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Legal Subcommittee
Fifty-third session

Script

887th meeting
Friday, 28 March 2014, 3.20 p.m.
Vienna

Chair: Mr. Kai-Uwe Schrogl

The meeting was called to order at 3.20 p.m.

Mr. Kai-Uwe Schrogl (Chair) Good afternoon distinguished delegates, I now declare open the 887th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This afternoon, we will continue our consideration of agenda item 4, the general exchange of views, and we will begin our consideration of agenda item 13, the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, and agenda item 14, Proposals to the Committee on new items for consideration by the Subcommittee.

Distinguished delegates, I would like now to continue our consideration of item 4 on our agenda, the general exchange of views.

The first speaker on my list is the distinguished delegate of Argentina, Mr. Felix Menicocci, you have the floor.

Mr. F. Menicocci (Argentina) Thank you very much Mr. Chairperson. Mr. Chairperson, since it's the first time that I take the floor during this session of the Legal Subcommittee I would like to extend my congratulations to you on your election to chair this meeting of the Subcommittee. I firmly believe that with your experience we will manage to address all items on the agenda quite successfully.

We would like to pay tribute to the great effectiveness of the outgoing Chairman, from Nigeria, who really helped us to make great progress on the items on the agenda of this Subcommittee. We would like to congratulate Dr. Simonetta Di Pippo on her nomination, appointment to head COPUOS. We wish her every success in her new role and we firmly believe she will perform brilliantly given her experience within the Italian Space Agency and ESA. So we assure her of our full cooperation.

I would like to take this opportunity to thank Mr. Takao Doi, who, as well as being an expert in the applications of space technology, has done an awful lot

for the Office of Outer Space Affairs, and we would like to express our gratitude also to Madame Othman.

My delegation would like to welcome the excellent work carried out by Mr. Niklas Hedman and his team within the Secretariat to prepare the documents and are of great assistance to us during the holding of the sessions.

Mr. Chairperson, it was a great pain that we learned of the passing of Dr. Kopal, he was not just a world renowned expert on space affairs but he was also an excellent contributor to the deliberations of this body. We would like to echo the tribute that was paid to him by the Czech delegation and would like to extend to his family and friends our condolences.

We would like to express our support for the statement that was delivered by Nicaragua on behalf of GRULAC during this fifty-third session of COPUOS. Mr. Chairperson, my delegation believes that the development of space science and technology has made space activities ever more important to the present and future development of humanity and we see this reflected in United Nations documents. I refer specifically to the document of Rio-20 conference now he principles and treaties of the United Nations on space activates call for equal access to outer space, equal access for all States regardless of their level of development; scientific, technical and other. The rational use of space resources, the non-appropriation of the Moon and other celestial bodies, the non-militarization of outer space and its use for only peaceful purposes alone. So these principles are all very important and then also important is international cooperation in this area.

Technical cooperation in outer space must take place in accordance with international law, hence the necessity to continue reflecting within this committee on ways of strengthening the legal regime governing outer space affairs. This of course includes examination and perhaps revision of the five treaties on outer space so as to ensure transparency and safety when we organize and carry out space activities.

In this connection we would like to support the deliberations and discussion that have taken place within the Working Group on the status and application of the five United Nations space treaties. A great deal of work has been carried out and this has been chaired by the delegate representing Belgium very skilfully.

The role of the Scientific and Technical Subcommittee must be strengthened so as to enable it to keep abreast of advances in space technology and to guarantee the long-term viability of space activities. We must also at all costs avoid the demilitarization of outer space. My delegation believes that we must continue improving and strengthening the international legal framework. We must promote the work of the Legal Subcommittee so as to enable all the countries represented on the Legal Subcommittee, both countries with advanced space programmes and those with space programmes at the very embryonic stage, or countries that are planning to launch space activities, so that all such countries can profit from the work of this body. We must set about elaborating binding legal instruments so that we can really accompany the development of space activities worldwide.

Alongside the progress we have seen, we are facing an increased commercialization of space. The private sector is increasingly evolved and this raises legal issues and all of this obliges us to make progress when it comes to the definitions and delimitation of outer space, the fact that the lack of a solution to these issues creates certain legal shortcomings in space law and airspace law. We need to reduce the possibility of the emergence of conflict between States and to this effect we must define where airspace ends and space begins.

My delegation supports and pays tribute to the work being carried out by [[Dr. Jose de la Fino]] of the Brazilian direction who chairs the Working Group on the Definition and delimitation of outer space and we thank him for his contributions to this work.

When it comes to international legislation on the use of outer space I would like to inform you that Argentina is currently at the final stages of examining our own national space programme which goes from 2014-2025. Our national commission on space affairs is responsible for these activities and it will be submitted to the Executive Council within the next few weeks.

We are drafting a national space law that will govern all areas of space activity. This is a very useful draft law and in order to draft the law we are taking inspiration from the instruments of this body. We have drawn upon the work of [[00:29:36 Dr. Inmar]] of

Austria in these endeavours and we express our gratitude to him.

Argentina is continuing to develop its satellite programme. We have Earth observation satellites. We also have ARSAT, which is a State body and ARSAT will launch this coming June from French Guiana. The ARSAT 1 satellite will provide telecommunication services and it will occupy a geostationary orbit at 62 degrees West.

ARSAT is a Argentinian State company. We will cover Argentina and Paraguay and other countries in South America. We also have ARSAT 2 and ARSAT 3, these are other satellites, we will continue to cooperate internationally. We are international partners. In 2014 we signed a cooperation agreement with the space agency of the United Arab Emirates. This calls for a joint work in the area of sharing of satellite data, then the performance of joint satellite missions. We are working also with other partners. We have Earth-based cooperation too, involving Venezuela, so we are cooperating in the area of training too, human capacity-building, we are organizing seminars and scientific meetings. Argentina is continuing to promote space activities in our region. In the area of training activities, training in space applications.

