

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

Script

908th Meeting

Monday, 20 April 2015, 3.00 p.m.

Vienna

Chairman: Mr. K-U Schrogl (Germany)

The meeting was called to order at 3.19 p.m.

The CHAIRMAN: Good afternoon distinguished delegates, I now declare open the 908th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This afternoon we will begin our consideration of agenda item 10, 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.

We will continue our consideration of agenda item 11, General Exchange of Information on Non-Legally Binding United Nations Instruments on Outer Space, and we will continue and hopefully suspend our consideration of agenda item 12, Review of International Mechanisms for the Cooperation in the Peaceful Exploration and Use of Outer Space, pending the work of the Working Group under this item.

We will then adjourn the plenary meeting so the Working Group on International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space can hold its third meeting.

Now let me explain what I would like to do this afternoon, further to just calling on these three items.

First, we will hear statements on agenda item 10. Then we will turn to agenda item 11. To remind you, agenda item 11 is the general exchange of information on non-legally binding United Nations instruments on outer space.

I do not have any speaker so far inscribed on my list so what I would like to do under this item is the following.

You all have received CRP.24 which is “Questionnaire on General Exchange of Information on

Non-Legally Binding United Nations Instruments on Outer Space: Submission by Japan”, and Japan has already introduced this CRP.24 under this item in the morning. What I would like to do now, this afternoon, after we have done agenda item 10, is to discuss with you CRP.24 in more detail in order to know how we will do business under this agenda item next year if you decide to continue with that agenda item next year.

So please be aware that in a few moments after we have heard the statements on agenda item 10, we will go into a detailed discussion of CRP.24.

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 (agenda item 10)

With that, I would now like to begin our consideration of agenda item 10 and the first speaker on my list is Chile, on behalf of the Group of 77 and China. You have the floor.

Ms. T. ALVAREZ (Chile): Thank you Mr. Chairman. The Group of 77 and China considers that the future of space activities largely depends on the mitigation of space debris. This topic should continue to be treated as a priority with the view to further increase research in the areas of technology for space debris observation, space debris environmental modelling and technologies to protect the space systems from space debris and to limit substantially the creation of additional space debris.

In this regard, implementation of the Space Debris Mitigation Guidelines is of the utmost importance. The research in the areas of technology to be carried out and its possible outcome would improve the Guidelines and keep them up-to-date with new techniques and capabilities of detection and reduction of space debris, in accordance with resolution 62/217 of the General Assembly.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished delegate of Chile speaking on behalf of the Group of 77 and China.

Next on my list is the distinguished delegate of Japan. You have the floor.

Mr. A. UETA (Japan): Thank you Mr. Chairman. Mr. Chairman, distinguished delegates, on behalf of the Government of Japan, I am pleased to address the fifty-fourth session of the Legal Subcommittee of COPUOS regarding domestic mechanisms used by Japan in the mitigation of space debris activities.

Mr. Chairman, enshrined within Japan's Basic Space Law, enacted in May of 2008, is the notion that space exploration and utilization should be carried out with consideration for the preservation of the space environment. The Basic Plan for Space Policy, renewed in January 2015, also states that we will work towards improved outer space utilization environment through measures such as developing technologies to remove existing large debris.

The Japan Aerospace Exploration Agency, JAXA, which plays a core role in Japanese space activities, established the JAXA Space Debris Mitigation Standard in 1996. The current version of the Standard complies with the United Nations Space Debris Mitigation Guidelines, adopted by the General Assembly in 2007, and with the ISO 24113 Space Debris Mitigation Requirements, established by the International Standardization Organization, or ISO, in 2010.

Mr. Chairman, in JAXA's domestic mechanisms for space debris mitigation, spacecraft and launch vehicle design and operation plans are reviewed at the end of each development phase to ensure compliance with the JAXA Space Debris Mitigation Standard and eventually with the United Nations Space Debris Mitigation Guidelines. These technical reviews are conducted and confirmed at the managerial level.

In accordance with the United Nations Space Debris Mitigation Guidelines and the ITU Recommendations, all Japanese commercial and JAXA geosynchronous satellites have been transferred outside of the protected region for the geosynchronous Earth orbit, or GEO, to preserve the GEO region. Concerning spacecraft operated in the low-Earth orbital, or LEO, region, JAXA will terminate spacecraft operations once the propellant is ensured to be sufficient to conduct disposal manoeuvres in order

to reduce its orbital lifetime within 25 years or by using natural force to limit the spacecraft's orbital lifetime and to comply with the United Nations Space Debris Mitigation Guidelines.

Furthermore, in order to avoid collisions among operating satellites and other objects, JAXA analyzes collision probability daily using its own tools and those provided by the United States via Close Approach Notifications and will conduct collision avoidance manoeuvres if necessary.

Ground safety from re-entering objects is also being considered. I am pleased to be able to present recent examples of the successful controlled re-entry of mission-terminated space systems. In 2013, Japan successfully conducted a controlled re-entry of the second stage of the H-IIB Launch Vehicle No. 4 and its payload, the fourth H-II Transfer Vehicle, HTV, known as KOUNOTORI.

Mr. Chairman, Japan is engaged in research and development work in cooperation with universities. Current research focuses on technologies for observation of smaller objects and protection from impact of small debris, and active and efficient removal of mission terminated spacecraft. Active removal is especially important because collision among debris, followed by a chain reaction of collisions, will become a dominant factor leading to an increase of debris in the future. In addition to this issue, we recognize that there are several issues which need to be solved by international cooperation in the near future.

Mr. Chairman, we encourage all member States operating and launching satellites to report their status of implementing the United Nations Space Debris Mitigation Guidelines domestically as it will contribute to improving transparency and confidence-building among member States.

Thank you for your kind attention.

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

Next on my list is the distinguished delegate of the United States.

Mr. B. ISRAEL (United States of America): Thank you Mr. Chairman. The United States is pleased that the Legal Subcommittee is continuing to exchange information regarding mechanisms related to space debris mitigation measures.

The United States has long recognized the importance of managing the creation and effects of space debris, and those United States Government departments and agencies that participate in, and licence, outer space activities have a robust framework of statutes, regulations and internal policies that take into account space debris mitigation from the design stage of a satellite or space launch system to its end-of-life disposal. We provided a detailed overview of United States mechanisms during the forty-ninth session of the Legal Subcommittee and presented an update during the last session. At the fifty-third session of the Subcommittee, we were pleased to contribute a description of the complex set of the laws, regulations and policies the United States uses to implement the debris mitigation to the Compendium of Space Debris Mitigation Standards compiled by Canada, the Czech Republic and the German Aerospace Centre.

Mr. Chairman, please allow me to briefly summarize the approach of the United States and I will refer interested delegates to the Compendium for greater detail.

Central to the debris mitigation efforts in United States Government missions are the United States Government Orbital Debris Mitigation Standard Practices, which many will recall served as the basis for the Space Debris Mitigation Guidelines developed and adopted by the Inter-Agency Space Debris Coordination Committee, the IADC, in 2002, and the United Nations COPUOS Space Debris Mitigation Guidelines, approved by the United Nations General Assembly in 2007. The 2010 United States National Space Policy directs the United States Government departments and agencies to “continue to follow the United States Government Orbital Debris Mitigation Standard Practices, consistent with mission requirements and cost effectiveness, in the procurement and operation of spacecraft, launch services, and the conduct of tests and experiments in space.” Notably, the National Space Policy requires that the head of the sponsoring department or agency approve any exceptions to the United States Government Orbital Debris Mitigation Standard Practices and notify the Secretary of State. NASA, the Department of Defence, the United States Geological Survey and the National Oceanic and Atmospheric Administration all carry out this guidance pursuant to applicable laws that are passed by the United States Legislative Branch and then enacted into law by the President.

