

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

Script

915th Meeting

Friday, 24 April 2015, 10.00 a.m.

Vienna

Chairman: Mr. K-U Schrogl (Germany)

The meeting was called to order at 10.15 a.m.

The CHAIRMAN: Good morning distinguished delegates, I would now like to declare open the 915th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

Adoption of the report of the Legal Subcommittee

This morning I would like to continue with the adoption of the report of the Legal Subcommittee.

I would now like to begin with the adoption of the fourth part of the report, which is contained in document L.296/Add.3, containing the following parts: Capacity-Building in Space Law, and 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.

Do all delegations have before them this document L.296/Add.3?

I see yes so we can start with the adoption of this part. This is VII – Capacity-Building in Space Law.

We start with paragraph 1.

Adopted.

Paragraph 2.

Adopted.

Paragraph 3.

Adopted.

Paragraph 4.

Adopted.

Paragraph 5.

Adopted.

Paragraph 6.

Adopted.

Paragraph 7.

Japan.

Mr. K. KOBATA (Japan): Thank you Mr. Chairman. Regarding paragraph 7, since APRSAF is not an organization but a regional forum and we also understand that the Space Conference of the Americas and the African Leadership Conference on Space Science and Technology for Sustainable Development, are not events but also regional forums. So we would like to propose the following modification.

The new sentence reads as follows:

“The Subcommittee recalled the importance of promoting regional and interregional cooperation through organizations such as APSCO and ESA and through regional forums such as APRSAF and the Space Conference of the Americas and the African Leadership Conference on Space Science and Technology for Sustainable Development.”

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Japan. This would also be in line with the changes, the modifications we made yesterday in one other part of the report where we had a number of organizations, intergovernmental organizations and fora and I think the Secretariat will take care of that.

With that modification, can we adopt paragraph 7?

I see no objections.

Paragraph 7 is adopted.

Paragraph 8.

Adopted.

Paragraph 9.

Adopted.

Paragraph 10.

Adopted.

Paragraph 11.

Adopted.

Paragraph 12.

Adopted.

Paragraph 13.

Adopted.

Paragraph 14.

Adopted.

Paragraph 15.

Adopted.

Paragraph 16.

Adopted.

Paragraph 17.

Adopted.

Paragraph 18.

Adopted.

Paragraph 19.

Adopted.

Paragraph 20.

Chile.

Ms. T. ALVAREZ (Chile) (*interpretation from Spanish*): Thank you Chairman. In paragraph 20,

I would like to request a change in the first line. In English, when it says "some delegations expressed the view that the Office for Outer Space Affairs should strengthen its efforts", we would like to change "some delegations requested that the Office for Outer Space Affairs strengthen its efforts".

Thank you.

The CHAIRMAN: Thank you Chile.

Any objections to change that into a request?

I see no objections.

So with this modification, paragraph 20 is adopted.

Paragraph 21.

Adopted.

Paragraph 22.

Adopted.

Paragraph 23.

Germany.

Mr. K. WENDELBERGER (Germany): Good morning to everybody. Just a small thing. In paragraph 23. We think in the second last line "constituted", it should be the "present", "it constitutes a complete article-by-article commentary".

The CHAIRMAN: I thank the distinguished delegate of Germany who requested again to have the floor.

Mr. K. WENDELBERGER (Germany): We just had an internal discussion so I apologize on another. This time in addition, in the last line behind "United Nations treaties", we would like to propose to insert "and legal instruments on outer space". So please insert these three words "and legal instruments".

The CHAIRMAN: Thank you Germany.

So the second change is, I guess, easy to accomplish. For the other one, I understand that this is an editorial practice to speak in past tense so we will bring that up, the Secretariat will bring that up with the editorial team.

With that change, is paragraph 23 adopted?

It is adopted.

Paragraph 24.

Adopted.

So we turn to IX – 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.

Paragraph 25.

Adopted.

Paragraph 26.

Adopted.

Paragraph 27.

Adopted.

Paragraph 28.

Adopted.

Paragraph 29.

Adopted.

Paragraph 30.

Adopted.

Paragraph 31.

Adopted.

Paragraph 32.

Adopted.

Paragraph 33.

Adopted.

Paragraph 34.

Adopted.

Paragraph 35.

Adopted.

Paragraph 36.

Adopted.

Paragraph 37.

Adopted.

Paragraph 38.

Adopted.

Paragraph 39.

Adopted.

Paragraph 40.

Adopted.

Paragraph 41.

Adopted.

Paragraph 42.

Adopted.

Paragraph 43.

Adopted.

Paragraph 44.

Adopted.

Paragraph 45.

Adopted.

Paragraph 46.

Adopted.

Paragraph 47.

Adopted.

Paragraph 48.

Brazil.

