of items were established. The one was workplans and associated working groups, where concrete, precise mandates for a three or four year workplan have to be set out in order to discuss, in a set time frame, with a specific goal an issue. We had very good experience with this in the Legal Subcommittee where we had consecutively the Launching State Working Group, the Registration Practice Working Group, the National Legislation Working Group, and now we have with Professor Oki, the Working Group on the International Mechanisms. These are the Working Groups, workplans and associated Working Groups, but then we also said we need something where we kind of be able to test issues, where we can say we try, we are courageous, we take up an issue, but we also should be able then to say, OK it's not really fruitful, it's not an issue which should be continued to be debated and this is when we decided to have a second category, the single-issue items or discussion items. When we said they are explicitly on the agenda only for one year and then we have to decide again whether we want to extend it for another year. And this is happening today and one hour ago we decided, we made a formal decision on extending the two items on the nuclear power sources and on space debris practices. We decided here an hour ago that we extend them and make them a single issue next year again. Now, there is no automatism for a single-issue item, we have to formally decide every time, every year whether we want it on the agenda again. With these two items obviously there is no question that delegations agree on

the way we have been dealing with them and they say, delegations say, OK we continue that, we have defined the mandate some time ago, and we are in favour of having them again, but with the provision that we can stop them at any time we want.

Now, for this item, for item 12, the same rule applies, what I would say now, I don't want to close the debate, to the contrary, I think we should proceed with the discussion, is that there is a very strong support for the issue as such, that it is an important issue, that it is an interesting issue, that exchange this time was interesting and beneficial, but we also hear voices, quite a lot of delegations who say, is the mandate as it has been set out so far, is it the right one? Shall we adapt it? Shall we change something in the title? Shall we see that we adapt the mandate as such, shall we add something, shall we reduce it, shall we clarify the one or the other element in the mandate? If we don't have a consensus on, let's say, simply move it again to 2015, we simply have to discuss and find a conclusion on whether or not we have to change the mandate. What I would like to avoid is the following, that we here in the Legal Subcommittee don't find a conclusion. I would really urge delegations that we don't move it to the main Committee, because this would, well it would not really give a bad impression on our ability to find conclusions and to propose our agenda for ourselves but we need the main Committee to do that but this is completely in your hands, so I would urge you and encourage you to try to come up and discuss and find a conclusion on, if you wish, an adapted mandate so that we, at the latest tomorrow, can decide on a continuation or not, but I am confident that we will find a conclusion for this agenda item 12. Having said that I would like to continue with the speakers list and the next on my list is the United States.

Mr. Hodgkins (United States of America) Thank you Mr. Chairman. Mr. Chairman thank you also for your rendition of the history of the agenda and the way it's structured, and yes you are right each year the single-issue items need to be renewed. However, there is the political consideration here, which is under what criteria do we use to renew these items and assess whether they should be on there. My delegation, for example, doesn't believe that agenda item 8 really needs to continue to be on the agenda because there are a limited number of speakers, there really isn't much information provided. However, for political reasons, for the sake of equilibrium here in the Subcommittee, we don't object to that item. If my delegation thought that we would then be using a different criteria for considering another single-issue item that is in the case of the non-binding instruments then we would suggest that we have to go through the same process and we