In addition, those agencies that licence commercial satellites have requirements in their

licensing procedures that are intended to limit the creation and impact of space debris and these requirements are often complementary. The Federal Aviation Administration licences commercial launch and re-entry under the Commercial Space Launch Act, and addresses debris mitigation through its regulations and licensing procedures. In this regard, it is noteworthy that the 2013 United States National Space Transportation Policy directs the Secretary of Transportation to address orbital debris mitigation practices for United States-licensed commercial launches through its licensing procedures.

Mr. Chairman, I would like to offer some observations about why we and others invest so much in debris mitigation measures.

The United States is proud of its pioneering role and leadership in orbital debris mitigation. In 1995, NASA became the first Space Agency in the world to issue a comprehensive set of orbital debris mitigation guidelines. NASA is a founding member of the IADC and has played a leading role in discussions of space debris mitigation in the IADC, and in the Scientific and Technical Subcommittee of COPUOS since the topic became a standing agenda item in 1994. In the IADC, NASA continues to play a lead role in researching and developing relevant technical standards. This work will continue to inform the Scientific and Technical Subcommittee so that the United Nations Space Debris Mitigation Guidelines can be updated as appropriate.

We are encouraged that a number of States and intergovernmental organizations have developed debris guidelines and believe that the implementation by even more spacecraft operators is vital to the safety and long-term sustainability of space flight.

But let me explain why the United States takes these measures and makes these investments in debris mitigation. We do not do so out of a sense that they are legally required. Rather, we do so because of our strong interest in the safety and long-term sustainability of space activities and our judgment that these practices represent sound approaches to debris mitigation.

This distinction is important because we sometimes hear the view expressed that the solution to the debris challenge is to transform technical debris mitigation guidelines into international legal obligations. Based on our experience, we believe that States are motivated first and foremost by enlightened self-interest in the safety and sustainability of space activities. We do not believe that the force of legal

obligation is necessary for States to take measures to mitigate debris.

As delegations are no doubt aware, approaches to mitigating debris are linked to evolving technologies. As technologies change, so do the available methods for debris mitigation, as well as the cost-benefit trade-offs of doing so. Given the evolving technical aspects of debris mitigation and the practical economic reality that existing platforms cannot be replaced overnight, we do not see the wisdom in ossifying debris mitigation standards into international law at this time.

Safety and sustainability in space are of paramount importance for the United States and we will continue to support international cooperation to further debris mitigation technology and techniques wholeheartedly.

Thank you, Mr. Chairman, and we look forward to continued discussions on this item.

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

Next on my list is the distinguished delegate of the Czech Republic.

Ms. M. SMUCLEROVA (Czech Republic): Thank you Mr. Chairman. Mr. Chairman, distinguished delegates, the Czech Republic has been a steady proponent of the consideration of the issue of space debris in both the Legal Subcommittee and the Scientific and Technical Subcommittee of the COPUOS. The proliferation of orbital debris poses an important and indiscriminate threat to all spacecraft and space activities. The overall amount of space debris and of active objects in orbit continues to increase which augments the risk of accidental collisions on the already congested orbits. Mitigation of space debris is the prerequisite of secure and sustainable access and use of outer space.

The international awareness of the orbital debris problem increases. Individual States and international organizations adopt today adequate regulations to limit the space debris during space operations and to set risk reduction measures in the case of re-entries of space systems into the Earth's atmosphere.

Mutual information exchange on legal mechanisms for space debris mitigation constitutes a highly important topic for the Legal Subcommittee. In order to strengthen the international endeavour to

address in an efficient and pragmatic manner this major space security risk on a universal level and all encompassing viewpoint should be considered.

Space debris mitigation is an exemplary interdisciplinary issue requiring both legal and technical expertise. Thus, current deliberations of the Working Group on the Long-Term Sustainability of Outer Space Activities of the Scientific and Technical Subcommittee might contribute significantly to our legal debate.

Similarly, normative developments in other fora, any national legislations given rise to important standards and best practices should be taken into account in our work.

In order to move forward globally on this file, the compilation of existing norms and knowledge of current mechanisms of space debris mitigation is fundamental.

The Czech Republic would like to take this opportunity to thank the Office for Outer Space Affairs and other COPUOS member States and the European Space Agency for their excellent cooperation in creating the Space Debris Compendium, initiated together with Canada and Germany.

In providing an overview on the current normative framework of space debris mitigation measures, we believe the Compendium can be a reference for the national legislator wishing to enact or develop similar standards as well as an underlying source for the consideration of space debris mitigation in general.

We would like to reiterate in particular our sincere appreciation to the United Nations Office for Outer Space Affairs for establishing a dedicated webpage for the Compendium and for further maintaining the document.

The Czech Republic would kindly like to invite other member States and international organizations to consider providing information on their new or updated space debris mitigation mechanisms for the Compendium in order to allow the Compendium to evolve into a living and constantly updated reference document.

We would like to remind that even States that have not yet adopted any national space debris mitigation measures are very welcome to submit a national profile for the Compendium as an indication of non-adoption of national mechanisms is a valuable

piece of information for the international space community. Besides, the Compendium template contains questions referring to international mechanisms that every State can address.

We hope that all States and organizations will join in the effort to ensure the long-term sustainability of outer space activities.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished delegate of the Czech Republic for her statement.

Are there any other delegations wishing to speak?

I see the Russian Federation.

Mr. V. M. GUDNOV (Russian Federation) (*interpretation from Russian*): Thank you very much Mr. Chairman. Chairman, ladies and gentlemen, despite the fact that agenda item 10 is devoted to a general exchange of information and views on legal mechanisms relating to space debris mitigation, many have referred to the withdrawal or removal of space debris. The congestion of space and the ongoing threat of an arms placement in space is clearly one of the essential elements that has a direct impact on the possibility of making use of space for peaceful purposes.

In the Russian Federation, we attach the utmost importance to finding a solution to the problems that is reducing the congestion of outer space. These efforts are undertaken in the context of our legislation that is in force related to space activities, taking into account the inclusion of tangible measures, specific measures, such as the work undertaken by other space agencies and organizations related to space activities.

A specific number of recommendations have been adopted by the international community in order to reduce and mitigate space debris and these have been implemented into Russian national legislation and in national standards and norms. A number of norms and standards have also been expanded upon and completed. To date, we use these in order to create space technology examples and in order to evaluate the various space operations.

We stand ready to cooperate in this area, space debris mitigation and reduction of space congestion. These are two different problems.

As regards the reduction of space debris, matters may be more or less clear, as they currently stand. We are slightly more concerned by the resolve of certain participants involved in space activities to set up their own, that is outside of the United Nations context, their own legal basis that is outside of the United Nations context in order to reduce space debris, that is without taking into account other legal aspects and technical aspects too.

We believe it is essential to establish a concept in order to implement a general concept for the reduction of space debris and for the active elimination of space debris including through the establishment of a legal and economic analysis of the various possibilities or feasibilities for undertaking such an operation. Developing proposals on the methodology and means required as well as international legal regulation for the various procedures used for the reduction and elimination of space debris. The space installations or devices of the various launching stages of spacecraft, small- and medium-size fragments thereof.

Equally there is a need to assess the increase in the parameters of the congestion of near-Earth orbit which is the result of an increased level of activity in space in conditions. There is a need for specific measures to be adopted in order to eliminate space debris. And here, of course, one might envisage various options, various proposals, for example, to be addressed within the Scientific and Technical Subcommittee, but each and every one of these variants will require a legal analysis and we are of the view that these operations can only be based on a legally binding document because they are directly linked to the issue of liability for damages in the course of space activity.

The valuation of such activities from a legal perspective demonstrates that the implementation of technology for the forceful removal or withdrawal of space fragments requiring detection operations for the selection of the fragments for removal requires the use of operations for the elimination of such fragments as part of a removal operation. This gives the possibility for many violations of the applicable principles and standards enshrined in international law. Removal of space debris, even non-functioning space objects concerns the legal status of space objects and this is also closely linked with the property rights over space objects, the issue of licensing and then State ownership when such non-functioning objects and space debris fragments are being removed. It is our strongly held belief that these kind of space operations cannot be carried out until such time as applicable presumptions

have been created so international agreements, contracts and legal mechanisms for notification and exchange of data and regulations for transparency for carrying out such operations that have been approved at the international level.