Mr. A. J. RYPL (Brazil): Mr. Chairman, thank you. It is just a request for a clarification. I did not have time to check last year's report but I seem to

remember that the expression we traditionally use to refer to this point was the historical responsibility of space-faring nations or nations with more advanced space-faring programmes for debris. I do remember really but I may be mistaken, the use of the expression “proportionate liability”. So I am not sure if this expression has wide acceptance if it is understood to mean the historical responsibilities of nations with space-faring programmes.

If you will allow me perhaps to check last year’s report, because that is a traditional position that we have been stating every year.

Thank you.

The CHAIRMAN: Thank you Brazil.

We will leave that open and we will continue with paragraph 49.

Paragraph 49.

Adopted.

Paragraph 50.

Adopted.

Paragraph 51.

Adopted.

Paragraph 52.

Adopted.

Paragraph 53.

The Russian Federation.

Mr. V. M. GUDNOV (Russian Federation) (*interpretation from Russian*): Thank you very much Mr. Chairman. I would like to draw the attention of delegations to the fact that it is not just cooperation with the Scientific and Technical Subcommittee, it is not just required for legally binding norms but also for non-legally binding norms. So we would like to have additional language in this paragraph.

(*Continued in English* “... legally binding rules or instruments”, maybe, should incorporate at the third line, “should cooperate in developing binding and non-legally binding rules for space debris mitigation” because guidelines that are under discussion now in the

Scientific and Technical Subcommittee is non-legally binding.

Thank you.

The CHAIRMAN: Understood. With that modification in the third line “having non-legally binding rules for space debris mitigation”, can we adopt paragraph 53?

Yes we can.

It is adopted.

Paragraph 54.

Adopted.

Paragraph 55.

Adopted.

Now we return to paragraph 48. May I ask the distinguished delegate of Brazil to clarify?

Mr. A. J. RYPL (Brazil): I could not locate the appropriate paragraph last year but I consulted with the representative of Chile because of our statement on GRULAC, and the GRULAC statement read “proportionate responsibility” but not “liability” and we understand that the concept of liability and responsibility is different.

So perhaps I would suggest, to avoid repeating responsibility, we could read the sentence as follows, the final part: “necessary to take into account the principle of historical responsibility for space debris removal”. We do not need anything to have in allocating responsibility. We could just delete that if all delegations are in agreement.

Thank you.

The CHAIRMAN: Thank you Brazil.

So the proposal is to replace “proportionate liability” with “historical responsibility”?

Mr. A. J. RYPL (Brazil): “proportional responsibility for space debris removal”. I will read it again: “that it was necessary to take into account the principle of proportional responsibility for space debris removal”.

The CHAIRMAN: Thank you Brazil. Now that is clear.

Any objections?

I see none.

Paragraph 48 is adopted.

And we have now adopted all paragraphs contained in L.296/Add.3.

The Secretariat will now check the status of Add.4 and then I will make an announcement of when we will resume our session.

The meeting was suspended.

The meeting resumed.

The CHAIRMAN: Distinguished delegates, we continue our consideration of the report of the Legal Subcommittee.

And firstly, I wish to come back to the first part of our report, contained in document L.296, in order to consider new paragraphs to be added to the Chapter IV of the report entitled "Status and Application of the Five United Nations Treaties on Outer Space", and they would constitute paragraphs 49 *bis* and so on.

We will now put on the screen these additional paragraphs and go paragraph-by-paragraph. Yes?

Do I have to read out the text or can we simply continue by giving you time to read it and then we discuss it? What is your preference? I guess you will just read it and then we discuss the respective paragraphs.

So the first paragraph "some delegations expressed the view".

Comments on this paragraph?

I see none.

So this paragraph is adopted.

The next paragraph, "the Subcommittee the statement".

I invite comments on this paragraph.

I see the Republic of Korea.

Mr. Y.-W. SONG (Republic of Korea): Thank you Mr. Chairman. I do not read English that fast so let us have some more minutes but already I find a line or two should be added in the middle of the paragraph, the tenth line which ends "United Nations Security Council resolutions", after that we would like to add "moreover the attention was drawn to the report published this year by the Panel of Experts established pursuant to Security Council resolution 1874 2009 that points out that the National Aerospace Development Administration, NADA", after "NADA", it remains the same. So delete "the delegation noted" up to "NADA".

The CHAIRMAN: Can you please read it out again?

Mr. Y.-W. SONG (Republic of Korea): Yes, I will read it one more time.

"Moreover, the attention was drawn to the report published this year 2015 by the Panel of Experts". The remainder will be the same.

No, "by the Panel of Experts established pursuant to Security Council resolution 1874 (2009)".

Yes, now it looks good.

The CHAIRMAN: Thank you Mr. Ambassador.

The next speaker on my list is the distinguished representative of the Russian Federation.

Mr. V. M. GUDNOV (Russian Federation) (*interpretation from Russian*): Thank you Chairman. Before we continue work on this document, I would like to express doubt on behalf of my delegation whether we have the right under our mandate to discuss violations by any States of Security Council resolutions. As we see things, this is the exclusive competence of the Security Council.