would ask that other delegations respect that. My second point is that this proposal was the focus of very intense negotiations a delicate balance that was struck, many of the delegations that have intervened today were in fact part of those consultations in June and they will recall that this was very thoroughly addressed and discussed, and at no point in those discussions were there caveats raised that said well, when we finish the item at the next session of the Legal Subcommittee, we have to renew and review the mandate as reflected in L.288. The third point, at last year's full Committee paragraph 251 of document A68/20 it said the Committee agreed to include General exchange of information on non-legally binding United Nations instruments on outer space as contained in document L.288 so the we moved to L.288. What we were asked to do in L.288 is first, member States would be encouraged to exchange their views and experiences in relation to the objectives and scope of the proposed agenda item, which are identified in paragraphs 2 and 3 above, and then following such exchange the Subcommittee would discuss further modalities for seeking a common understanding. So it did not say following this exchange we would then go back and look at the modalities, that we go back and look at the mandate given to us in L.288. It was very clear that we were going to proceed in an orderly fashion. The fourth point is that in paragraph 3 of L.288 it is very specific, and again I will remind those delegations who are in the consultations that in fact paragraph 3 was important for their agreement to L.288, and that paragraph stated that the scope of the proposed agenda item would focus on 11 non-legally binding United Nations instruments on outer space, footnote 1 listed those instruments so we were very specific about what we were looking at, or other pertinent General Assembly resolutions related to the agenda of the Committee as well as non-legally binding United Nations instruments. So the L.288 as adopted in the report of the Committee was very specific on the work that we would do, on the procedure that we would follow and the instruments that we would look at. So if other delegations have ideas on other instruments they would like to look at, that should be the focus of a separate proposal. But what my delegation is suggesting that the Committee was very clear in how we would handle this agenda item and it was my delegation's expectation that in the spirit of compromise and cooperation, in the Subcommittee, that we would not be forced to have to renegotiate the entire item. Thank you Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) Thank you United States. Japan.

Mr. H. Hamada (Japan) Thank you Chairman and I highly appreciate your very consistent way of dealing with this. The structure I simply say that what

exactly the United States delegation colleague said is precise, and there is nothing more, nothing less, and that is itself already self-explanatory in answering to all the questions raised so I'm sure that what should be done is quite clear. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you Japan. Brazil.

Mr. Rypl (Brazil) Thank you Mr. Chairman, well I would like to, you know, support the statement of our colleague from Russia. I think that precisely because this item, COPUOS sorry, provides a forum for this exchange of views that we've been having here, which includes disagreements, in a sense. Or rather differing views. We should for this reason widen the scope of this single agenda item, I think we should continue but it should be widened, it shouldn't be limited to the 11 United Nations instruments that the US delegates so amply reminded us. Now the item deals with non-legally binding United Nations instruments, we have already this year had a very profitable discussion on those items right, and the value of this agenda item has been proved and justified right, however if I look back at a number of points raised on non-legally binding instruments by several delegations under different agenda items, at different moments of this session. That includes ours right, I believe the proposal advance by the Russian delegate is a very logical development. I understand also from the comments of a number of delegations that this item is a product of a consensus achieved last year, however things do change right, our reality is fortunately not static. There are new developments, new facts, new considerations that delegations would like to make on a number of different, non-legally binding instruments and to put it in a different way, this item has attracted so much interest that delegations have come to realize that they could use it to approach these different instruments such as a code of conduct, for example, but not only that, rather than limiting themselves to the eleven United Nations instruments. So I would urge you know, that this Subcommittee try to find a way out in order to maintain this item and widen its scope, because I think we only, you know, we stand to gain here. This can be a very interesting agenda item next year, and that would close basically our review.

Mr. Kai-Uwe Schrogl (Chair) Thank you. Next on my list, Russian Federation.

Mr. Gudnov (Russia) Thank you Chair. Many thanks to our Brazilian colleague for his support. I'd like to underscore what the delegates from the United States and Japan say, and I agree with them. There has been a recommendation relating to 11 non-binding United Nations documents under item 12. We shouldn't necessarily limit ourselves to