We also believe that for the conducting of such operations, it is necessary to have a high level of trust and international and mutual understanding between States. For that reason, we are sometimes concerned at the fact that people are making deductions as to the existence of a legal basis for such operations, legally non-binding.

As we already said, and we repeat this once again, it is our strongly held belief that operations involving removal of space debris can only be carried out on a legally binding basis and all proposals need to be discussed here in this forum.

Thank you.

The CHAIRMAN: I thank the distinguished delegate of the Russian Federation for his statement.

Are there any other delegations wishing to speak?

I see South Korea. First South Korea and then the Netherlands.

Mr. Y. LEE (Republic of Korea): Thank you Mr. Chairman and good afternoon to everybody.

My delegation also shares the grave concerns regarding space debris and space congestion.

Mr. Chairman, I would like to confirm that the Republic of Korea to a great extent practicably, or the operator to consider observing the mitigation rules international _____(?) and universally applicable(?).

Mr. Chairman, developing countries, including the new space-faring countries sincerely need some substantial cooperation from advanced space powers to contribute to this end by way of technical assistance and technical transfer in these fields.

Mr. Chairman, my delegation is also sharing the remarks made by the distinguished delegate of the United States in terms of the creating of a space debris some international legal obligations should not(?) be imposed on the country concerned. However, Mr. Chairman, we, to a certain extent, are sharing the legal concerns in terms of the removal of space debris in the

near future but we believe this issue should be also taken up by this Subcommittee to consider what legal methods would be to be discussed in this field, including the confidence (competence?) and jurisdictional matters and the procedures for the application of space debris removal measures.

But, however, in this manner, I want to believe that we not yet to make some legally binding agreement on this matter but also some _____(?) legal systems based on the basis space treaties we can proceed on the matter of _____(?) sensing and the contract or some bilateral and multilateral approaches.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished representative of the Republic of Korea.

Next on my list is the distinguished representative of the Netherlands.

Mr. H. VAN DEN OOSTERKAMP (Netherlands): Thank you Chair. The Netherlands attaches much importance to the mitigation of space debris and we also welcome very much the establishment of the Space Debris Compendium to which we have also contributed but we also think this Compendium could be a starting point for an international regulation. We think that would be good to have as a final outcome and it could also be discussed in the Legal Subcommittee but, for instance, lacks at the moment its legal obligation not to create space debris. We think that would be important for the future.

Thank you.

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

Any other delegation wishing to speak?

Yes, Canada.

Mr. C. SCHMEICHEL (Canada): Thank you Mr. Chairman. Space debris has certainly become a major concern in relation to access to and use of outer space and the protection of space assets. International collaboration discussions and exchange of information are increasingly essential to efficiently address this problem globally. For several years now, the United Nations COPUOS has provided a useful forum to pursue dialogue among space actors on this

topic, both within this Subcommittee and within the Scientific and Technical Subcommittee.

We have also taken note of the work outside the United Nations, namely within the IADC and the International Organization for Standardization and encourage continued exchange of information on measures designed to mitigate space debris.

Mr. Chairman, Canada supports the development of international non-binding principles and guidelines to address space debris mitigation. Such non-binding mechanisms can be concluded and changed rapidly. They can provide maximum flexibility and are readily adaptable to new technological and situational substantive instances.

Canada continues to believe that a non-binding approach can be effective and benefit all nations if implemented domestically through policy, regulation and standards. Since the adoption of Guidelines by the IADC in 2002, and the ISO Standards, progress has been made in the design, construction, operation and de-orbiting of space objects. Canada hopes that the Compendium on Space Debris, circulated at last year's session, will help further strengthen the application of the United Nations Space Debris Mitigation Guidelines. Canada is pleased that the Compendium has found a home on the website of the Office for Outer Space Affairs and we encourage all States to provide their input into the Compendium in order to further strengthen the value and effect of this resource.

Mr. Chairman, Canada is of the view that the United Nations Space Debris Mitigation Guidelines, together with the IADC Guidelines and the ISO Standards, constitute a roadmap that can lead States in a direction that will prevent the perpetuation of the current debris situation, in both the low-Earth orbits, where the problem is more crucial and urgent, and in the geostationary orbit.

In closing, the Canadian delegation would like to reiterate the importance of international cooperation and dialogue among space actors to identify areas of concern and advance solutions to the space debris issue.

Thank you Mr. Chairman.

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

Any other delegation wishing to speak?

I see none.

We will, therefore, continue our consideration of agenda item 10, 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, tomorrow morning.

General exchange of information on non-legally binding United Nations instruments on outer space (agenda item 11)

Distinguished delegates, I would now like to continue our consideration of agenda item 11, General Exchange of Information on Non-Legally Binding United Nations Instruments on Outer Space.

So far I do not have any delegation on my list. Are there any other delegations wishing to speak?

I see none.

So we will proceed as I announced at the beginning. We will take CRP.24 and discuss the approach on this agenda item based on this document submitted by Japan.

I give the floor to Japan to provide us with a short introduction and background to this document.

Mr. A. UETA (Japan): Thank you Mr. Chairman. Mr. Chairman and distinguished delegates, as Mr. Chairman kindly explained and we made our statement this morning, the delegation of Japan circulated the Conference Room Paper 24 this afternoon.

I am pleased to introduce this Conference Room Paper, CRP.24, Questionnaire on General Exchange of Information on Non-Legally Binding United Nations Instruments on Outer Space, by taking the floor again.

As introduction, this document contains a questionnaire according to which member States are invited to provide information in which concrete ways and manners respective normally very binding United Nations instruments on outer space have been implemented.

Based on the intersessional informal exchange of views with several member States of the Committee since the 2014 session of the Legal Subcommittee, the list of non-legally binding United Nations instruments to be considered for the discussion under this agenda

item has been streamlined for the purpose of more efficient and effective discussion which will eventually produce useful results. In streamlining the list, our delegation especially aimed at avoiding the possible duplication of the subject matter to be discussed and selecting more relevant subjects in accordance with the current status of the peaceful exploration and use of outer space. As a result, we focused on the non-legally binding United Nations instruments as shown in the following back pages, a template of the questionnaire. This template was developed to collect information on the different mechanisms adopted by States in order to take the necessary measures related to the non-legally binding United Nations instruments, listed below, and also this template refers to the template of the Compendium of the General Exchange of Information and Views on Legal Mechanisms Relating to Space Debris Mitigation Measures in order to ease the work of member States.

The instruments, number one, is the declaration of international cooperation in the exploration and use of outer space for the benefit and in the interest of all States, taking into particular account the needs of developing countries.

Number two, principles relating to remote sensing of the Earth from outer space.

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

Number four, resolution 1721B of 20 December 1961. It is about registration of launchings.

Number five, other non-legally binding instruments on outer space.

We would like to ask you to choose some of the aforementioned instruments and provide us with respective information of your State related to their instruments by using the format of this template in order to guarantee comparability.

In our profile, we have three kinds of questions, and the first one is about national mechanisms. Please provide a title of your national mechanism that takes necessary measures related to each aforementioned instrument and as a description, please indicate the type of national mechanism, for example, national laws, regulations, national space agency policy, industrial standard. For each national mechanism identified, please indicate the specific measures by which the relevant authority controls and supervises such mechanisms, for example, licence, permit, internal regulations, contract, etc. Please also

indicate the name of the relevant authority in charge of such licence or permit or internal regulations.