Thank you.

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

The Republic of Korea.

Mr. Y.-W. SONG (Republic of Korea): Thank you Mr. Chairman. I understand that this Subcommittee deals with legal issues pertaining to space vehicles and any other launch vehicles using the ballistic missile technology. So, according to the United Nations General Assembly resolution 1472 of 1959, Operative Paragraph 1(b), it is the mandate of the Committee on the Peaceful Uses of Outer Space to study the nature of legal problems which may arise from the exploration of outer space. Since the Democratic People's Republic of Korea requested the United Nations Secretariat to circulate information concerning Kwangmyongsong-3-2 in accordance with Article IV of the Registration Convention. As can be seen from the United Nations document, ST/SG/SER.E662, we are of the view that this issue is of a very important legal nature that can and should be discussed, according to the aforementioned United Nations General Assembly resolution.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished delegate of the Republic of Korea.

Can we proceed?

The Russian Federation.

Mr. V. M. GUDNOV (Russian Federation) (*interpretation from Russian*): Thank you Chairman. I would like to object. I would like to say that matters of disarmament of armament are in the preserve of the First Committee. Issues related to violations of Security Council resolutions are in the mandate of the Security Council. Within the framework of our mandate and our agenda, that of the Legal Subcommittee, we could consider only matters related to registration of space objects by the Democratic People's Republic of Korea, if there are any doubts with respect to whether a State has complied with the registration procedures and we believe that our authority and mandate is limited to that.

Thank you.

The CHAIRMAN: Thank you Russian Federation.

Cuba.

Ms. I. CABAÑAS VERA (Cuba) (*interpretation from Spanish*): Thank you Chairman. Our delegation shares the concern raised by our colleague from the Russian Federation. We consider

that this is a Security Council mandate and not this Subcommittee.

Thank you.

The CHAIRMAN: Thank you Cuba.

The Republic of Korea.

Mr. Y.-W. SONG (Republic of Korea): Thank you very much Chairman. I do not intend to discuss the mandate of the Security Council. I am looking at the mandate of the Legal Subcommittee of COPUOS. We raised the issue which is, in our view, absolutely a legal matter related to the discussions done during the past several days and the Secretariat got back to us after consulting with various organizations within the United Nations system. So my delegation proposes the discussion duly reflected in the Summary Records.

Thank you very much.

The CHAIRMAN: Thank you Republic of Korea.

May I ask the delegate of the Russian Federation what the consequence of his objection is? Would you like to delete the sentence which was just proposed or would you go even further than that and propose other text for this paragraph?

Mr. V. M. GUDNOV (Russian Federation): We proposed only "the view was expressed".

The CHAIRMAN: Thank you. Do I understand correctly that instead of "the Subcommittee noted the statement", to replace that by "the view was expressed"?

Mr. V. M. GUDNOV (Russian Federation): That is right. (*Continued in Russian*) Moreover, we would like to note that we do not deem it possible to make any decision with respect to this matter.

Thank you.

The CHAIRMAN: So we have now, can we then delete "Subcommittee noted", the view was expressed"? "The view was expressed that the notification". So we have two amendments to this draft paragraph.

With these two amendments, would this paragraph be acceptable?

I see no objections.

This paragraph is adopted.

We move to the next paragraph.

At its 913th meeting.

The Republic of Korea.

Mr. Y.-W. SONG (Republic of Korea): Again, I will need some more time to read the current draft but my delegation wishes to propose an addition of a paragraph after the current paragraph. I will read it at dictation speed.

“The delegation of the Republic of Korea expressed its regret that the results of the illegal act committed by the DPRK, which was condemned by the Security Council on a number of occasions, were treated as simply an administrative and technical matter by the Office. The delegation found it very regrettable that the advice received from the aforementioned Offices of the United Nations did not fully reflect the provisions of the United Nations Charter, the resolutions adopted by the Security Council and the reports submitted by the 1718 Committee and the Panel of Experts. The delegation claimed that the issue should be re-examined and discussed at the fifty-eighth Committee on the Peaceful Uses of Outer Space to be held in June 2015.”

The CHAIRMAN: Thank you Republic of Korea. Could the Secretariat maybe moves that maybe down so that we have it one page. The first thing I would suggest is that we change, in common practice, “the view was expressed that it is regrettable” or something like that.

And now I invite delegations to comment on this paragraph.

Are there any objections to this paragraph?

The United States.

Mr. B. ISRAEL (United States of America): Thank you Mr. Chairman. Two points. The first is that I recall when this was discussed under the agenda item 5 last week. I believe only two statements were made and I recall one delegation expressing the view. While they did not condone the launch by the DPRK, they nevertheless believed that the United Nations Secretary’s actions were fully in accordance with international law and so I would just like to ask whether that delegation would like to have that view

reflected as well in the interest of completeness of our report.