that but indeed life does develop, it moves on, and this issue reflects the very active role played by the United States and the European Union in devising this new non-legally binding instrument to regulate space activities notably the European Code of Conduct. Now given the enthusiasm and all the effort made by the European Union and the United States to devise complimentary measures and instruments governing this law, thinking about non-legally binding instruments well, I think without doubt we should address the provisions of these and discuss these with all delegations here present, rather than wait in the corridor, start making proposals in a tête-à-tête, in a huddle, and then come to kind of clandestine agreements. I think it would be very helpful if we could have that early assessment of this together. So I think the Code of Conduct and our own initiative have already been discussed in numerous bodies namely at the International Congress. These things have also been discussed at [UNIDO] and there has been very lively discussion as I'm sure you know, and the delegates also spoke then about the work done legally and a legal assessment of these instruments. That's why we tried to convey these comments we've heard in various other different fora, from different countries including the comments made by representatives from Southeast Asia and from Latin America and from Africa. I'm just mentioning some regions, I'm not going to mention particular States because if we try and make, or draw any parallels here about the relative importance of these documents, about what we expect from these draft documents and the store we put by them, and the store put by the United States, the European Union and others, and then the plans for the effectiveness of these things we think of as non-legally binding instruments, and the work to draft future conventions and the proposals made by the Russian Federation for the non-diplomatic weapons in outer space which is a sine qua non for the preservation of the peaceful use of space. If someone does not agree in saying that these proposals are actually equal in their importance to the documents laid down in this particular document then I'd be only too pleased and prepared to hear those arguments.

Mr. Kai-Uwe Schrogl (Chair) Thank you Russian Federation. China.

Mr. S. Zhang (China) Thank you Mr. Chairman. I'll be very brief. Firstly, thank you, we really want to express our gratitude to you for your clear explanation about the difference between one-year single item and multi-year agenda item. So we have to take this into account, why we just put this agenda as a single item for one year if we all agree last year it would be a multi-year workplan or agenda. Why we listed it as a one-year agenda? There must be some reason behind it,

also many colleagues referring to the document L.288. It does say we should examine the objectives and scope of this agenda first, but according to our consideration this year, do we really focus on the objective and the scope of this agenda yet? We only hear, we are interested, there are common interests to discuss but I didn't see a desire, I didn't hear any substantial discussion on the objective and scope of this agenda. So are we really following that mandate given to us last year? The second one, as for the continuation of the single-year agenda, if there is such a presumption that it will be continued automatically please give us such an example because according to our understanding every member State has the right to state its position or opinion on a single-year agenda before it was adopted, or before it was continued. Are we obliged to agree without expressing our opinion on that? Or do we have the right to state our opinion before adopting it? Thirdly, we also do hear many interesting views here in the room, including the expansion of the mandate of this agenda item, we also think many of them are very valuable because they are really focusing on the objective and scope of this agenda, which is our mandate. If we are really talking about it, we will not make such a hasty decision as to whether to continue it or not. We will focus first on its objective and the mandate. Thank you Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished representative of China. Japan is next.

Mr. H. Hamada (Japan) Thank you very much, sorry to have other interpretation, but I think I must. Well after having very carefully heard the other delegations interventions, I highly appreciate the Chair's full explanation as well as the supplemental by the United States, and I think it's quite clear as you mentioned earlier, you rightly said that in two different categories the mandate, neither mandate should be strictly required if you are going to establish new working groups. You are right, but we are not talking about upgrading this agenda item to the Working Group. That clearly responds to the Chinese point that we don't need to each year update mandate and create a new setup and so on. So that is self-explanatory and I'm also a bit concerned the way the Chinese delegation intervenes, because they seemingly rather reluctant to continue but if you are talking about expansion of the framework, then all of a sudden they become the very positive. I'm very much confused, this is my second point. So as I said earlier, I also don't, needs for the mandate have already been clearly answered. So that sort of argument should not fly. If that is not the case we have to also reconsider our positions vis-à-vis with other single-year issues such as space debris although as the Chair mentioned it's been already held before but it's not a matter of timing. It's a

matter of principle and consistency. We can't allow this traditional COPUOS with going to make a risk to create new and new precedents. We have to object to it, so with this period I would like to ask the Chinese delegation to learn more about the tradition and experience of this COPUOS, with a spirit of compromise and cooperation. And secondly, we can be, as I said earlier, flexible for the further elaboration as has been read about by Russian or Venezuelans, even Brazilians, we are rather pleased to get this sort of response because this is a positive response we think. Because of the importance of this newly created single-year issue, these countries also are even more eager to continue and further expand this elaboration of discussion. That's fine, I can personally support this movement. This is good, that actually eloquently means the importance of this single-year issue, so my bottom line, our bottom line is we would like to continue this anyway as a basis. I am sure that even Russia and Venezuelans or Brazilians will agree on it. We saw the basis, there is no point that we will further discuss whether we should further expand the framework of the discussions. I think with these considerations the way how we should further proceed is quite clear. Thank you.