And finally, as a reference, please provide a web link to the text of the referenced national mechanism, where applicable, or a copy of this. And we would appreciate it if you could provide any feedback to the questionnaire and also we would like to invite any member States to provide information responding to the questionnaire in the next session of the Legal Subcommittee.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished delegate of Japan for this introduction and I suggest we proceed in a systematic way. The first question will be, do you want to continue to discuss this item next year? As you are aware, this is a single issue item and we have to decide every year whether we continue with this item.

Second point is whether or not you want to proceed and base the discussions, if so decided for next year, to base that on a questionnaire, yes or no?

If you decide that there should be a questionnaire, then the third question or the third issue we have to discuss will be how this questionnaire will look like.

So let us proceed in that order.

The first question, do you want to discuss this item further next year?

May I invite comments?

If there are no comments, I guess I would take it that you want to continue.

Brazil would like to say something.

Mr. A. J. RYPL (Brazil): Thank you Mr. Chairman. Very briefly. We feel this is a welcome proposal in the sense that it will allow us to continue discussing this issue and again we have been seeing here that there is the interest of several delegations to make progress in the negotiation and development of new items, both legally binding and non-legally binding. This discussions refers to non-legally binding. And, as we heard this morning from the observer of the European Union, we are expected to have a Diplomatic Conference to discuss the International Code of Conduct next July so this may be an item that the Subcommittee might like to discuss

next, depending on what the outcome of this Diplomatic Conference is and this item would allow us to discuss this somehow. So I think this is a sound proposal and we support it.

Thank you.

The CHAIRMAN: Thank you Brazil.

Is there any delegation wishing to speak?

Yes, let us continue with the list of speakers.

The Republic of Korea.

Mr. Y. LEE (Republic of Korea): Thank you Mr. Chairman. My delegation in principle is in favour of the continuation of the discussion on this item of the agenda under the conditions following it. First, the conditions are the management of this item of the agenda should not(?) be view to the post(?) some pure review of observance of member countries on the non-legally binding instruments. Second, not to be excessively burdensome for member countries for submission of the relevant information. The third point should be the collector of the information on this matter should be the United Nations Secretariat. Under these conditions, we are in principle to support the continuation of this item of the agenda.

Thank you.

The CHAIRMAN: I thank the Republic of Korea for this statement.

Next is China.

Mr. Z. SHANG (China) (*interpretation from Chinese*): Thank you Mr. Chairman. First of all, I would like to raise a point of order issue. As I understand it, last year, when we added this issue, this item, the first thought is that we are going to have a discussion on this issue this year which means we are going to discuss the scope of documents and possible results of the work and as a next step, we are going to decide whether to discuss this issue further or not next year. So, first, if we are not answering the question of whether or not we are going to discuss this issue next year, then we make another decision, it is very difficult for us right now.

Now let me switch to English.

(*Continued in English*) What I want to say is that if we did not, you will start discussion under this item on the scope of it and the possible outcome. I

mean before the discussion we have to make a decision whether we continue to discuss it next year or not. It would be a very difficult question for us. So may I suggest we discuss about the questionnaire and the possible outcome first and then we make a decision whether we continue it next year or not.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the distinguished delegate of China for this statement.

We will not take a decision anyway on continuing or not. This will be done under agenda item 13 anyway so with regard to your point of order, I can assure you that a decision will not be taken there. I just wanted to sound out what the interest of the delegations is and we will certainly then start discussing the substance of the issue and, based on that, you can take your decision under agenda item 13.

Next on my list is France.

Mr. J. MARIEZ (France) (*interpretation from French*): Thank you Chairman. Mr. Chairman, distinguished delegates, distinguished colleagues, my delegation would like to lend our support to Japan's initiative. We would also like to respond possibly to the two questions that were put to continued consideration of this within the Legal Subcommittee. We believe that looking at ways in which the different non-binding instruments are implemented internationally is an excellent addition to the work of this Subcommittee.

I would like to thank Japan for the very important work, major efforts to put together this simplified questionnaire which was circulated today. The French delegation will, of course, be responding to that questionnaire in the very near future.

Thank you.

The CHAIRMAN: Thank you France.

Any other delegation wishing to speak?

Yes, the Czech Republic.

Ms. M. SMUCLEROVA (Czech Republic): Thank you Mr. Chairman. The Czech Republic would like to commend the initiative of Japan in the framework of this new agenda item. We acknowledge especially the effort by the Japanese delegation to streamline the questionnaire and to focus on only selected international non-legally binding documents in

order to avoid duplication with other initiatives and agenda items. We hope that this optimized version of the questionnaire could serve to provide important information about national implementation measures adopted by States and to further understand the effects and role of soft law in international space law.

Thank you.

The CHAIRMAN: Thank you Czech Republic.

Any other delegation wishing to speak?

Mexico. Rosa Maria, I am sorry. I apologize.

Ms. R. M. RAMÍREZ DE ARELLANO Y HARO (Mexico) (*interpretation from Spanish*): Chairman, I know that you are unable to see clearly from you are sitting. Chairman, I do not want to take up much time but we just wanted to indicate our agreement with what France said. Continuing with this agenda item is important. I would like to say that my Administration is currently preparing work of this, as we have already informed you, and we have included provisions that are contained in non-binding instruments such as, for example, the space debris measures.

Thank you.

The CHAIRMAN: Thank you Mexico.

So this tour de table showed on a completely non-binding basis that there is an interest under conditions to continue with this topic, with this item, but the decision will only be taken under agenda item 13. So it is worthwhile to look into the question of how we will do our business, on which basis we should do our business next year. And there we have the proposal of having a kind of questionnaire.

So the next response I would like to have from you is, do you think a questionnaire is a practicable way to continue, if so decided under agenda item 13, to continue with this item. And I would like to hear from delegations whether indeed a questionnaire would be useful or not.

So I see the German delegation.

Mr. B. SCHMIDT-TEDD (Germany): Thank you Mr. Chairman. We took note of this new questionnaire which concentrates, focussed on certain questions. It is streamlined. It is a questionnaire avoided duplications and we think that this

questionnaire might be helpful for the further discussions.

Thank you.

The CHAIRMAN: Thank you Germany.

Other delegations on the issue of whether a questionnaire would be a useful way to proceed?

The Republic of Korea.

Mr. Y. LEE (Republic of Korea): Thank you Mr. Chairman. I also would like to appreciate the tireless efforts done by the Japanese delegation for this streamlined questionnaire. One thing important, we would like to take note would be some non-legally binding instruments should not(?) be subject to some necessary implementation by the member countries. So under this, _____ (*not clear*) in Page 2, we would be able to find such expressions or languages, some taken necessary measures, but, however, we think about the legal nature of the non-legally binding instruments, some taking necessary measures would not be suitable for such a proposal.

So with such point of problems, I believe this would be, to be used for our work for the next session.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Republic of Korea.

Are there other points?

Yes, China.

Mr. Z. SHANG (China) (*interpretation from Chinese*): Thank you Mr. Chairman. First of all, we appreciate the proposal contained in CRP.24 proposed by Japan. Since compared with the 38-page document last year, this is a great advance. However, we would like to ask a question, that is, the answers or responses to the questionnaires when we have collected them, what kind of document will come out of them? Since we have noticed that Canada, the Czech Republic and Germany have been using the compilation of information collected on space debris. This Compendium was submitted for discussion to the Scientific and Technical Subcommittee this year and it has positive influence on the discussion by the Scientific and Technical Subcommittee on this issue. So this is a good example which will facilitate exchanges among countries on the implementation of soft law among countries but will also avoid

duplication between the work of the Legal Subcommittee and that of the Scientific and Technical Subcommittee. Therefore, we would like to ask what kind of views will be put to this Japanese questionnaire.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you China.

I pass this question to Japan.

Mr. A. UETA (Japan): Thank you Mr. Chairman and thank you China for your useful comments and questions. First, as the concrete output of the questionnaire, we would like to follow a good example of the Compendium of the General Exchange of Information and Views on Legal Mechanisms Relating to Space Debris Mitigation Measures for the purpose of facilitating exchange of views on these non-legally binding topics and also to seeking a common understanding on how to promote this non-legally binding instruments.