The second is just a request to the Secretariat since we do not have this in writing and because it is probably of great interest to many of our governments, I would like to request that this be circulated as soon as possible after the meeting, perhaps to Missions here in Vienna so that the Missions can have the benefit of seeing this before the full report comes out.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you United States. Do I understand correctly that you would like to add an additional paragraph? And if so, could you propose wording?

Mr. B. ISRAEL (United States of America): Thank you Mr. Chairman. Because the United States did not speak under this agenda item, I do not think it would be appropriate for us to do so. I was merely recalling that another delegation had made such a statement so I just wanted to make sure that that delegation had an opportunity to have their view reflected.

Thank you.

The CHAIRMAN: Thank you United States.

Any of these delegations which made statements on that specific issue pointed out by the United States would like to add a paragraph?

I see none.

So next on my list is Cuba.

Ms. I. CABAÑAS VERA (Cuba) (*interpretation from Spanish*): Thank you Chairman. We did not want to add any language. We were concerned about four paragraph from one country. It is a bit strange but we do not want to break consensus but we would like to go back to the first paragraph because that was gone over very quickly and we did not get the chance to see it properly.

Thank you.

The CHAIRMAN: Thank you Cuba.

Ms. I. CABAÑAS VERA (Cuba) (*interpretation from Spanish*): Thank you.

The CHAIRMAN: China asked for the floor.

Mr. Z. SHANG (China) (*interpretation from Chinese*): Thank you Mr. Chairman. Would you please go back to the newly added last paragraph? We would like to ask the Secretariat to clarify the last sentence because our understanding this was not an item on the COPUOS session in June. If we would like to have a discussion of that under which item and through what form should it be discussed?

Thank you Mr. Chairman.

The CHAIRMAN: Thank you China. I have passed that question to the Secretariat.

The Secretariat.

Mr. N. HEDMAN (Secretary, Office for Outer Space Affairs): Thank you Mr. Chairman. In order to respond to the question posed by the distinguished delegate of China regarding the last sentence of this paragraph.

First of all, one, this is the whole paragraph, it is the view expressed by one delegation which means that it is not a decision, it is not a consensus of the Legal Subcommittee.

Secondly, that what is expressed here is that the item should be re-examined during the fifty-eighth session of the Committee and, frankly speaking, we have "General Exchange of Views" as an agenda item of the Committee on the Peaceful Uses of Outer Space.

Thank you.

The CHAIRMAN: Thank you Secretariat.

The Republic of Korea.

Mr. Y.-W. SONG (Republic of Korea): Thank you Mr. Chairman. As far as I recall, my delegation raised the issue only last week so it has been about 10 days. It was only yesterday that we could listen to the views expressed by the Office after consultation with various offices within the United Nations and it was only this morning that we could read the draft summary report on this very important matter. So my delegation believes that we deserve some more chances to re-examine this matter at the next fifty-eighth session of the COPUOS.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Republic of Korea.

Is Japan asking for the floor?

Mr. F. TANAKA (Japan): Thank you Mr. Chairman and also I would like to thank you, the United States delegation's comments, and so we would like to add the following paragraph in the first paragraph. "Some delegations expressed ...", before that sentence "the view was expressed", this is an independent paragraph please. "The view was expressed that the establishment of the National Registry of Objects Launched into Outer Space in itself complies with the Convention on Registration of Objects Launched into Outer Space. Japan also thinks the Registry contributes to identifying objects launched into outer space and clarifies the international responsibilities for the launched objects."

Thank you very much Mr. Chairman.

The CHAIRMAN: Thank you Japan. You see there is an additional paragraph proposed.

Any objections?

The Republic of Korea.

Mr. Y.-W. SONG (Republic of Korea): Thank you Mr. Chairman. I do not have any objection to the addition of the sentence at the beginning of this issue but to have linkage, I would like to add "however", before "some delegations expressed", that we fully understand the statement by the distinguished delegate of Japan, it, of course, contributes to the many important issues discussed within the Subcommittee of the COPUOS. However, the views were expressed that the DPRK case is an anomaly and the DPRK does not have the right to launch space objects or missiles using ballistic missile technology". So the two sentences could be linked with the addition of "however".

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Republic of Korea. So we understand that you want to link the sentences, I should say, that this is against common practice in our reports and I would suggest to keep them apart because this is the view that was expressed and another delegation expressed the other view. So we delete what you just put in. However, you make XX so that we see that this is a separate paragraph. I would suggest that to keep that in common practice of our reports. And I also understood, Mr. Ambassador, that you are in agreement with the text of that proposed paragraph.

Before we adopt this additional paragraph, I give the floor to Canada.