I would just like to mention some activities that we are planning this year. A master's on space applications, for example. We will be implementing an early warning network. We are working with the university of Córdoba on training programmes. Argentina and Italy are also working hand-in-hand to create a centre of excellence for the countries of our region. An Argentinian grant for a masters' in space applications for early warning systems for emergency situations, this is another joint project. It's a two years masters' and it involves Chile, Cuba, Colombia, Paraguay, Venezuela, Italy and others. We also have launched a call for tender for the launch of a masters' on management of emergency situations for 2014-2016. It will be a two year grant and we call upon countries in the region to submit their candidacies.

We are looking at creating a masters' also on satellite instruments. This will be in addition to the existing masters' training programme and will provide a response to national and regional needs. The fourth area concerns a national school on epidemiology, together with OOSA, we are organizing a Pan-American epidemiology school. This will take place in Córdoba in Argentina this year. This training course targets epidemiologists and experts in epidemic detection using satellites in the South American region. The aim is to develop surveillance projects for vulnerable zones.

We call upon the countries in the region to submit their candidacies. We then also have a course on the use of space resources for managing water resources. The course will concern the Plata region, the Plata Basin, it will take place in Argentina and it will involve the OAS and we will have experts from Argentina, Paraguay and other countries in our region. We are aware of the important role of training in space sciences and technologies, such training courses should be accompanied by capacity-building. We are trying to see with other countries in our region how we can work in capacity-building.

We believe, Mr. Chairman, that international cooperation is the key pillar for our national space programme and our ambition to achieve international cooperation runs through all of our national programmes. We have signed a number of cooperation agreements with countries in the region and we hope to be able to build a regional space centre on that basis. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you, the distinguished delegate of Argentina. I have no more speakers on my list. Are there any delegations wishing to speak now on agenda item 4, this is not the case, I see none. So we will therefore continue and hopefully conclude our consideration of agenda item 4, the general exchange of views, on Monday morning.

Distinguished delegates, I would now like to continue our consideration of agenda item 13, the review of international mechanisms for cooperation in the peaceful exploration and use of outer space.

I have so far no speaker on my list, are there any delegations wishing to speak? Yes I see Austria.

Mr. P. Bittner (Austria) Thank you Mr. Chairman. Austria submitted the written submission last year on this particular item but it was a very short submission outlining very broadly in what ways Austria cooperated internationally. I would just like to elaborate a little bit more on that subject.

First, I would like to mention that for Austria, space activities are not possible without international cooperation and space research initially paved the way of Austria into space and those activities quickly led to an approach to ESA with a full membership in 1987.

Austria invests about 85 per cent of its national funding through ESA programmes. The possibility of different contributions to ESA optional programmes constitutes a major advantage in implementing national priorities at international level.

Furthermore, Austria's EU membership opened the possibility of also participating in the EU framework programmes that have been funding

research projects in the area of space since 2002 with very positive results.

Since 2002, national actors have been additionally supported by the Austrian space programmer. The programme serves as an entry point for space activities and thus facilitates access to international markets and strengthens competitiveness. After ten calls for proposals since 2002, around 300 projects have been financed within the programme. The programme has the leverage effect on the international programmes of the EU and ESA, on bilateral programmes and on the commercial market. It has facilitated bilateral cooperation with industrial companies and institutions at international level.

The following priorities have been formulated within a process leading to an Austrian Space Strategy approved by the Minister of Transport, Innovation and Technologies in 2012. First, priorities in the area of bilateral cooperation, this includes cooperation at intergovernmental level, in particular in the area of transnational applications with Austrian neighbouring countries based on shared features such as the Alpine area and cooperation between space agencies.

The Austrian aeronautics and Space Agency has signed Cooperation Agreements with the following Agencies concerning concrete missions; the CNES, NASA and JAXA.

Recently the Austrian Agency signed Memorandum of Understanding with the DLR, which strengthens cooperative undertakings on a broader scale with these space-related institutions.

Second priorities in the frame of ESA. Here the priorities are set in the topics of Earth observation and climate research, telecom and technology development taking into account also the space activities of the European Union and EUMETSAT, as well as the leverage effect with regard to the commercial market.

Third, priorities in the framework of the United Nations international cooperation within the United Nations has been and will be a specific priority of Austria. In particular, active participation in the work of COPUOS remains crucial. Furthermore, Austria supports the use of space technology for the prevention and management of natural disasters and thus participates in the UN Platform for Space-based Information for Disaster Management and Emergency Response UN-SPIDER. Since 2006, this programme has allowed all countries, in particular developing countries, to access current satellite data in case of natural disasters and thus supports better planning and execution of assistance operations.

Thank you Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished representative of Austria for his statement. Are there any other delegations wishing to speak under agenda item 13? I see none.

So we will continue our consideration of agenda item 13, the review of international mechanisms for cooperation in the peaceful exploration and use of outer space, on Monday morning.

Distinguished delegates, I would like now to begin our consideration of item 14, Proposals to the Committee on new items for consideration by the Subcommittee.

As delegations are aware, under this item, we will consider two elements, namely, proposals for new items, and organizational matters for the Subcommittee.

The first speaker on my list is the distinguished delegate of Germany, Ambassador Scharingen, you have the floor.

Mr. K. M. Scharingen (Germany) Thank you Mr. Chairman, distinguished delegates.

It was during the last session of the LSC that the German delegation informally shared with delegations some first ideas for a renewal of the agenda structure as well as the organization of the work of the LSC. Our preliminary thoughts have been followed up on intersessionally as well as during other COPUOS sessions and in the margins of other international fora.

The German delegation would first of all like to thank all delegations, which until the present moment engaged in discussions and provided their highly appreciated comments, thereby helping to frame the latest proposal that has been put on the table yesterday afternoon as a conference document.

We are particularly grateful to the numerous delegations, which expressed support for our ideas, and in particular to the Kingdom of the Netherlands co-sponsoring our proposal.