Thank you.

The CHAIRMAN: Thank you Japan.

With this, is there an agreement that a questionnaire is a proper way of proceeding?

I see a general agreement on that.

I now have the request for the floor from the observer of the International Law Association.

Ms. M. WILLIAMS (International Law Association): Thank you Mr. Chairman. If we are going to send round that questionnaire, then my concern refers to the top of Page 2 of working Conference Room Paper 24. It is spoken of non-legally binding United Nations instruments listed below and, in fact, there is a lot of customary international law written into these instruments you are listing. Therefore, they are not altogether non-binding, not that the principles, resolutions or declarations are binding *per se* but they would be binding by an extraneous element customary to international law. So would we be happy to go along with this slight contradiction in the questionnaire?

Thank you.

The CHAIRMAN: I thank the observer of the International Law Association for her observation.

We have first discussed the question of whether or not to continue with that item. Now we have discussed the issue of the questionnaire in principle. We have reached an understanding that we should continue the debate on that basis and I would now like to turn to the concrete way of how to potentially shape such a questionnaire if we then, in the end, can agree under agenda item 13, on whether or not to continue our discussion of this item in the year 2016.

Now you have received this template contained on Page 2. My suggestion would be that we will not send out by the Secretariat a full questionnaire to all delegations and then receive input in such a way but that we put that into our report that delegations are asked to respond to the following questions and should submit that to the Secretariat. I think this would certainly also facilitate the work and the result, I guess, is the same delegations will then in the text of the report of the Legal Subcommittee have a very clear guidance, in one paragraph, the instruments which are to be reported about and then the profile of the responses.

Is that a proper way to proceed?

I see the Republic of Korea.

Mr. Y. LEE (Republic of Korea): Thank you Mr. Chairman. My delegation would support what you, Chairman, suggested right now which is easier also what I previously said, the information collected should be the United Nations Office for Outer Space Affairs. Anyway, our report would ask some member countries to submit its information is suitably OK.

On this occasion, I would like to comment on the distinguished observer. It is right that we can find some customary international law and rules into the non-legally binding instruments but, however, if we can find that customary international in such a document, it already _____(?) off to the customary international law not just some legally binding. So inevitably, there should be some duplicated, some possible duplication of rules, customary rules or some non-binding rules. So this is the reality of some internationally recognized document.

Thank you.

The CHAIRMAN: Thank you Republic of Korea.

Mexico.

Ms. R. M. RAMÍREZ DE ARELLANO Y HARO (Mexico) (*interpretation from Spanish*): Thank you very much Chairman. It is difficult to disagree with you, Sir, but on this occasion I would like to ask perhaps that we address these two issues, on the one hand, the proposal that you have made, Chair, as contained in the report, the paper that we are looking at regarding the questionnaire, and then secondly, if the Office for Outer Space Affairs Secretary could submit the formal request to our missions. And I am saying this, Chairman, because the context within which these reports are presented is usually a general or generalized context and that means we leaf through them very quickly but when we actually receive them from our Embassies or from the Permanent Missions of our countries, in the case of Mexico, where we are told that we have to reply to the questionnaire, then that is better, that is stronger and it elicits a stronger response.

And as for the reference to customary law, let us recall that not all customs lead to good practices or good laws. There are good customs and bad customs. So the application of customary law, we feel, is not relevant as regards the possibility of duplication here.

And this brings us to item 5, that is the reference to other non-legally binding instruments on outer space. Here, Chairman, it could be an infinite number of non-legally binding instruments. For example, we would suggest the following. In the request that we would receive subsequently from the Office for Outer Space Affairs, perhaps that paper could include or specify what other non-legally binding instruments. That would be Mexico's request.

Thank you.

The CHAIRMAN: Thank you Mexico.

Two requests indeed. The first and the second we have taken note of that, both.

Other delegations on that point?

So I think we can then go into the issue of which non-legally binding instruments you would like to see listed in the questionnaire which is already pointing to one of the questions of the Mexican delegation.

So I invite you to discuss this first part. The list of these five points so that we can find an understanding of which legal instruments shall be pointed out and whether we shall also have something like other non-legally binding instruments on outer space, whether we have that, whether and if we have

that, there should be a list of potential other instruments or whether you would like to find something completely different in this regard.

So I invite you to comment on the instruments which shall be contained in the questionnaire.

The Republic of Korea.

Mr. Y. LEE (Republic of Korea): Thank you Mr. Chairman. My comment should go to the first under the chapeau of the complete(?). I already expressed my concerns. The second line of the chapeau we have the language necessary. I would like to suggest that we strike out the word "necessary" because the word gives some impression of some mandatory nature of this matter. So I would like to suggest to take out this word.

And the second point, comment should go to the conditions to be considered as a non-legally binding instrument on this complete(?). My suggestion as the list, the United Nations instrument will be able to be considered at the list the relevant documents/instruments have been adopted in the General Assembly of the United Nations on the conditions that we will be proceeding on that way.

Thank you.

The CHAIRMAN: Thank you Republic of Korea. We have taken note of your points.

Other delegations wishing to speak?

Now what we have here is, first, the Space Benefits Declaration, the Remote Sensing Principles, and the NPS Principles. And then we have the Resolution on Registration of 1961, and then other non-legally binding instruments on outer space.

Maybe Japan explains to us how you came to these four plus one in your intersessional discussions to provide us with a rationale why these four and why not, for example, the DBS Principles or the Registration Practice Resolution, so that we can, based on that, find an understanding.

Japan.

Mr. A. UETA (Japan): Last year, we put 11 instruments and based on our intersessional informal meeting with several member States. We focused on these five instruments, four instruments plus one, because we would like to avoid the possible duplication of the other agenda items. And also we

selected more relevant subjects in accordance with the current status of the peaceful exploration and use of outer space.

The CHAIRMAN: Thank you.

May I ask the question, first understood, no duplication. We have an agenda item on national space legislation so it is, I think, clear that the national space legislation resolution is not contained here.

If you look at number four, the Registration Resolution, you should possibly also explain the rationale why the Registration Practice Resolution is not contained but this one is contained.

May I ask you for an explanation on that?

Ms. S. AOKI (Japan): Thank you Mr. Chairman. The 2007 Registration Resolution was left out now as you properly explain now. It is already 2013 General Assembly resolution takes care of, for instance, the concept of the launching State and the registration of a space object. But there are some, not only some, there are countries which are not planning to take a step to make national laws and then yet register a space object based on General Assembly resolution 1721B. And that implementation can be found in the United Nations Space Registry. Our delegation thinks that is still pertinent to put in this list, if it is clear.

Thank you.

The CHAIRMAN: Thank you Japan. You have explained that well.

The question still remains why not possibly in addition to that the Registration Practice Resolution?

Ms. S. AOKI (Japan): Thank you Mr. Chairman. I wonder if you make some questions to our delegation about the Registration Resolution again. Why has the 2007 General Assembly resolution has been omitted? The reason is perhaps paragraph 6 of the 2013 General Assembly resolution takes care of the registration matters based on recommendations for national registration. So maybe it could be taken care of and we have that particular agenda item of national registration.

The CHAIRMAN: Thank you Japan.

Austria.

Ms. I. MARBOE (Austria): Of course, I cannot interpret what the Japanese delegation had in mind but for me, and I get the question back perhaps to the United Nations Office for Outer Space Affairs, for me, the Registration Practice Resolution of 2007 did not change the system of registration of member States of the Registration Convention and non-member States of the Registration Convention. So you kept the two registrations in parallel. So, for me, this question is now directed to the second group of countries who have not ratified their Registration Convention and asking how, despite of not having ratified the Registration Convention, how they implement and how they deal with this alternative older registration declaration. So I understood it that it but perhaps the United Nations Office for Outer Space Affairs could clarify whether the new Registration Resolution is applicable to the two systems or not. That is unclear to me. Perhaps it can help.