Mr. C. SCHMEICHEL (Canada): Thank you Mr. Chairman. I am extremely sorry for taking the floor. I just believe that the last sentence there ought to properly reflect what it is in the treaties and say that “it clarifies international liability for objects launched”, not “responsibilities” but “liability”.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Canada. When we make this change, we can also make the adaptation that “the establishment of a national registry” in the first line.

The Republic of Korea.

Mr. Y.-W. SONG (Republic of Korea): Thank you Mr. Chairman. Actually, as far as I recall, serious concerns were expressed by my delegation and the distinguished delegation of Japan on this subject and both delegations expressed the importance of registry and both delegations mentioned, however, North Korea’s launching of a space object into Earth(?) is not a legal act and should be prohibited. I do not recall the exact wording so it would be appropriate to add “however” in the second paragraph.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you Republic of Korea.

Germany.

Mr. K. WENDELBERGER (Germany): Thank you Chair. Not being a native speaker, I nevertheless think that in the second last word of the paragraph proposed by Japan, it should read “launched”, so an “ed” is missing behind “launch”.

Thank you.

The CHAIRMAN: Thank you Germany.

So the proposal of the Republic of Korea was to add “some delegations however expressed”. This is your proposal. I, as Chair and being responsible for coherency in the reports, would advise not to do that because we never do it in our reports but if the delegations wish to do so, we can add “however”. “Some delegations, however”.

Any objections?

I would like to state that this should not be a precedence otherwise our reports will be, I should actually say, infected by that and we have kept that out but under this critical situation, if we can make progress, we could so but I really urge delegations to make this an absolute exception.

Now I have to respond to the proposal by the United States delegation and also the request by the United States delegation for a transparent way of communicating views which were expressed and information which was shared. So I propose the following that we move down, that in this paragraph we include the complete text of the statement made by the Director in order then to make the point clear in order also to have not only for the Permanent Missions but also then for the record of everybody, the full statement as has been read out by the Director yesterday.

So we put that in as appropriate in this paragraph, “at the 913th meeting, the Director of the Office for Outer Space Affairs made the following statement informing the Subcommittee”, and then we put the complete text of that statement.

Is this acceptable?

The Republic of Korea.

Mr. Y.-W. SONG (Republic of Korea): I understand that we are working on summary records not the verbatim records? So I do not understand the rationale of the Office but my delegation wishes to have the written text first before responding to the proposal just put forward by the Office.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you. We will provide you with the text immediately. Will you be in a position to then accept that before 1.00 p.m.?

Excuse me, Ambassador, I was informed that you have been provided with this statement already yesterday by the Director so please, you have the floor.

Mr. Y.-W. SONG (Republic of Korea): We have the text. We do not know how it fits so we have to read it carefully and we will, as you mentioned, we are very much time pressured. I know that time is very important but until 1.00 p.m. we have 30 minutes. I cannot guarantee you that my delegation can give its final position on the final text with the insertion of the statement made by the Director.

Thank you Mr. Chairman.

The CHAIRMAN: Before giving the floor to Chile, I would like to prepare delegations that we will reconvene most probably at 3.00 p.m.

Chile.

Ms. T. ALVAREZ (Chile) (*interpretation from Spanish*): Thank you Chairman. I think that for this item and considering the new paragraphs that we need to study with time and perhaps consult with capital. I think that to have a way out, the way we do with other subcommittees, the Rapporteur can send a proposal to delegations for Monday, keep things in brackets, we can approve the report and give ourselves two weeks, so 10 working days, and have a Note Verbale from the Secretariat. I think that is an OK solution so we can approve it today with Addendum.4 in the terms that I have described.

Thank you.

The CHAIRMAN: Thank you Chile.

The Russian Federation.

Mr. V. M. GUDNOV (Russian Federation) (*interpretation from Russian*): Mr. Chairman, we believe that we need to start discussing at 4 of the draft report. This document we have just discussed has taken up a lot of time. If Korea would like to have time for discussion of that document, we could do that in the afternoon. I do believe that we need to complete the items that are on our agenda.

Thank you.

The CHAIRMAN: Thank you Russian Federation. This is fully in my interest. Nevertheless, we have scheduled meetings until 6.00 p.m. this afternoon and if delegations wish, we can consume that full period.

Any other delegations wishing to speak on this?

So I propose the following.

We will make a clean version now of that plus inclusion of the text, as just announced, and can we print that out before the end of session at 1.00 p.m. so that this will then constitute the basis for discussion then review during lunchtime and we will take that up in the afternoon.

So we will turn to document L.296/Add.4 and we will start with XI – General Exchange of Information on Non-Legally Binding United Nations Instruments on Outer Space.

All delegations have that document in front of them?

Paragraph 1.

Adopted.

Paragraph 2.

Adopted.

Paragraph 3.

Adopted.

Paragraph 4.

I see Brazil.