I shall now take this opportunity to briefly explain to you the central ideas behind our proposal and the reasons for which we are putting it forward.

Mr. Chairman, distinguished delegates, what is this proposal about? It is about making more efficient use of the time and resources available to the LSC, thereby maintaining and strengthening the LSC as the main intergovernmental forum to develop space law.

Here is where we see room for improvement; first of all, considering the LSC agenda as it stands, one can hardly escape the impression that it does not leave enough room to respond to most recent

developments and subject matters of interest and to deal with pending issues in a dynamic manner. We also notice an increasing interest in the ever growing field of non-binding instruments and cooperation mechanisms that needs to be duly accommodated.

Secondly, it is a common perception that the current session period of the LSC experiences and suffers from a strong participation during the first two days and the last two days but low participation in the days in between. The rather low intensity, with which the exchange between government representatives takes place over the course of the two weeks, does, at times, make it hard for delegations, in particular smaller delegations, to completely follow this exchange in its entirety and to actively participate in it, due to time and resource constraints.

Thirdly, and in particular bearing in mind important issues as for example the remediation of space debris, we find it desirable to not only intensify the exchange between the LSC and the STSC, but also be able to open LSC deliberations for scientific and technical expertise when considering legal issues, with the aim of developing adequate legal responses to pressing practical problems.

Mr. Chairman, distinguished delegates, the two basic measures we propose are first, a restructuring of the agenda and second, a phased approach for the two week session of the LSC.

Let me first mention the restructuring of the agenda:

The most salient feature of the agenda structure according to our proposal would be a new standing agenda item with an associated permanent working group, covering non-binding instruments. The combination of two central permanent items, covering binding and non-binding instruments respectively, could incorporate a number of current agenda items, thereby streamlining the agenda. This would integrate less productive agenda items as well as create room for new subjects, without the need for a prior cumbersome agenda setting process.

Second, the phased approach for the two week session:

Under the phased approach for a two week session, that we suggest, the first week would mainly be dedicated to Preparatory Groups and the second one to the formal deliberations of representatives. We believe that this would considerably help to intensify and to concentrate discussions, as well as to add quality to the informal deliberations, including to the Working Groups, due to prior work conducted within the Preparatory Groups, Our first proposal providing for a

split between “expert groups” being composed of experts and “working groups” being composed of government representatives met with concerns by some delegations. We therefore changed the concept. Our revised proposal provides for “preparatory groups” meeting during the first week and “working groups” meeting during the second week. Both groups are composed of delegates nominated by governments. It is completely up to each government to decide whether to send the same or different delegates to the “preparatory groups” and to the “working groups”, respectively.

The days dedicated to work within the Preparatory Groups would remain an integral part of the LSC session.

The Preparatory Group format would also facilitate, though, the inclusion of legal or scientific and technical expertise needed to develop legal solutions for the present practical problems, such as space debris. The following deliberations within the Working Groups during the second week would subsequently benefit considerably.

Mr. Chairman, distinguished delegates, we invite you to consider the details of our proposals, which are spelled out in detail in our new paper. It includes, inter alia, generic schedules for both weeks as well as concrete ways and means that would guarantee an efficient processing of the Preparatory Groups’ results as input and basis for discussions during the second week’s formal deliberations.

To sum up what I just said, the German delegation’s proposal, envisaging a restructuring of the agenda and a phased approach for the two week session of the LSC, will provide the basis for a more efficient use of the time and resources available for the LSC. The new agenda, including inter alia a new general item on non-binding instruments, will accommodate all present items and will in a more flexible manner allow addressing new developments and challenges. The phased approach will intensify and concentrate discussions and, by introducing the Preparatory Group format, open the LSC for scientific and technical expertise.

Mr, Chairman, distinguished delegates, we are firmly convinced that our proposal would be a meaningful step towards strengthening the LSC as the main intergovernmental forum to development space law and hope for your support.

I thank you for your kind attention. Thank you very much.

Mr. Kai-Uwe Schrogl (Chair) I thank Ambassador Scharingen for his statement and indeed, distinguished delegates, I think that this is an important

moment in our deliberations during this session, because you now have before you a comprehensive proposal dealing with the organization of our work.

I heard in numerous statements, in particular under the general exchange of views, that delegations are very much interested in strengthening the role of the Legal Subcommittee. There have been a number of points which were made also on concrete issues where delegations have particular interest in getting them discussed, and obviously there is also an issue with the way we are currently working of possibly not fulfilling the expectation of delegation in the proper organization of our work in order to reflect their interests and look into the issues which are of particular interest for these delegations.

Now you have before you this document, which I should point out the reference, it is A/AC.105/C.2/L.293 in ref.1 version, dated 26 March 2014, where you will find this proposal for renewal of the structure of the agenda and organization of work of the Legal Subcommittee. Indeed a number of delegations have already referred to this proposal in their statements on the general exchange of views.

This morning I heard already two delegations referring to it and supporting it. This is why I am confident that we can have a substantive discussion of this proposal and of this document, maybe we can already start today, maybe we start next week when we continue with the deliberations on this agenda item, but I think the German delegation would already to be glad to respond to questions or to receive further support for their proposal at this meeting this afternoon. o I would like to invite delegations if they wish to speak, to address the German delegation and to reflect on the proposal which is contained in document L.293/Rev.1.

Are there any delegations wishing to speak and to react on that proposal at this stage? I see Canada.

Mr. Chouinard (Canada) Thank you Mr. Chairman and I would like to start by thanking the German delegation for this paper which is certainly encompassing and very well-prepared and presented. So definitely I think that Canada would support a move like this within the Legal Subcommittee.

I have a question for the German delegation at this point in time referring to paragraph 21, when we talk about the agenda for 2016 and 2015, could you provide a little more explanation on what the agenda for 2015 will look like. That is the intermediate period between the two. Thank you very much.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from Canada, next on my list is the Republic of Korea.