Mr. Kai-Uwe Schrogl (Chair) China please.

Mr. S. Zhang (China) Thank you Mr. Chairman. Maybe my English is not so good to be understood so I may speak slowly to make myself understood, maybe to speak clearly, thank you. Firstly, I have to point out again, in my statement I mentioned some views were expressed, that are interested to expand the mandate of this agenda. This is not the opinion of China, what I said is that such kind of opinions were expressed. Is that clear? I have to make it clear. Thank you. The second one, we are really respecting our traditions here, also the tradition for the difference between one-year agenda and multi-year agenda. That's the tradition we are following. Are we obliged, I have to state again, are we obliged to accept a new agenda without any chance to express our position on it? What we are talking about is that we really need to discuss it, why are we obliged to make this decision before discussing it fully? Thirdly, I really notice that there are many interesting opinions, for example, to expand the mandate of this agenda item. If it is so, why not these opinions can be considered by the Committee? If it is so, it's really a new mandate because it is expanded. Thank you Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) I think at this stage I should make a proposal, in order also to rationalize the debate and bring it to a constructive procedure. Of course we are now in the process of discussing and it's absolutely legitimate for any

member State to this Subcommittee to express its view on a topic, and the topic currently at hand is the mandate of this single-issue item, and we have to respect that we are in a process which is normal as I pointed out in renewing the mandate of a single-issue item. We did that for these two items, I have mentioned and I think it's not useful to start reopening the debate on that, but we should now try to come to terms for this item. Now what I have understood is, that in principle the item as such has its value for practically all delegations, but there are two elements.

The first element is that we have to first discuss and see the views and objections or ideas further questions of delegations, and they have to be taken into account. They are expressed here, and we have to discuss them. Secondly, I see that these views expressed are very much related to what is contained as a mandate in L.288 so the procedure I would suggest is that we take L.288 and see whether we have to make adaptations to this mandate in order to be in a position to then come to a conclusion, if necessary, changing the mandate in an appropriate way, but then come to a conclusion to be able to adopt the continuation of this single-issue item. As I said, it's Wednesday, we still have one and a half days for that exercise and we should use it, why should we leave it to the main Committee? Which will then ask the question, why isn't the Legal Subcommittee not doing its job? But we nevertheless have to take our time, seriously consider all the objections and all the questions and ideas raised by the delegations. Is this a procedure which you would like to follow or would you have completely different ideas on the way forward? I see no objections. So I would suggest that we continue our debate on the basis of document L.288, requesting delegations to point at elements of that mandate where they would like to have changes, addenda, any kind of modification in order then to find a consensus on that basis which would allow us to adopt the issue as a single issue for 2015. Shall we proceed in that way? In order that delegations are able to get hold of that document and can briefly prepare, I would suggest to interrupt this meeting for 15 minutes so that all delegations can have a closer look, that possibly there are already ideas and draftings prepared so that we then can continue in 15 minutes with having a look on the mandate, and, as I say, possibly conclude with a consensus on that item. Is that acceptable? So the meeting is interrupted for 15 minutes.

Break

Mr. Kai-Uwe Schrogl (Chair) Distinguished delegates we resume our meeting and I think everybody has document L.288 in front of herself or himself, and I suggest that we now open the floor for

delegations who would like to propose changes to the mandate, in order to get an understanding on what, in concrete terms, should be adapted in that mandate in order then to seek a consensus by tomorrow. First on my list is Brazil.