Ms. J. MACEDO SCAVUZZI DOS SANTOS (Brazil): Thank you Mr. Chairman. Regarding paragraph 4, we believe that the language, the wording is a bit inaccurate and does not reflect what was presented here. So we would like to propose some changes. I can read it at dictation speed: “The Subcommittee was informed by the EU observer that the EEAS intended to carry out negotiations on the initiative for an International Code of Conduct for Outer Space Activities”, and then we would replace “would” by “which”, “which would take place from 27-31 July 2015 in New York and that all United Nations member States would be invited.”

Thank you.

The CHAIRMAN: Thank you Brazil.

The Russian Federation.

Mr. V. M. GUDNOV (Russian Federation) (*interpretation from Russian*): Thank you Chairman. We would also like to have clarification from the EU representative who made this statement on the mandate under which these negotiations take place and what their aim is, the final purpose.

Thank you.

The CHAIRMAN: Thank you Russian Federation.

So these are two proposals and before I give the floor to the observer of the European Union, I would like to ask whether the changes proposed by Brazil are acceptable?

I see yes.

Then I would like to ask the observer of the European Union possibly also to provide text which responds to the request by the representative of the Russian Federation to clarify the purpose of these negotiations.

I give the floor to the observer of the European Union.

Mr. A. BABAJIDE (European Union): Thank you very much Mr. Chairman for this possibility to reply to the questions raised by the distinguished delegates.

As far as the, maybe addressing first the question raised by the distinguished delegate from the Russian Federation, he raised the question about the mandate of the negotiations and also what will be the final purpose of these negotiations. And I would just like to recall what I said in the statement that I presented on Monday, where I referred to the report of the Group of Governmental Experts which was adopted in 2013 on the "Transparency and Confidence-Building Measures in Outer Space Activities", which, in its report endorsed efforts to pursue, and I am quoting, political commitments, for example, in the form of unilateral declarations, bilateral commitments or a multilateral code of conduct to encourage responsible actions in and the peaceful uses of outer space.

And, as I mentioned also in the statement, that the Group also called upon States and international organizations to consider and implement the transparency and confidence-building measures described in the report.

What I also said, Mr. Chairman, was that the United Nations General Assembly on 5 December 2013 adopted, without a vote, resolution 68/50 on Transparency and Confidence-Building Measures in Outer Space Activities, a resolution which was, in fact, tabled by the Russian Federation, jointly with the United States and China. And this resolution, adopting the Group of Governmental Experts and encouraging United Nations member States to review and implement the proposed transparency and confidence-building measures contained in the Group's report.

And that the United Nations General Assembly also requested that the relevant entities and organizations of the United Nations system assist in effectively implementing the conclusions and recommendations contained in the report and that this call was repeated by the United Nations General Assembly last year with resolution 69/38, adopted without a vote on 2 December 2014.

So the purpose of these multilateral negotiations is to pursue work on the International Code of Conduct which was identified by the Group of Governmental Experts and to hold multilateral negotiations on the Code with a view to making progress in this initiative. And, as I said before, the reference to this was given in the resolutions and the purpose of my statement, the European Union statement earlier this week was to update member States on the fact that these negotiations were scheduled in New York at the end of July, and, as I also mentioned, a Note Verbale with the Save the Date Message will be issued in New York to all United Nations member States and further details about these negotiations themselves will still be provided to the United Nations member States in due course.

So I hope this clarifies further the substance of what was presented on Monday.

Thank you Mr. Chairman.

The CHAIRMAN: I thank the observer of the European Union.

The Russian Federation.

Mr. V. M. GUDNOV (Russian Federation) (*interpretation from Russian*): Thank you Chairman and many thanks to the distinguished representative of the European Union for the clarification. Nevertheless, we are not entirely clear under which mandate the negotiations will occur. Will it be under a United Nations mandate? Will it be under a different mandate?

I would also like to recall for the benefit of the European Union representative, 23/64 and 66 of the Group of Governmental Experts Group in which it is stated that TCBM are developed on a multilateral basis and this in the interests of ensuring their adoption by the international community as a whole. Also coordination between multilateral organizations involved in TCBM is of utmost importance too and such coordination must take place on the basis of the mandates of those organizations and also that the Group recommended having coordination between the

disarmament structures and various other United Nations bodies that are involved in building TCBM in space-related activities. And, moreover, that the Group of Experts came to a unanimous decision on the fact that inter-agency mechanisms of the United Nations can provide a platform for constructive consideration of issues and effective implementation of TCBM in the space domain.

And it is for that reason that I asked under the mandate of which international organization will these negotiations occur because negotiations are different from consultations and the fact that decisions are made as a result of negotiations and the representatives that are invited to negotiations must have the authority in order to adopt such decisions.

Thank you.

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

May I ask the observer of the European Union to clarify about the mandate as requested by the delegate of the Russian Federation.

Mr. A. BABAJIDE (European Union): Thank you very much Mr. Chairman and I do apologize if I have to repeat myself, given the advanced time of this meeting and the work that you are trying to pursue as well as Chair.