Mr. Y. Lee (Republic of Korea) Good afternoon, thank you Mr. Chairman for giving me the floor. First of all I would like to appreciate the German delegations effort and the spirit of contributions to promote our Committee's works in more appropriate and efficient ways.

This is a long proposal and we need some time to consider during the weekend, I would like to reserve my right to come back on this matter again. But, I would like to put forward some of my observations. According to the German delegations proposals, mostly the items of our agendas would be classified as two lump sums, which is Working Group 1 and Working Group 2. With respect of this, I would like some clarification to my questions.

First, this Legal Subcommittee is just discussing about current and a lot on the space, however to make some new laws or how to make new conventions, new agreements for our space-related activities, and another one, I am very consistent on this matter, Working Group 2, the title of Working Group 2 is Status and applications of the non-binding instruments development, status and application, this word also used in that of the first Working Group, Status and application of five United Nations treaties. So my sense of loss wouldn't allow the same titles, like status and application, for the non-binding instruments.

I would like to come back again and support this matters with appropriate naming's on this subject. But for the time being, I would like to put my reservation on this title. Thank you very much.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from the Republic of Korea, next on my list is Brazil.

Mr. Rypl (Brazil) Thank you Mr. Chairman. I would like to begin my statement by expressing our thanks to the German delegation. We know putting a proposal such as this together is no easy task. It would require hours of work, days of work, months of work, I don't know, but we are very pleased to be participating in this exercise and we are also very pleased to see that the German delegation try to accommodate some of our comments.

We had a meeting of the GRULAC with the German delegation to discuss some aspects of the proposal, and we saw that some of our comments made their way into this revised proposal.

We have submitted it to our Ministry in Brazil and then we are waiting for instructions, but we hope to be able to support it. But there are a couple of things I would like to invite the German delegation to consider over the weekend. One thing that we think

might be useful is really the inclusion of a review mechanism of the revised agenda. By that I mean the possibility that after a period of two or three years when we have this new agenda in place, that we set up a group, a Working Group perhaps, or a Committee, we would decide how we would do that, to assess how successful these changes have been. Whether they have actually contributed to streamlining the work of the Committee. I think this would be wise because if we find ourselves in a situation where these intended changes don't bring about the necessary results, we would be able either to backtrack or adapt, make changes as necessary without the need to putting up a complete new proposal which is really time consuming and demanding. I think this may be a welcome addition to the proposal.

The second item which I think would be very important in light of everything that has been discussed here over this week, would be to find ways of improving the synergy and the communication between the two major Working Groups, the two Working Groups, sorry, the Working Group dealing with non-legally binding instruments and then the legally binding instruments because this is also an academic division, in a sense. We are looking at the matter in two different ways, but in fact they touch upon each other and the information that is produced, all the things that are discussed in each Working Group can actually contribute to the work of the other Working Group. So we need to maybe look at some kind of mechanism by which these two Working Groups will exchange information and look into ways of assisting each other in their work.

We have actually drafted a little paragraph to that purpose, but we are of course then awaiting instructions from Brazil to officially present it. But again, I close my contribution with our thanks to the German delegation.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from Brazil. Next on my list is Belgium.

Mr. Mayence (Belgium) Thank you very much Chairperson. My delegation also would like to extend our thanks and our congratulations to the German delegation for the proposal. We support it. We believe it contains some substantial advantages over the current approach. Notably, it enables us within a single week to cover all of the topics at one or other level. As far as we are concerned, this is a considerable added value because like many other Member States represented in this room, for us, two weeks, a two week session is difficult for us to attend.

So from our point of view this is quite interesting as a proposal. We agree with Brazil to defect that we should probably keep track of the way in which we implement it and then perhaps adjust it, improve it at the very outset, so perhaps we set up a steering committee or something like that. That would be useful when it comes to implementing this proposal.

We just would like to have an item of clarification here, as far as we understand, as soon as this new approach is implemented, we will no longer have any items on the agenda dedicated to the agenda for the next session. So all items on the agenda would be recurring from session to session. Now this would mean that delegations would need to decide which topics they would like to have addressed under on or other item of the agenda. One of the major advantages that we see to this reform would be that the titles of the agenda items would no longer define subjects, they would just provide a framework. This is important as far as we are concerned. But what we are wondering is how will we coordinate our approach to selecting subjects as such. Just to give you an example, if Belgium next year, for example, would like us to deal with the subject of Earth observation or a specific aspect of Earth observation, would the German delegation as it sees this proposal, would it require Member States to provide advance notification of which subjects it wishes to address in the coming session or would each delegation turn up at the session with its proposed subject matter? So, I hope I have been clear, that is my question.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from Belgium for his statement. Next on my list is Chile.

Ms. T. Alvarez (Chile) Thank you Mr. Chairman. I am speaking in our national capacity as the delegation of Chile.

As my delegation pointed out earlier, we are concerned about the lack of concrete results in the Subcommittee. We do welcome the German proposal therefore, still, it seems fundamental and essential that we include some of the new ideas for example the idea proposed by Brazil, a review mechanism.

It would merely enrich the German proposal, which as we said is already very good and combine they could revitalize the Subcommittee and lead to very concrete, very productive results. A mechanism that could, over time, review the results accomplished and thus, we have very positive incentive for our work. So with that, we support the German proposal, thank you.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from Chile for her statement. Next on my list is Mexico.

Ms. R. M. Ramirez (Mexico) Thank you Mr. Chairman. As we already said, and we are grateful for Germany for having made this concrete and propose this excellent document which addresses a lot of our concerns that were among other venues noted in the GRULAC meeting.