Mr. Rypl (Brazil) Thank you Mr. Chairman. I had a number of consultations with different delegations on this proposal and we would like to ask, we are going to advance some ideas and we would like to ask whether the delegation of Japan would be willing to accommodate them, and incorporate them perhaps into a modified version of agenda item 12. In our view, the instrument, sorry, the agenda item should be expanded to include other non-legally binding instruments, an analysis of non-legally binding instruments and so the scope of documents, that should be discussed and taken up under this agenda item, would be widened and in line with the mandate that is expressed, I think, in the method of work item 5 of document L.288. We have there, it says, following such exchange of views the Legal Subcommittee would discuss further modalities for seeking a common understanding on how to promote the non-legally binding United Nations instruments on outer space in order to address contemporary challenges. Right, the Legal Subcommittee considered if its ability of establishing a working group for further elaboration of the activity under the agenda item. We believe then that this we would suggest a small modification here, basically deleting United Nations and it would read, to promote the non-legally binding instruments on outer space, and it would be perhaps a good idea to include the possibility of making recommendations to this Subcommittee in addition to, of course, considering the possibility of establishing a working group. This is what came out of our discussions and I would like to know the delegation of Japan's view on that.

Mr. Kai-Uwe Schrogl (Chair) Thank you Brazil. I suggest that we collect first delegation's views and then pass to Japan and other delegations to react on that. Next on my list is the United States.

Mr. Hodgkins (United States of America) Thank you Mr. Chairman. Mr. Chairman, the scope of this agenda item was carefully crafted a year ago because there were delegations, some who have been here intervening quite frequently, concerned that the scope of the original proposal was not narrow enough. It had been suggested that we look at non-legally binding instruments, but in order to reach consensus among delegations who are present here today, we had to narrow it to United Nations instruments and it had to be very specific as contained in footnote 1 of L.288. And the reason we had to be very specific is those delegations who were uncomfortable with this item

being very broad, wanted to know what other non-legally binding instruments are out there that the United Nations and this Committee would have competency to review, and the answer was, well, there probably are none. So now we're taking a step back on what was at that time a very important point for many delegations here in this room, so my question is what other non-legally binding instruments are we looking at? If we're making recommendations, and it changes the nature of this item from a single-issue item to something else, because in addition to renewing the mandate on the single-issue items the understanding also was that these items did not have a workplan and were not producing a specific product but merely there for the ability of member States to exchange information. So the proposals made by the distinguished delegate from Brazil, while they may make sense, they raise a lot of the same questions that we had to deal with a year ago when we agreed to this agenda item. So my delegation's strong preference is that we not reopen all of that, that we continue with the basic mandate as contained in L.288 and if there are other ideas for other discussions dealing with other instruments then certainly we would entertain a specific proposal with very specific objectives associated with it. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you United States of America. The Netherlands.

Mr. Oosterkamp (Netherlands) Thank you Chairman. In my earlier intervention I have said that the Netherlands attaches much importance to the examination of non-binding instruments and effectiveness. But I didn't want to have said to change in point 3 what has been said about the 11 non-legally binding United Nations instruments. We want to keep that as it is because that is important and from a practical point of view, we have already enough work to examine that. I only have one point which could be for consideration, the title, it attaches to the importance that we have to the effectiveness of the non-binding instruments, we would like to speak instead of general exchange of information, we would like to speak of review of non-legally binding United Nations instruments on outer space, like it's also been done at agenda point 13. I don't think that it's outside the mandate of last year. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you the Netherlands. Next speaker on my list is the Russian Federation.

Mr. Gudnov (Russia) Sorry, you say listen tentatively the discussion on L.288. We've discussed these provisions with my colleagues from different delegations. Let me say that in paragraph 2, it states, under objective and scope, it says that under this