Indeed, I have to repeat that the mandate for the work that the European Union is promoting, with a view to supporting the safety, sustainability and security of activities in outer space, is based on the work of the Group of Governmental Experts report and the United Nations General Assembly resolutions which have been adopted, endorsing the report and calling on member States and also United Nations entities to help in implementing these recommendations and conclusions of the Group of Governmental Experts report. I am afraid that I cannot elaborate more on that.

Thank you.

The CHAIRMAN: I thank the observer of the European Union.

May I propose the following.

I perfectly understand the question by the Russian Federation, to whom I give the floor again.

Mr. V. M. GUDNOV (Russian Federation) (*interpretation from Russian*): I would just like to note and draw the attention of delegations to the fact that the European Union does not have a mandate to develop or adopt or adapt the International Code of Conduct. For this reason, the Code of Conduct was not discussed during the meetings of the Legal Subcommittee or the Scientific and Technical Subcommittee, as recommended in paragraph 66 of the Group of Governmental Experts report. In this connection, we asked which mandate is used. If it is a United Nations mandate, we would be prepared to participate in these negotiations. We do see a difference between consultations, which was mentioned before, and negotiations.

Thank you.

The CHAIRMAN: Thank you Russian Federation.

I would propose the following that we might reflect the link with United Nations activities as well as initiatives in that we add something which would then read:

“The Subcommittee was informed”, and then the addition by Brazil, “by the EU observer that the European External Action Service will hold multilateral negotiations on the initiative for an International Code of Conduct for Outer Space Affairs”, and now we would say “in view of the Group of Governmental Experts report, the United Nations General Assembly resolution on TCBM and that this would take place in July in New York”.

So that the link is clear but that it is not, of course, expressly mentioned that this is mandated by the report but that it is, I would not call it inspired, but that it is under what has been put forth by that report and the respective resolutions but not explicitly mandated as such. So this might be a way to link that and to clarify then the respective activities but I give the floor to the observer of the European Union.

Mr. A. BABAJIDE (European Union): Mr. Chairman, I would like to thank you for your proposal which I think is very helpful. I just wanted to come back to the proposal made by the distinguished delegate of Brazil which I have addressed in my first intervention. And I noted that the delegate of Brazil proposed that the External Action Service, which is my Service, will hold these negotiations. I would just propose to say here in order not to prejudice this, to say that the External Action Service was preparing for

multilateral negotiations, was preparing multilateral negotiations.

Thank you Mr. Chairman.

The CHAIRMAN: Thank you for this addition.

The Russian Federation.

Mr. V. M. GUDNOV (Russian Federation): Thank you Mr. Chairman. (*Continued in Russian*) We, nevertheless, believe that if such an item was included in the report of the Subcommittee, then we need to have an item in the report which would express the fact that some delegations expressed concern at the fact that the Code of Conduct was not discussed during or in United Nations fora such as the Legal Subcommittee and the Scientific and Technical Subcommittee, as recommended by the Group of Governmental Experts in paragraph 66 of its report and did not receive consensus among the members of the Subcommittee.

Thank you.

The CHAIRMAN: Thank you Russian Federation.

Brazil.

Ms. J. MACEDO SCAVUZZI DOS SANTOS (Brazil): Thank you Mr. Chairman. I have two remarks. Regarding the proposal made by delegation, the proposal was to omit "multilateral" because, for this delegation, it is also unclear which is the mandate and whether it would really multilateral or regional negotiations so we would prepare to keep it "negotiations" without multilateral.

And at the end of this sentence, it is said that all United Nations members would be invited so we do not know yet if they are going to accept, so we prefer to leave it as it is.

As for the suggestion by the Russian Federation, we would like to support it. I think we should have another paragraph expressing the view of other delegations regarding this issue.

Thank you.

The CHAIRMAN: Thank you Brazil.

Now, we have various options. We do not have to have this paragraph so we simply delete it if we do not find a common ground.

We could also have this paragraph being amended to the satisfaction of all delegations.

Or we have another option of having one paragraph slightly amended and then an additional paragraph which would reflect the view expressed by the Russian Federation as well as Brazil.

So we have this set of options and it is up to the delegations on how we should reflect this point which has been made.

I have now on my list France and then Ecuador.

Mr. T. FOURNIER (France) (*interpretation from French*): Thank you Chairman. I have two brief comments to make.

The first is about the suggested amendment made by the Brazilian delegate. I understand her desire for accuracy but I think there is a difficulty involved there because the European Union External Action Service would be involved. It represents the European Union and I would prefer to see a mention of the European Union as being the only international actor and not its administrative membership.

Then regarding the paragraph that we could or could not include, I would prefer to include it because I think it provides information. It does not prejudice anything regarding members or the Subcommittee about the nature or length of the negotiations and, to my knowledge, it is not necessary to have any mandate for negotiations whose vocation would include an unlimited number of countries. So that would be multilateral, I think.