We had a meeting with the permanent mission of our country here in Vienna specifically to address issues of this kind. As we said earlier, Mexico believes that this is feasible, that this proposal made by Germany opens the way toward some very productive steps but also raises some questions regarding existing practices. But again, we support the proposal, overall we agree with it. We want to know about the suggestion made by Brazil, just endorsed by Chile. We think all of us are in need of a more flexible mechanism and most importantly a mechanism that would be results-oriented. So again, we support Germany's proposal. Thank you.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from Mexico. Next on my list is the United States.

Mr. K. Hodgkins (United States of America) Thank you Mr. Chairman. Mr. Chairman, let me first thank the delegation of Germany for providing a very thought provoking proposal for restructuring our work. As one who has been involved in many years in trying to streamline the work of COPUOS and its Subcommittee's I can greatly appreciate the effort that went into this paper.

My delegation has a few points that we would like to make. Some questions that may seem to be getting in the weeds, but it does get to the heart of how we organize our work. First of all, in my delegation's view, this body is a fundamentally intergovernmental body, which is designed to give Governments the opportunity to exchange views on legal as well as policy issues. So one of my first observations is the question of the preparatory groups and what those preparatory groups will be preparing.

I note that in paragraph 8 of the paper, it seems to imply that the working groups will establish their own work and will establish their own topics for discussion, which then they would task the preparatory groups to prepare something. Now is that preparing Government positions? Or is that preparing observations made by individuals? Or what exactly are we preparing for the working groups to consider?

My second observation is it is not entirely clear to me what the difference is between the preparatory group and the working group. Working groups here in this Committee, or in the Subcommittee are opportunities for general, a free flow of ideas and exchanges not necessarily repeating Government positions and that is why the working groups are closed. I am presuming the preparatory groups will also be closed and that raises the next question which is, our current practice for the plenary sessions of the Subcommittee have recorded transcripts of what is said, which is the historical archive of what Governments feel or believe and observers on a particular topic. Under the proposed schedule, we have one day of the first week and one day of the second week that would have these recorded transcripts, but nothing else. So again, this is a detail, but I just want to point out that the bulk of the work and the bulk of the views expressed by delegations will now not be recorded in any substantial way for legal scholars in the future to go back to research what would have been said on any given topic.

Then, Mr. Chairman, I would like to go paragraph 12, where we discuss the expert groups that we had in the Scientific and Technical Subcommittee. Now, my delegation was supported of these expert groups as part of the consideration of long-term sustainability of space activities because it was an opportunity to bring in the views of primarily civil society, but it was very structured in the sense that these groups were given specific topics to look at and then they were under the Chairmanship, there we co-chairs for each of the expert groups, but the difference between these groups and what is being suggested as preparatory groups in the Legal Subcommittee is that these groups met outside of the Scientific and Technical Subcommittee, they are not given Secretariat services, they were not given interpretation services, they prepared their own material which was then fed into the working group and then that's when Member States and Governments began to take note of what had been said. So these are not similar in that sense, and that is a very very important distinction because we then come to the whole question of the resources being expended by the United Nations, and by the Secretariat. So I come back then to paragraph 19, which has the proposed schedule.

So the preparatory groups will they be serviced by the Office for Outer Space Affairs? and if so, what is it that they are going to be preparing? Is this going to be consensus document? Are there going to be recommendations from the preparatory group? And how will all of these materials be prepares. Because as you know, Mr. Chairman, we have a procedure dealing

with papers that are only available in English, papers that have to be translated into all official languages.

My second point concerning the resources during the first week, it's suggested we have a full day for IISLECL Symposium, so that would be six hours. What will those symposia look at? And how will the agendas be set, because right now OK we provide three hours of interpretation Secretariat services for the Symposium, but it is limited to one particular topic, now we are doubling that and I would like to understand better what we would expect to come out of the Symposium.

And then, when you look at paragraphs 13 through 18, my general impression is that this is going to require a huge amount of discipline on the part of individual delegations in the sense that in order to complete the work of the working groups in looking at multiple topics, the interventions will necessarily have to be limited. So for example, in the Working Group dealing with the Definition and delimitation, we've had three meetings that have gone pretty much the full allotted time just on that one topic, so how would we arrange our work so that all of the topics under these clusters are sufficiently considered?

Secondly, the reports and the amount of documentation that is produced by the Secretariat is limited under certain conditions. They are set by Conference Services, in paragraph 18 we are going considerably limit the length of the report, the annexes and then the supporting documentation, which I don't necessarily object to, but I think we have to understand that this would be the net effect.

And finally, Mr. Chairman, in paragraph 21 we talk about phasing this in. One of my concerns has been that we adopt an approach and then we figure out what that approach is going to address. So for example if we were to adopt this new approach, this year and then in 2015 we have to decide on what topics to take up in the working groups, what if we can't reach agreement on those topics? Because as you pointed out in paragraph 8, there is a rather lengthy process if you will of selecting topics for the Legal Subcommittee to consider and that has, it said, advantages and its disadvantages but we should not lose sight of the fact that this is an intergovernmental body and the topics have to not only have consensus, but they also have to serve the purposes that the Governments would like them to serve and that is why I come back to my earlier point particularly on paragraph 8. how are these topics for the preparatory groups selected? And what preparatory work are we asking them to do.

Thank you for your time Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from the United States for his statement. Next on my list is Italy.

Mr. P. Colapinto (Italy) Thank you Mr. Chairman, and let me thank also the German delegation for submitting this revised version of the proposal.

I will be very brief. We said it already clearly during our general statement. We support the German proposal. We believe that this new version of the proposal can be considered as a further improvement of this proposal, so I would like simply to reiterate once again our support for the German proposal. Thank you Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) I thank the delegation of Italy. Next on my list is Japan.

Mr. Kobata (Japan) Thank you Mr. Chairman. Mr. Chairman, first of all we would like to welcome and appreciate substantive efforts by German delegation to propose the working paper. We would also like to express our sincere appreciation for the German delegation to have a number of informal consultations. At the meeting of the Committee last June and the Scientific and Technical Subcommittee in February and to incorporate comments made by some delegations.