The CHAIRMAN: Thank you Austria.

The United Nations Office for Outer Space Affairs has the floor.

Mr. N. HEDMAN (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. I am happy that the question is done, thrown in the hands of the Office.

The registration regime, as we know it, comprises the Registration Convention, of course. So States Parties to the Registration Convention, they submit registration submissions under the Convention. Now, other States that are not Parties to the Registration Convention, they have still the means to submit registration submissions and that is under General Assembly resolution 1721B. So that is the registration regime.

Now in the 2007 resolution on registration practice, it is clearly stated, both in the preamble and also in the operative part, that it is the Registration Convention, recalling the Registration Convention, recalling resolution 1721B, so it is clearly under the entire objective of the registration practice resolution that when States are harmonizing their registration practices and voluntarily submitting other information that is not directly covered under the Registration Convention, Article IV, etc., they should also take into account General Assembly 1721B. And, as the delegations recall, the registration template that the Office developed some years ago, and which you also, by the way, have in the guidance on registration that we discussed last week, is clearly there understood the Registration Convention submission, the General

Assembly resolution 1721B, so that is part of the registration regime and also enforced by the registration practice resolution of 2007. So it is clearly understood that 1721B also falls within the framework of the 2007 registration practice resolution.

Thank you.

The CHAIRMAN: Thank you the Office.

Canada.

Mr. C. SCHMEICHEL (Canada): Thank you Mr. Chairman. With respect to this issue, I think one of the main focuses of this agenda item and this questionnaire is to get an understanding of how States respond to non-binding mechanisms. And while it is true that the more recent resolution of 2007 on the practice of registration is applicable to both registration under 1721B and the Registration Convention, at least, from the point of view of the Canadian delegation, one of the first things we would like to know is which States continue to use the 1721B mechanism, notwithstanding that the Registration Convention is with us and there is guidance on the format. So that is one of things we really want to know but particularly from the member States of COPUOS.

Now, because item 5 says other non-legally binding instruments on outer space, it is open to States and their responses to say how they or if they use 1721B and how that practice has been affected by the subsequent 2007 resolution. But from our point of view, the first thing we would like to learn out of this exercise is, which States are still using 1721B and why, given that the Registration Convention has been with us now for almost 40 years.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Canada.

The Russian Federation.

Mr. V. M. GUDNOV (Russian Federation) (*interpretation from Russian*): Thank you Chairman. I would just like to recall that last year in the report of the Legal Subcommittee, in paragraphs 160 to 180, it was stated that in addition to legally binding instruments of the United Nations, it would be appropriate to consider also initiatives and projects or drafts of other non-legally binding instruments that are developed outside the United Nations framework, and I refer here to various instruments, the guidelines, for example, that are being developed by the Scientific and Technical Subcommittee, because sustainable space

activities is one of the main aims of COPUOS as a whole. We need to make efforts in order to ensure that the Scientific and Technical Subcommittee's work should be linked up with the Legal Subcommittee's work and this can be done within this item of the agenda.

We stated that it is important not just to have an exchange of views on non-legally binding instruments but also to carry out analysis of these non-binding instruments for their effectiveness, their acceptability and their implementability in various States in accordance with States' national laws and international law too.

For that reason, we are of the view that we need to keep this item on the agenda and we need to make it more productive. We should give greater time to discussing these aspects so the existing non-legally binding instruments and other initiatives that are being developed outside the United Nations framework.

Thank you.

The CHAIRMAN: Thank you Russian Federation.

Other views?

So I think with regard, and let me return to the registration issue, I think we learned from the Secretariat and we possibly agree on that that the applicability of the registration practice resolution is valid for both the Registration Convention as well as resolution 1721B, but I understand from the reactions of the delegations which spoke that you do not want to have that registration practice resolution explicitly mentioned, together with the 1721B resolution but that it could fall under the, if we have such a category, other non-legally binding instruments. Is that correct?

I see no objections to that.

Then we turn to the issue of are there any other instruments you would like to have explicitly mentioned besides these four which are already listed here?

I see none.

Brazil.

Mr. A. J. RYPL (Brazil): Thank you Mr. Chairman. As I recall, and I may stand corrected if that is the case, last year when we agreed on extending this single issue item, that was actually the object of

intense negotiation in the Subcommittee. We had even some informal consultations. I remember we agreed that we would be open to discussing any other non-legally binding instruments including those discussed outside the framework of the United Nations and our delegation made explicit reference to the International Code of Conduct. We would like to see that reflected in that list because, as I mentioned earlier on, this is something that will be discussed now in July so we have learned this morning. So it is quite reasonable to suppose that there will be very important outcomes that need to be addressed by the delegations during next year's sessions so I think it is fitting to have an explicit reference to the Code of Conduct here.

Thank you.

The CHAIRMAN: Thank you Brazil.

Now, the problem with this is, when we have a questionnaire where we list instruments and then we have that kind of profile where we ask how do you implement these things, you possibly do not implement what is contained in the one or the other initiative. I am completely in your hands so you can also put in the questionnaire, are you all ready in advance to implement provisions which are contained in initiatives? It is up to you.

You have to decide but the logic and the practice, I think, would not be to enter into that but make a provision of reflecting in the discussions also, as pointed out by the Russian Federation, by you, by others, to be able to discuss also initiatives inside and outside the United Nations COPUOS.

Brazil.

Mr. A. J. RYPL (Brazil): Well, Mr. Chairman, I think we can go ahead with that, with your solution, which seems very wise and sound. The reason we mentioned it is just to clarify is that we learned that there is a proposed, and again I emphasize the word "proposed", timetable for these negotiations to happen. Of course, we may learn that this will not be the case but as far as we know, there is a proposed framework that would lead to this, specifically the case of the Code of Conduct, the negotiations should be concluded before our next session. So we thought that maybe all delegations would have some specific information but I believe that your suggestion is sound and it represents a very good compromise that we can go along with so we support it.

Thank you.

The CHAIRMAN: Thank you.

Austria.

Ms. I. MARBOE (Austria): Thank you. I have only one question. This number five is very open, other non-legally binding instruments on outer space, how do you implement them? And I have a question, how do we or do we want, my question is how do we avoid that delegations almost automatically again mention the non-binding Space Debris Mitigation Guidelines, the IADC? So this is automatic. I would say in our case it can almost inevitably, if people have not been in this room and have seen the concerns about duplication which are here, they do not necessarily know what is meant by avoid duplication. So it could explicitly mentioned perhaps in the report when we put these questions except instruments about mitigation of space debris. I do not know if this is wise or how this looks like but I am afraid that if we do not make this clear, it opens up to again space debris mitigation.

The CHAIRMAN: Thank you Austria.

What I will anyway suggest is the following that we ask the Secretariat for our next session to prepare this element for the draft report which would then contain a kind of chapeau while we do that. Then contain the questionnaire with the two parts on, first, which instruments we discussed, and secondly, what the questions will be, and thirdly, an element on, first of all, what should or an explanation why we would not ask about the national space legislation resolution and the Debris Mitigation Guidelines because they are already discussed under respective agenda items.

So this would then be contained in this draft for the report and if the Committee wishes, then this would constitute also the basis for the request addressed to the member States to respond, in addition to the report, such letters by the Secretary-General's invitations to respond should be requested as indicated by Mexico.

So this would be my proposal for procedure and such points, as you just indicated, would then be contained already in that. OK?

The Republic of Korea, you have asked for the floor first.

Mr. Y. LEE (Republic of Korea): Yes, Mr. Chairman, of course, the one you suggest, we are pleased about the one you said. Understanding the list of some instruments are going to be _____(?). I

already expressed some. In the chapeau, we have _____(?) United Nations instruments on it.

The distinguished delegate of Brazil suggested the possible inclusion of some Code of Conduct but, however, some modern version now being dealt with by some other(?) United Nations systems and some United Nations and COPUOS would not(?) be able to have such authority or competence to deal with the observance of the possible Code of Conduct. So that would be _____(?) of our work.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Republic of Korea.