Thank you.

The CHAIRMAN: Thank you France.

Ecuador.

Ms. GOMEZ (Ecuador) (*interpretation from Spanish*): Thank you Chairman. First of all, my delegation would like to support the proposal made by Brazil. For us, it should also be very clear in the report that there is not a mandate for multilateral negotiations as we understand them within the framework of a multilateral organization.

Secondly, my delegation would not be able to accept your proposal, Mr. Chairman, of mentioning the documents referred to by the European Union observer,

and, given that those resolutions and those reports contains recommendations but not specific mandates.

And thirdly, my delegation would like to support the proposal made by the Russian Federation because, for my delegation, there is also a lack of clarity in the format, the purpose and the mandate of this Code of Conduct.

Thank you.

The CHAIRMAN: Thank you Ecuador.

I see Venezuela.

Mr. M. CASTILLO PARRA (Bolivarian Republic of Venezuela) (*interpretation from Spanish*): Thank you Chairman. We, too, would like to support the proposal by the Russian Federation. We believe that the purpose and the mandate of that document is not clear and we would like that to be clearly included in the report, by that, I mean the opinions expressed on that subject.

Thank you.

The CHAIRMAN: Thank you Venezuela.

I still have on my list Algeria and Greece, then we close and I will make a proposal. And Chile, of course.

Mr. A. OUSSEDIK (Algeria) (*interpretation from French*): Thank you Chairman. My delegation also supports the proposal made by the Russian Federation to have an additional paragraph which expresses our points of view which have been repeated many times here because we have to consider the mandate of the Legal Subcommittee.

Thank you.

The CHAIRMAN: Thank you Algeria.

Greece.

Ms. A. PAPATHANASSIOU (Greece): Thank you Mr. Chairman. Just to say that we would like to support the intervention made by France previously. We, too, would like to insist on keeping this paragraph in the report and, as a compromise proposal, we could along without the word "multilateral", but we insist on keeping the paragraph in the report.

Thank you.

The CHAIRMAN: Thank you Greece.

Chile.

Ms. T. ALVAREZ (Chile) (*interpretation from Spanish*): Thank you Chairman. My delegation would like to support the proposal made by the distinguished delegate of Brazil in that we also share the concern that this type of negotiation is not really multilateral and we are not really sure what the mandate is. Resolution 58/50 talks about the recommendations of the Expert Group on Transparency and Mutual Trust but, as we saw at the last round of negotiations in Luxembourg, this subject should be dealt with by the Scientific and Technical Subcommittee and several States are members of the Committee and have expressed our concern that recommendations from resolution 68/50 and the Luxembourg negotiations have not been effectively implemented. It has not been dealt with by this Subcommittee nor by the Scientific and Technical Subcommittee, so we do need a paragraph such as that suggested by the Russian Federation and we believe that paragraph 4 should be amended according to the words of the Brazilian delegate.

Thank you.

The CHAIRMAN: Thank you Chile.

Last speaker, Italy.

Mr. P. COLAPINTO (Italy): Thank you Mr. Chairman. I will be very brief. Just to support the comments made by the distinguished delegate of France. I believe we can work on paragraph 4 and we would like to keep it, working on the amendments proposed by Brazil and I do not see the problem for having the views of some delegations expressed in another paragraph. Maybe we can keep also part of your suggestion concerning the fact that other delegations are in support about the fact that there is a context or a reference to the documents referred by the distinguished European Union observer. So I guess that this could be a solution having the views reflected of different delegations in different paragraphs.

Thank you.

The CHAIRMAN: Thank you Italy.

Very last, very last. Cuba.

Ms. I. CABAÑAS VERA (Cuba) (*interpretation from Spanish*): Thank you Chairman. I

will be very brief. My delegation would like to support the comments made by our colleagues from Brazil and the Russian Federation.

Thank you.

The CHAIRMAN: Thank you Cuba.

I would suggest the following that we have two paragraphs. I think this is in line with what most delegations have said. I would also like to propose that, in view of the mandate, with regard to the mandate, I would say when and if the view was expressed or an information was shared, we reflect what the delegation or the observer said.

In order to not make that conflictual, I would not then draft it as that this is the mandate where this is based on but to say something like “responding to the recommendations of”. So I would go ahead in drafting or propose draft texts, two paragraphs.

For the second paragraph, we would like to have the support of the Russian Federation and Brazil and we would present these two paragraphs in the afternoon and I would also invite the observer of the European Union to join in that drafting exercise and any other delegation wishing to do so.

Shall we proceed like that?

I see a general acceptance to that.

We will then continue at 3.00 p.m. where we will first start with this, with these two paragraphs, then continue with our draft report and then see for the issue with Korea.

The meeting is adjourned until 3.00 p.m.

The meeting adjourned at 1.00 p.m.