Japan fully shares the view that the considerations and the Legal Subcommittee should be further revitalized and more dynamic. Japan is of the view that the German proposal may bring some benefits to the current structure of the Legal Subcommittee. First, the proposal structure which splits the meeting of the plenary exchanges, working groups and preparatory groups may enable relatively small delegations to participate in all of the meetings. Second, the proposal structure may enable experts, who participate in the Scientific and Technical Subcommittee to attend also the preparatory groups in the Legal Subcommittee, which could encourage the harmonization between the two Subcommittees

Japan is of the view that however, a couple of issues could be discussed further among all delegations to have a better understanding of the German proposal. First, with regards to the four new consolidated agenda, we may need to discuss whether the agenda item on the definition and delimitation of outer space and international mechanisms for cooperation in the peaceful exploration and the use of outer space are both appropriate to be merged into the agenda item 3, Status and application of the non-binding instruments. The second, we may need to further discuss the mandate and the methodology of the working groups. Third, we may also need to further discuss the nature

of the preparatory groups and the better relationships or mechanisms between the plenary exchanges on working groups and the preparatory groups.

With these points in mind, it is our great pleasure to discuss further with the German and other delegations in this session, and to have another informal consultation as necessary in the next week. Thank you Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) I thank the delegation of Japan for this statement, are there any other delegations wishing to speak? Yes I see the Russian Federation.

Mr. Gonchar (Russian Federation) Thank you very much Mr. Chairperson. I would just like to begin by expressing thanks to the German delegation for the work that they have carried out. Germany's proposal to restructure the agenda and working methods of the Subcommittees really is based on a desire to enhance the effectiveness of our work and as such we see it as quite interesting and we see it as having a future. At the same time, Mr. Chairperson, it seems to use that in the proposal, there are certain things that could be worked out in greater detail. We also feel, as the United States delegation and Japan said, that really we do need to pay great attention to the relationships that exist between the various working group that we are planning or that we would be planning to set up under this proposal, the preparatory groups, so we would really need to determine very clearly the relationships that would exist between them, their status, and the way in which we plan to adopt the agenda. The way in which we plan to include new possible issues in the agenda. Participation in the preparatory groups and so forth, the relationship between them and so forth.

Mr. Chairperson, I think it is very important that all possible matters related to the organization of the work of these new bodies. That all of these matters should be worked out in great detail before we make any decision with respect to implementing this new system or not, and of course we stand ready to continue participating in consultations with Germany and other delegations during this session of the Subcommittee and intersessional period too and our aim here of course would be that this interesting and useful proposal should really result in an improvement in the effective work of this Subcommittee. Thank you.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from the Russian Federation for his statement. Next on my list is China.

Mr. Z. Shang (China) Thank you Mr. Chairman. First of all, just like other delegations, we would like to thank the proposal put forward by the German delegation. We believe the proposal from Germany is

helpful for revitalizing the work of the Subcommittee and also helpful for improving the effectiveness and efficiency of the work of this body. Therefore, like other delegations, we would like to support this proposal, but just as we said during our consultation with the German delegation, before making this major and important decision, we would like to know fully the detailed arrangement so that the German proposal could be effectively and fully implemented and also to ensure that this proposal would be implemented very successfully.

As for those details, many of the other delegations have referred to those details here, I would like to talk about three points. The first is the functions and the roles of the preparatory groups, which are not clearly explained in the German proposal. For example, who would compose those preparatory groups, according to the proposal, four people would be the members of the preparatory group. We believe if that is the case, we believe the group would have too few members.

In relation to this, the relationship between this preparatory and also this the working group and also this relationship with this Subcommittee, we would like to have the relationships further clarified. One basic idea is that the preparatory group should have the full and strict mandate given by the working group and also by this Subcommittee.

Secondly, is with regard to the role of the report of this preparatory group. Whether the report from this group should be reflected in the report of this Subcommittee. If that is the case, we believe we would need more time in discussing the report of the Legal Subcommittee.

Thirdly, is with regard to the section of the agenda items of this group. Up until now, we have not yet seen the details with regard to the selection of the agenda items in that group. Of course, according to the German proposal, the agenda items of this group should be fully relevant to the agenda items of those two working groups, but at the same time, we have noted that the agenda items of those two groups are not fully relevant or related to the agenda items of this Subcommittee. We hope that in terms of the selection of the agenda items for the preparatory group, the agenda items of this group should have a full relationship of relevance to the agenda items of this Subcommittee.

Those are our preliminary viewpoints. We of course stand ready to have full discussion with regard to the German proposal with other delegations in the future. Thank you Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from China for his statement. Next on my list is Austria.

Mr. P. Bittner (Austria) Thank you Mr. Chairman. First of all I would like to join all the others in thanking you and the German delegation for its efforts and the work put into this paper. We were following this process since the beginning almost one year ago and we have to congratulate the German delegation on how the whole document evolved and all the questions that we also had from the beginning were addressed in this paper, so we have much clearer picture now on how this should look like, in which direction this should go, and let me express our support for this initiative and we hope that, we have seen that many questions raised, but I am confident that we are able to address all these questions in our discussions next week. I think they are all pertinent questions and if we work on them hard, I think we can achieve a positive result during the next week and we are looking forward to that. Thank you Mr. Chairman.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from Austria for his statement. Are there any other delegations wishing to speak? The Netherlands.

Mr. Van Den Oosterkamp (The Netherlands) Thank you Chair. Like Austria, we have also been closely involved in the process of the German paper and we also would like to thank the German delegation for all the work which is involved in this paper. According to the Dutch delegation, the advantage of the German paper is that it makes better use of the meeting time and also the output could be better.