France.

Mr. J. MARIEZ (France) (*interpretation from French*): Thank you very much Chairman. My delegation is of the view that at this stage it is too soon to include the International Code of Conduct among the non-legally binding instruments that are to be considered by this Working Group.

Thank you.

The CHAIRMAN: Thank you France.

The Russian Federation.

Mr. V. M. GUDNOV (Russian Federation) (*interpretation from Russian*): Thank you Chairman. I would like to recall the clarifications of Japan with respect to the questionnaire that was circulated. If I am not mistaken, it was said that it is needed in order to understand in what way non-legally binding instruments are being implemented, what role they play at the national level, the international level, and within international law. Therefore, I would like to object to what France has just said. I would like to recall that at our last session we said that it was necessary to carry out an analysis not just of those documents that are already adopted within the United Nations systems, but also to assess initiatives that are being developed and carried out both within the United Nations and not just in COPUOS, but throughout the United Nations system as a whole, and also outside the United Nations system.

I would also like to note that the European Union delegate said that the Code of Conduct was a very important document. It is being developed by the European Union since 2012 and then there are initiatives being carried out by the European Union to support this Code of Conduct. So projects that are to

culminate in 2016 and the financial amount of these projects is quite large and I can only but respect these initiatives and they are very important. And I would like to say, therefore, that it is important to carry out a discussion, as I already said, because we have certain concerns at the process for the drafting and promotion of legally non-binding but important initiatives that play an important role in the creation of international space law and the Code serves as a legal basis for the conducting of various space operations and so as to avoid such a risky situation arising whereby we have declarations on confidence-building and transparency and ensuring safety of space operations, such initiatives could instead lead to an increase in tension at the international level and also technological tension in space.

And, as I said already and others said in our report last year, we need to have a legal assessment of the effectiveness of the existing non-legally binding instruments and their acceptability at the level of the international community and for individual space operators which could provide analysis of the possibility for these standards to be implemented in national legislation, their vision of their compliance with existing provisions of international law, the possibility of using those legally non-binding mechanisms in national space policies when carrying out specific concrete space projects, so assessing their effectiveness, their acceptability and their possibility for them to be implemented.

Thank you.

The CHAIRMAN: Thank you Russian Federation.

The Netherlands.

Mr. H. VAN DEN OOSTERKAMP (Netherlands): Thank you Chair. I would like to support France in the statement. We are not in favour of also putting to the question to the initiatives because the document talks about non-legally binding United Nations instruments and I think if you also start to look also to the initiatives, it is box of Pandora. Where does it start and where does it end? We would like first to adopt instruments and then to look to them.

The CHAIRMAN: Thank you Netherlands.

Italy.

Mr. P. COLAPINTO (Italy): Yes, thank you Mr. Chairman. Simply to echo what France and the Netherlands just said. We do not see the need to

specify one specific initiative out of the others in this specific agenda item. The parameter of this item was very set last year. We have this reference to all non-legally binding instruments on outer space, a general one, but it is already including all the space necessary to exchange views on other initiatives as we do not see the particular need to having a specific listing of the International Code of Conduct.

Thank you.

The CHAIRMAN: Thank you Italy.

Brazil.(?)

Mr. V. M. GUDNOV (Russian Federation) (*interpretation from Russian*): Since COPUOS has the tradition of striving for consensus so in the interest of consensus, I would be able to agree with France and Netherlands so as to not discuss any initiatives but in that case, we would need to delete the resolutions, the assessments, the statements that have been provided by various speakers, including the International Code of Conduct. This draft should be referred to just as a significant effort to build confidence and transparency.

One speaker said they agree with the Group of Experts. We believe this is a unilateral approach, a unilateral understanding of the importance or the significance of this draft. Other delegations seem to think that there is major support for this draft but this is not in accordance with reality. This is not true. During the last session of COPUOS in June 2014, we made amendments to the final report and we replaced the words to the effect that the Code of Conduct has broad-based international support with words to the effect that a number of delegations expressed their own opinion to the effect that this draft enjoys broad-based international support. There is a major difference there. There is a major difference between the two expressions.

The way in which the Code of Conduct is being promoted reminds me of how The Hague Code of Conduct was promoted back in the day. Here, within informal consultations, discussions were had about the Code of Conduct and this became The Hague Code of Conduct. This was carried out outside the official system and then it was foisted upon countries. Sixty countries joined this particular document, signed up to this document. And it seems to us that the same approach is being used to promote the Code of Conduct in space so we are having consultations rather than negotiations. The authors and co-sponsors of this draft seem to intend to include this draft as one of the active codexes or instruments, non-legally binding

instruments in international law and then, as we are hearing from various statements from various stakeholders, they are going to state that any stakeholders who are not implementing this are irresponsible. In our view, this approach is completely irresponsible. We support the implementation in national legislation of generally accepted norms of international law but we are against the idea of its stakeholders foisting terms on other countries by stating that if you do not implement this, you are being irresponsible.

Therefore, I would like to recall once again the role that is played by the Legal Subcommittee, not just within COPUOS, but within the entire United Nations system. The reports of this body are submitted to the General Assembly of the United Nations. They are important and it is not just me, but many other delegations have mentioned the importance of General Assembly resolutions, even though they are not legally binding. Nevertheless, they are integral parts of international law and I would like for those initiatives that concern important aspects when it comes to protecting space for peaceful uses, so such aspects as the work of the Group of Governmental Experts, the initiatives that are proposed by the Russian Federation, together with the People's Republic of China, the European Union, by any space operator or by any United Nations member State that have an influence to any degree on achieving the sustainability of space activities and the protection of space for peaceful uses. Any such initiative must be submitted to assessment by the Legal Subcommittee, so based on their acceptability, their implementability and their effectiveness because many of these initiatives unfortunately are not just referring to initiatives of member States but any initiative needs to be analyzed and it is not acceptable to declare that one is in favour of the peaceful use of space and sustainability of space to these and then to say that, well, we do not want this to be examined within the Legal Subcommittee.

Thank you.

The CHAIRMAN: Thank you Russian Federation.

Brazil.

Mr. A. J. RYPL (Brazil): Mr. Chairman, I did say and I reiterate that we will not stand in the way of a compromise. I think your proposal is very sound but I must also associate with the statement of my Russian colleague especially in regards to the role of COPUOS and particularly the role of the Legal Subcommittee. There are no forbidden topics related

to space law that can be taken up here. Discussing issues here such as the Code of Conduct does not mean that we are going to take up the process but we need to discuss the consequences, the possible outcomes that said processes may have on the whole system. This is our mandate and sometimes, we have said this on previous occasions in previous sessions, we seem to hear statements to the effect that there are issues that the Subcommittee should not take up and this is not something we can endorse. COPUOS has the mandate to discuss the applicability and eventually decide whether something is applicable or not but we are free to discuss and initiatives such as the International Code of Conduct has the potential to affect a number of other issues that COPUOS discusses. We have the sustainability question that has been discussed in the Scientific and Technical Subcommittee. We have the development of space law, however, non-legally binding. The International Code of Conduct if eventually adopted will affect many of the practices that countries follow and you will have to be reported here. So we cannot just say no. We are not going to mention that if the members of the Subcommittee decide to make an explicit reference to the International Code of Conduct under this agenda item, the Subcommittee is free to do so. It is within our authority.

Basically this is our view. Thank you.

The CHAIRMAN: Thank you Brazil.

Czech Republic.

Ms. M. SMUCLEROVA (Czech Republic): Thank you Mr. Chairman. Following the comments raised by several delegates with respect to which particular document should be enlisted, it might be practical to distinguish the non-legally binding documents listed in the template for the questionnaire, on the one hand, and general topics discussed under the agenda item, General Exchange of Information on Non-Legally Binding Documents, on the other hand, because I believe that initiatives that have not yet been concluded or adopted might be difficult to be assessed in light of the questions contained in the template, for example, please provide title of your national mechanism to take necessary measures related to each aforementioned instrument, or, for each national mechanism, please provide a brief general outline of the scope and description of the provisions related to the instrument.