agenda item we could conduct a detailed review in order to have this exchange of views and to think about how best we could respond to the problems currently encountered. That's the quintessence of paragraph 2 of L.288 at the moment. So it talks here not just of an exchange of views, but also about a study or a detailed study. So this is an analysis of information received and an assessment of these needs to come up with conclusions as to the final result of such a study. If one looks further on at what it says here, it says to solve problems currently encountered, so the objective of this agenda item at the moment is to look for solutions for current problems in the exploration and use of outer space. That's why we think that our proposal aiming to include in the title of this the word "analysis" thinking about the acceptable nature of such initiatives from member States, that is relating to non-legally binding instruments, their application and an analysis of the effectiveness of these when implemented to resolve the challenges currently encountered in the exploration and use of space as appears in para. 2 of L.288. This proposal we think perfectly corresponds to the mandate. Let me come back to the proposal from our Brazilian colleague, if one excludes the reference to non-legally binding instruments, if we exclude the term "United Nations", if we simply say "new non-legally binding instruments" we leave out the term "United Nations" then we could also understand that to mean initiatives, that may recall that we'd only been talking here about complimentary initiatives, which are not United Nations instruments. The authors of which intend to apply these things internationally. Well, perhaps this has not come across as I would like, I don't know, says the speaker. This is not exactly what I was trying to say. Let me repeat, we've only mentioned initiatives, the authors of which indicate that these are future international non-legally binding instruments. Let me recall the code of conduct, which is intended to be applied internationally and we would like this to be an international instrument. What's more, I take it in fact that if one leaves aside the term "United Nations" at the end of this proposal, then the sentence of paragraph 3, then this document relating to, including the initiative from the Russian Federation, which aims to avoid the use of any arms of any kind in outer space, that this could be discussed within COPUOS and the General Assembly. To the best of my knowledge the Code of Conduct also has to be assessed by the General Assembly and should lead to recommendations. Are the initiatives studied by the United Nations, are they not United Nations initiatives? Initiatives which are considered by the General Assembly, I think that such initiatives also fall under the category of other non-legally binding United Nations instruments as appear in paragraph 3 of this document, L.288.

So we think that the proposals made, that we have made and made by the colleagues from Mexico, Brazil, China and other countries correspond to the existing mandate. Even if they expand the scope and the list of documents, listed in paragraph 3 of this mandate. So let me just point out that this list of 11 non-legally binding instruments is not a closed or exhaustive, it's an open list, and we note the first word of this paragraph, that reveals that. Now, these are proposals which originate from the United Nations so this corresponds to paragraph 3 of this text, that's our opinion. If the delegates of Japan and the United States don't agree with this, well we have another proposal, we could make a proposal under item 14 to create another agenda item and to merge it with point 9, and we could also expand item 12, because developing capacity in space, of course, includes new development initiatives that develop activities in space so the proposal of the presentation of our document.

So let me say in conclusion, that we propose two options, either we agree that the proposal made corresponds to the current mandate, under item 12 of the agenda, or item 14. Under item 14 I would make a proposal to merge items 9 and 12, and we submit this proposal to the Subcommittee. Here are our two proposals. Thank you, thank you ladies and gentlemen.

Mr. Kai-Uwe Schrogl (Chair) I thank the representative from the Russian Federation for his statement and proposal, next on my list is South Africa.

Mr. T. Kotze (South Africa) Mr. Chair thank you for giving me the floor. The delegation of South Africa supports the retention of agenda item 12, on the General exchange of information on non-legally binding United Nations instruments on outer space for next year's agenda. Mr. Chair, however regarding the debate on the amendment of the mandate set out in document A/AC.105/L.288, the delegation of South Africa at this stage cannot support any such proposal as we will first have to obtain instructions from capital. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you South Africa. Are there any other delegations wishing to speak? I see Canada.

Mr. Legerden (Canada) Yes thank you very much Chair. Since it's the first time the Canadian delegation's taken the floor this afternoon, in the course of this discussion on this agenda item, the Canadian delegation has listened very attentively to all the points of view expressed and would like to express its gratitude to all delegations here present for all the points of view that have been expressed without exception. The Canadian delegation, Chair, as you mentioned a moment ago, notes that this very broad