Of course there can be some improvements in some details and one remark from the Brazilian proposal. On the first side, he supported to have a review clause. It would be better because we have a new structure and new proposals, it could be good maybe after a certain time to see whether it works. I have to contact my Capital on that, on the first side, we support it, Brazil in proposing a review clause.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from the Netherlands. Next on my list is Colombia.

Mr. G. Pachon (Colombia) Thank you Mr. Chairman. I just wanted to add my voice to those whose spoke before me in thanking the delegation of Germany for this work carried out for the benefit of all of us. Not only for the proposal, which from our point of view is very well considered and address precisely the issues we need to address in the Subcommittee, to address some of the concerns and some of the uncertainties that my GRULAC colleagues refer to.

Something that came up in our regional meeting with GRULAC with the German delegation. As was already mentioned, we hope that in the days to come, a lot of these concerns and doubts can be addressed and dispelled and this proposal thus further improved.

But again from the point of view of Colombia, we believe this proposal does give us an opportunity, countries like ours, to derive the maximum benefit from the work of the Subcommittee. And that is the view of the regional group as well. So this is something that would allow us to contribute in a much more effective way to the various working groups and also to directly benefit from what transpires here. Because our country has just recently joined some of these efforts and we are just in the point of defining the right institutions that should become involved in this, but we definitely support the proposal. Thank you.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from Colombia for his statement. Are there any other delegations wishing to speak? I see none, so I would like to ask the German delegation, Ambassador Scharinger to respond.

Mr. Scharinger (Germany) Thank you Chairman. I would like first to thank all delegations for their favourable comments and statements and I would also thank all delegations for their questions and critical comments. We are of course ready to think about it, to discuss them. We will of course follow the good advice of our colleague from Belgium, to think about it over this weekend. Over this sunny weekend, there will be a lot of time to do it and we will take up the different points during the discussions next week.

I would only, let's say, answer in a very general fashion to certain questions, as concerns the question of Canada, there will be no change of the agenda in the year 2015, if there would be a decision to adopt our proposal, the first changes would be applied only in the session starting in 2016.

There were also a sort of complex of questions from Brazil, Chile and Mexico, concerning a review mechanism. We don't exclude such a review mechanism of course, this is a new proposal and you don't want to write in the first paragraph that your proposal will be changed very soon, but we are ready I think to do this and of course our proposal is not chiselled into marble.

As concerns the questions and comments by the United States and China, inter alia, they really went very much into the weeds, into the details, I would like to answer in a very general way; we have no intention to change the stages of the different working groups and preparatory groups. They are an integral part of the Legal Subcommittee and we are also not proposing to

change the organization of the work, the recording of certain sessions or not recording of certain sessions. The meetings of these working groups and the preparatory groups should be not in parallel, they should be organized in a sequence so that all delegations have the opportunity, even smaller delegations, to participate in the deliberations of those meetings.

Of course we are ready to discuss about the relationship between the different groups and also the relationship between the groups and the Legal Subcommittee, and as I said, we are not planning to change the status of the existing participants. This means, as we said, in preparatory group, there can participate experts and governmental representatives and they would be a formal part of the respective official delegations.

This is what I can say for the moment, but as I said, we are ready to think about and to discuss all the questions and I would like to ask the Chair if he wants to complement my remarks because he was also very much integrating to our deliberations. Thank you very much.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from the Republic of Germany. Indeed, ambassador, as already pointed out by Brazil, this proposal has already quite a few not only weeks, but even months, in fact a full year of work, integrated. So the upcoming weekend will be also dedicated to it in order to bring it more forward. I must say I am also very pleased and I appreciate the discussion we were able to have today during this meeting because it showed that the proposal needs a certain expectation from delegations and it responds to concerns of delegations related to our working mechanisms which are regarded by many delegations as not being optimal for achieving good results.

So I am glad that the proposal has been received already with much sympathy and agreement but there are a lot of questions and I think the German delegation will very very carefully consider all these questions. I think they have meticulously taken note of all the questions, proposals and also criticism of specific parts and as Ambassador Scharinger already pointed out with regard to the review clause, the German delegation is ready to integrate any item or aspect which meets the expectations and the wishes of the delegations in order than to achieve a consensus.

Now I guess the German delegation will, as set, during the weekend, consider all these points which have been raised, then start beginning from Monday, 8 o'clock. If there are delegations available here at 8 o'clock in the morning on Monday with bilateral

consultations and possibly also then have meetings for which the Secretariat will certainly be glad to support through the provision of meeting rooms. And then this should then lead to Wednesday when we have formal consideration again of this agenda item where we might then continue with deliberations. Maybe even already on the basis of a new document, but this I'll leave in the hands of the German delegation in order to achieve progress.

From what I have heard, I must say that I am confident that we might reach a consensus and a conclusion already at this session of the Legal Subcommittee. Of course this means that the German delegation has again, carefully take into account all the points which have been raised, which were, as I have understood, all of a constructive nature. So I am not very much afraid that there are any points which have been raised which would really prevent us from reaching a conclusion and a consensus already at this meeting, but I don't want to put too much pressure on Germany or on the delegations, but I just want to encourage delegations to discuss with Germany in such a mood and with such a goal of possibly reaching results at the earliest point possible. With this statement I obviously have caught the attention of the United States and I give the floor to the representative of the United States.

Mr. K. Hodgkins (United States of America) Thank you Mr. Chairman.

Well, Mr. Chairman I am as optimistic as you are on many many things, but my observation is that there were in fact some very fundamental issues raised here that are of interest to all Member States. So I would suggest that rather than waiting until Wednesday for another meeting of the full Committee to consider this topic, we should use a time available beginning on Monday so we have full interpretation services to hear answers to our questions and then to hear reactions from all Member States because my delegation is quite interested in what everyone has to say about this. I am not quite sure we'll achieve our goal by having small groups be informally at various times during the week. So my suggestion, Mr. Chairman is to look at the schedule of work for next week and where there might be opportunities to use the full services of the Secretariat to further discuss this proposal. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you United States, I appreciate this approach. I see Venezuela asking for the floor.