Since the initiatives or documents have not yet been finalized, it might be premature since the text is still evolving so I believe that, therefore, the suggested

distinction could serve as a practical solution to this issue.

Thank you.

The CHAIRMAN: Thank you Czech Republic.

Next is Mexico.

Ms. R. M. RAMÍREZ DE ARELLANO Y HARO (Mexico) (*interpretation from Spanish*): Thank you very much Chairman. I support your working method and as regards the inclusion of documents or drafts that are still nascent, I think it is too early. Perhaps what we could do is to refer to the fact that these are non-legally binding documents in force. We have a document to supplement the Registration Convention adopted in 2007 by the United Nations and we said that there was no need to refer to it. I would like to say that, based on the supplementary information that has been received to the Registration Convention and my country is Party to the Registration Convention, we were able to register the last satellite based on the documents that have been submitted because the 2007 deposition supplement the Registration Convention. So we feel that this is, in fact, useful pertinent information and it is thus reflected in the law. We do, however, feel it is too soon, it is really too early for us to start studying instruments that are still just drafts or at the draft stage.

At the meeting in Luxembourg, as regards the Code of Conduct, we received the latest document, the latest version of the document that we discussed at the Luxembourg meeting. However, we have not heard anything about it up until the United Nations General Assembly meeting, that is any news on the International Code of Conduct for Space Activities. So these are nascent initiatives and, therefore, we feel that at this stage it is not wise to examine or consider them. There is no point in taking up something at this stage and this does not in any way limit, however, the distinguished members of this Committee from being able to comment on the legal contents of these papers.

Chairman, if we consider transparency as well as the issue such as space debris, *inter alia*, these are matters that are contained in the Code of Conduct and, Chairman, these are topics that we are studying here. And so, Chairman, if we were to set aside a United Nations resolution which is a non-legally binding instrument, then how are we going to include a provision that still has not taken on a legal life, if you like.

Thank you.

The CHAIRMAN: Thank you Mexico.

I think we are at a critical juncture in our discussions here and we really need a compromise in this question otherwise, I am afraid, we cannot really proceed further.

What I could propose to you is the following. When we set out in the report and then consequently in a communication, a letter or a request by the Secretary-General to the delegations, we could proceed the following.

We could have a chapeau with the outline of the reason for that exercise, pointing to the fact that the questions which will be asked relate to non-binding, non-legally binding United Nations instruments. Then we have the questionnaire part which contains the list of concrete instruments and then we have the questions. This is one element.

Then there is the separate element which explains why we do not include national space legislation and debris mitigation because the Legal Subcommittee is already discussing that under respective other items.

And then we have an additional separate paragraph which would state delegations are also invited to comment on other non-legally binding instruments which have been developed outside the United Nations COPUOS and any initiatives which are discussed, or have been discussed, currently discussed outside the framework of the United Nations COPUOS.

So this would, in my view, cover the interests of all the delegations which have participated in this debate. It would open and provide the possibility for all the elements but it would also be an attempt to bring a logic into this questionnaire and into this exercise as a whole.

What do you think?

The Russian Federation.

Mr. V. M. GUDNOV (Russian Federation) (*interpretation from Russian*): Thank you Chairman. We think your proposal is very constructive. I would just like to make one point. Last year we said this, it was in the report, and it could be included in this year's report too. Not just initiatives that are carried out outside COPUOS but initiatives that are carried out

outside the United Nations but that have to do with matters that are within the mandate of COPUOS and the United Nations.

Thank you.

The CHAIRMAN: Thank you for this clarification.

Are there other delegations wishing to speak on that general proposal?

Japan.

Ms. S. AOKI (Japan): Thank you Mr. Chairman. Let us explain why number five, other non-legally binding instruments on outer space, is specified here. It is in accordance with paragraph 197 of A/AC.105/10667, where last year's Legal Subcommittee's report, it says the Subcommittee also agrees that under the agenda item, member States could, as appropriate, discuss other non-legally binding instruments on outer space. So, taking advantage of this phrase, in order not to just so limit the discussion in this floor, our delegation put it in number five. And, at that juncture, we thought those instruments should be within the mandate and within the meaning of paragraph 197.

Thank you very much Mr. Chairman.

The CHAIRMAN: Thank you Japan.

France.

Mr. T. FOURNIER (France) (*interpretation from French*): Thank you very much Chairman. I take note with interest of your proposal. What I would like is the following. Where we refer to other instruments outside of the United Nations, that is, we could say are there other instruments outside of the United Nations?

Thank you.

The CHAIRMAN: Thank you France.

Other delegations wishing to speak?

Germany.

Mr. C.-H. MOELLER (Germany): Thank you Mr. Chairman. The German delegation is of the view that your proposal is an excellent compromise and we would like to support it.

Thank you.

The CHAIRMAN: Thank you Germany.

Let us move then to this what is called profile which are the concrete questions which will be asked or shall be asked.

So this is sub-divided into three paragraphs, national mechanisms, description and references.

Could I have your comments on that?

Austria.

Ms. I. MARBOE (Austria): Thank you Mr. Chairman. We think that this profile is very clear, very short and gives all the delegations all the freedom to insert what they think is necessary but still keeps very important information as a highlight like references, web links and so on, so that sources can also be retrieved and found so this is very useful and we would support this.

The CHAIRMAN: Thank you Austria.

Other delegations?

The Republic of Korea.

Mr. Y. LEE (Republic of Korea): Thank you. In the same vein, I expressed the _____(?) on that chapeau of the _____(?). _____ (*not clear*) under the sub-name of the regional mechanisms, I would like to suggest to take out the word "necessary" or just to make a more simplified, I will leave the _____(?) provide the titles of national mechanisms, the latest to each aforementioned instruments by way of taking, striking out of the language, that takes the necessary measures. In the same vein, I would _____(?) we already expressed.

Thank you.

The CHAIRMAN: Thank you for your proposal to delete these words.

Other delegations? Other comments? Other suggestions?

I see none.

So we will proceed the following way.

Now, tomorrow morning when we discuss agenda item, the Secretariat will have prepared the respective part or larger paragraph for our report so

that we can agree on a text, of course, still in view of the decision we have taken under agenda item 13, whether or not to continue this agenda item next year.

Can we proceed as I just outlined?

Thank you very much.

We then continue and hopefully conclude our consideration of agenda item 11, General Exchange of Information on Non-Legally Binding United Nations Instruments on Outer Space, tomorrow morning.

Review of international mechanisms for cooperation in the peaceful exploration and use of outer space (agenda item 12)

Distinguished delegates, I would now like to continue and hopefully suspend our consideration of agenda item 12, Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, pending the work of the Working Group under this item.

I do not have any speaker on my list on agenda item 12 so far.

Is there any delegation wishing to speak on that item?

I see none.

We have, therefore, suspended our consideration of agenda item 12, Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space, pending the discussions in the Working Group on this item.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee so that the Working Group on International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space can hold its third meeting.

Before doing so, I would like to inform delegates of our schedule of work for tomorrow morning.

We will meet promptly at 10.00 a.m. At that time, we will begin our consideration of agenda item 8, Capacity-Building in Space Law. We will continue our consideration of agenda item 10, 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. We will continue and hopefully

conclude our consideration of agenda item 11, General Exchange of Information on Non-Legally Binding United Nations Instruments on Outer Space.

We will then adjourn the plenary meeting so that the Working Group on International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space can hold its fourth meeting.

Are there any questions on this proposed schedule?

I see none.

I now invite the Chair of the Working Group on International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space to hold the third meeting of that Working Group.

The meeting is adjourned until 10.00 a.m. tomorrow.

The meeting adjourned at 5.25 p.m.