acceptance, not to say consensus, about the need to continue discussing this item during our deliberations. On this point of view, the Canadian delegation would like to say that it being understood that this is on the agenda, and this is already the result of a compromise that was achieved with some care. So Chair we would like to repeat what was said before by the delegation of the United States, that last year some delegations saw that the original proposal perhaps went too far whereas some delegations, as we hear today, find that this agenda item should be expanded and should be much broader. Well Chair, we'd like to express our view that, the Canadian delegation would like to express its views, namely that in the spirit of compromise which characterizes the work of the Subcommittee, the agenda item should be retained and adopted as it stands for next year for further deliberation in the Subcommittee. Thank you Chair.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from Canada. Since we only have five minutes I would like to close the list of speakers and we still have Nigeria, Italy and Portugal and then we have to ... I was made aware by the Secretariat that we can continue but only in English, is that acceptable to delegations? I see no, so what does that mean, no or yes? So we will then, if this is not, if there is no consensus that we continue in English, we have to close the meeting after the three delegations I have just pointed out, Japan of course has a very very short statement then to make and then I will wrap up, and we will continue our deliberations on that item tomorrow morning. We start at 10 o'clock on that item, and we will then continue from where we stand, so nothing will be lost and we will simply continue. Now, next is Nigeria, I would like to ask you for short statements, the three delegations I just called upon. Nigeria you have the floor.

Ms. A. Raji (Nigeria) Thank you Mr. Chair. After listening to the various interventions by member States here I thought I should come up and make this statement, Mr. Chair in our previous statements to this this Subcommittee Nigeria noted the necessity to consider the legal significance and role of non-legally binding instruments in the progressive development of international space law. It is for this reason that Nigeria welcomed the Japanese proposal at the fifty-second session and co-sponsored it.

In the negotiations leading up to the consensus reached by the Committee at its June 2013 session delegations will recall that the Japanese proposal had in fact included the need to have a working group associated with this item. Various statements by member States which have been made on this item at this session of the Subcommittee all indicate that it is

necessary for the Legal Subcommittee to continue its deliberations on this item, my delegation is therefore of the view that these developments and the debate at this session of the Subcommittee make it timely for the Subcommittee to consider and approve the establishment of a working group under this item in the framework of a workplan beyond general exchange of information, the working group, if established, would examine the information to be collected based on the questionnaire and other methods the member States may deem appropriate. Towards the adoption of a report of the Subcommittee detailing the varied practices of States in formulating adopting and implementing these non-legally binding instruments. I thank you Mr. Chair.

Mr. Kai-Uwe Schrogl (Chair) Thank you Nigeria. Italy.

Mr. Colapinto (Italy) Thank you Mr. Chairman. We have had this afternoon a very interesting discussion that has once again clearly shown the interest of the membership on this agenda item, even though there are different opinions, different views, in this regard we would like to support the Japanese proposal to extend the discussion of this agenda item even next year, in the next session of the Legal Subcommittee but we want also to join what has been said by the distinguished delegations of the United States and Canada, underlining the importance to keep the mandate as it was agreed upon last year.

Mr. Kai-Uwe Schrogl (Chair) Thank you Italy. Portugal.

Ms. M. E. Goncalves (Portugal) Thank you very much Mr. Chairman. As we had said yesterday, we considered this item very important, even critical new item of the work for this Legal Subcommittee so we are quite concerned with rendering the work of the Legal Subcommittee on this item effective. It is, in fact, a new item and we would be quite concerned if the mandate of this item will be broadened beyond the United Nations non-legally binding instruments. We would favour that at least the first, at least when this item is first addressed that it is focused on the European Union and the United Nations instruments as indicated in the document L.288. Just an additional comment, a number of delegations yesterday, I suppose and even today, showed their interest in addressing these non-legally binding instruments, somehow in connection or not losing sight of their relations with treaties, the hard outer space law and if we lose sight, if we introduce different kinds of non-binding instruments, non-United Nations instruments, I'm really concerned that we lose sight of the essential and compare what is not so easily comparable. Especially when we are starting the study of this matter. I would

also agree with the suggestion by the Dutch delegate of replacing “an exchange of information” in the title by “review” of the non-legally binding United Nations instruments, I think it would, in a way, broaden the scope but not the object, but the kind of the analysis that can be incorporated in this work by our Legal Subcommittee, thank you very much.

Mr. Kai-Uwe Schrogl (Chair) Thank you Portugal. Japan.