Mr. R. Becerra (Venezuela) Thank you Mr. Chairman. All States share I think, one important concern, to make the work of the Subcommittee more

effective and efficient and in that regard we are grateful for Germany's proposal.

Having said that, let me say some words of caution. We shouldn't be in too much of a hurry. The German proposal is interesting but it would be too hasty to say if, if one agrees/does not agree, we have to analyse it in depth — in detail — this is a decision, or a series of decisions that will affect the future of the Subcommittee. So this is an issue that should be retained in the plenary, on the agenda, that we should be discussing it here, among all Member States, it can be discussed in the corridors but also importantly here, in the plenary.

Also to move this discussion forward toward consensus, let me say, we are always concerned with the term "expert group" — a group of experts, or preparatory group, whatever we call it — for the following reasons.

Often we don't know who these experts are, whom exactly they represent. They talk outside of this room, in other fora, other venues. We are not always informed of what happens. We don't what exactly transpires. So this is delicate. This is sensitive. Let us always remember that we are a multilateral body and every decision should be based on what all Member States agree on. This should be very clear.

Another thing that I didn't entirely understand. Preparatory group or experts groups. In the first proposal put forward by Germany, there is a reference to expert groups. Academics, industrialist, university people, everybody. But let's be clear, this is an intergovernmental body. We represent States and all decisions are made here by representatives of Member States. All kinds of laboratories, studies and analyses elsewhere by experts is very good, but decisions are made here by ourselves. It is not entirely clear again to me, whether the preference is given to a preparatory group or an expert group. What would be the respective objectives and the respective mandates of such groups and how would it affect our agenda. Once again, always we have to bear in mind the multilateral intergovernmental status of this body and all decisions are taken here by Member States. This is it Mr. Chairman, thank you very much.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate of Venezuela for his statement. Referring again to one specific element of the German proposal, which is the expert/preparatory group, which has been raised also by a number of other delegations, where we do have requests for further clarification indeed. I heard also from delegations that discussions should be left in plenary with translation and all the committee services. So what I would propose then is

not to wait until Wednesday when we have originally scheduled to come back to agenda item 14, but to advance the discussions under this item hear in plenary. I would certainly not do that already on Monday morning, but I would like to ask the German delegation what their preference would be. Either to continue with these discussions on Monday afternoon, or on Tuesday morning. German delegation.

Mr. Scharinger (Germany) Thank you Chairman. We would prefer Tuesday morning to have the continuation of this discussion in order to prepare ourselves. Thank you very much.

Mr. Kai-Uwe Schrogl (Chair) Thank you. So, yes I see the United States.

Mr. K. Hodgkins (United States of America) I apologise, Mr. Chairman for standing between us and the weekend, but I just have one other point I wanted to make, that I would ask the German delegation to give some thought to. In the first proposal, L.293, in paragraph 13(b), where we talk about the expert groups, and we do understand now that the term has been changed, now in the revised paper in 13 (b), it suggests that the preparatory groups would be comprised or composed of representatives nominated by Member States of the committee and observers to the committee. Now, again and I come back to the question of what is this preparatory group supposed to be doing. We are suggesting now that observers are going to be on the same level as the Member State representatives in preparing the Working Group that will then be Governments only who will be deliberating on specific issues. So I really would like to understand that better, because right now, the observers are the observers, and now we are suggesting that they are going to be integral in preparing issues for consideration by Member States. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you, the delegate from the United States for this additional request for clarification. Next on my list is South Africa.

Mr. L. Teffo (South Africa) Thank you Chair. Thank you for the opportunity to voice our views. My delegation would like to thank the German proposal and initiative and that we are looking forward to engaging them on this document. Thank you.

Mr. Kai-Uwe Schrogl (Chair) I thank the distinguished delegate from South Africa for his statement. Are there any other delegations wishing to speak? Republic of Korea.

Mr. Lee (Republic of Korea) Thank you Mr. Chairman for giving me the floor again. I would like to discuss my total support of the suggestion made

by the distinguished delegate of United States on this matter. The German proposal is merging some big lumps of our works in very simplified ways. However, in other ways, now is making more hierarchies of our organization of work. From the COPUOS Committee, this is the Subcommittee, under the Subcommittee is the working groups, under the working groups is the preparatory meetings. Now-a-days the merging the consultations is the most efficient ways, however now making new hierarchies. In this respect, we should concentrate on our work, in the plenaries, likewise expressed by other delegations. Thank you.

Mr. Kai-Uwe Schrogl (Chair) Thank you. Any other delegations wishing to speak? Do delegations wish to speak on something different than the German proposal because we are also considering new items. I see none.

So, with this I think I can close the discussion on this item. We will therefore continue our consideration of agenda item 14, Proposals to the Committee on new items for consideration by the Subcommittee, on Tuesday morning next week.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee. Before doing so, I would like to inform delegates of our schedule of work for Monday morning.

We will meet promptly at 10.00 a.m. At that time, we will continue and hopefully conclude our consideration of agenda item 4, the general exchange of views, and we will begin our consideration of agenda item 12, general exchange of information on non-legally binding United Nations instruments on outer space. We will also continue our consideration of agenda item 13, review of international mechanisms for cooperation in the peaceful exploration and use of outer space.

We will hear two technical presentations on Monday morning, one by a representative of Japan entitled "Japanese contribution to the General Exchange of Information on Non-legally Binding United Nations Instruments on Outer Space", and by a representative of the European Space Agency, entitled "The European Space Agency as a mechanism and actor of international cooperation".

The Working Group on the Review of International Mechanisms for Cooperation in the Peaceful Exploration and Use of Outer Space will then hold its second meeting. Are there any questions or comments on this proposed schedule? I see none.

The meeting is adjourned until 10.00 a.m. on Monday morning and I wish all delegates a pleasant weekend.