Mr. H. Hamada (Japan) Once again thank you very much Chairman. I really appreciate your excellent Chairmanship in this regard. This juncture on behalf of the Japanese Government, I'd like to express our sincere thanks to all delegations who kindly expressed their appreciation and also the support to our proposals. Having said that, we are doing this not because this will eventually be good for Japan itself. We are with the view that this agenda item will eventually contribute to everybody, every single country who are the member of this COPUOS, with a spirit of cooperation and compromise as I said earlier, and having said that, while I noted with a pleasure and also surprise that no single country has ever floated the idea that this agenda item is no meaning, or it's a waste of time and we should get rid of it next year. But instead, all countries said anyway this is very important, it was talking about and we'd better continue to discuss. There we can see the clear cut consensus or the common sharing of the views. I'm very glad to witness this and having said that we also welcome the very constructive way of tackling with this issue mentioned by Brazil, Russian Federation and also Venezuela and Mexico and so on to even widen the scope of this agenda item. As far as we are concerned, we are not in a position to object to that end, on the condition of consensus, as I said earlier, will finally emerge so this is where we are. But at the same time we'd like to remind all delegations to not hastily proceed even if we think this is important, but we shouldn't that much in a hastily tackle with a new frontier, because this is only the first year and we are gratifying that all countries in this room appreciate the meaning of this agenda item and they kindly supported our idea. Anyway, we will further go on, to continue so I think this is the bottom line, and whether we will further elaborate the framework or not I just would like to leave it to the consensus of other delegations. Having said that, thank you very much once again Chair. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you distinguished delegate from Japan, I will now adjourn this meeting of the Subcommittee and as I told you we will start at 10 o'clock with consideration of this item, the proposals to the Committee on new items for consideration by the Subcommittee. It is clear that we

have still some way ahead of us to reach a consensus and to reach an understanding, but as you are aware we now have not so much time. It's getting bright early so I invite you to be here already before 10 o'clock so that you can continue to lead informal consultations so that we are well prepared for our discussions. I have an urgent request for the floor by the Russian Federation but I would invite you to be very brief, please.

Mr. Gudnov (Russia) I can be very brief Chairman. I'd just like to ask if, I'd like to ask if you now think about the enlargement or expansion of the mandate. Our proposal is within the mandate as proposed by Venezuela and Brazil and I'd like to draw you attention to three which refers to new non-legally binding instruments. It's an open-ended list and not limited to the 11 instruments alone so perhaps everybody can think about that tonight and think about all these new questions understanding that our proposal does not go beyond the current mandate, and that's why I'd like your current view on this matter, do you want our proposal under item 14? If the proposal doesn't fit under 12 it could be raised under 14. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you Russian Federation. We will come back to that tomorrow, we will start with agenda item 14 where all these items will be put on the table, it will be the last consideration of agenda item 14 so we have to try to find a conclusion of that debate. Time permitting tomorrow morning, I will then suspend our meeting so that the Working Groups on the status and application of the five United Nations treaties on outer space and on matter relating to the definition and delimitation of outer space can hold their final meetings with a view to adopting their reports. Time permitting, we will then reconvene to conclude our consideration of agenda item 6, Status and application of the five United Nations treaties on outer space with a view to endorsing the report of the Working Group on the status and application of the five United Nations treaties on outer space contained in document A/AC.105/C.2/2014/TRE/L.1. Time permitting we will also conclude our consideration of agenda item 7a, the definition and delimitation of outer space with a view to endorsing the report of the Working Group on the definition and delimitation of outer space contained in document A/AC.105/C.2/2014/DEF/L.1, are there any questions or comments on this proposed schedule? I see none, finally I would like to remind delegations that the European Space Policy Institute will host an evening seminar tonight at 6:30 followed by a reception on the theme, Earth observation data as the source and keeper of regulation. The seminar and reception will be held at SP premises at Schwarzenbergplatz 6, with entrance on

COPUOS
Page 18

Zaunergasse 1-3 in the 3rd district here in Vienna,
U-Bahn stop Karlsplatz. Invitations have been
distributed last week in the pigeon holes.

The meeting is adjourned until 10 a.m.
tomorrow.