

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

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911<sup>th</sup> Meeting

Wednesday, 22 April 2015, 10.00 a.m.

Vienna

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*Chairman: Mr. K-U Schrogl (Germany)*

*The meeting was called to order at 10.26 a.m.*

**The CHAIRMAN:** Good morning distinguished delegates, I now declare open the 911<sup>th</sup> meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This morning we will continue and hopefully conclude our consideration of agenda item 8, Capacity-Building in Space Law. We will continue our consideration of agenda item 9, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space. We will continue and hopefully conclude our consideration of agenda item 11, General Exchange of Information on Non-Legally Binding United Nations instruments on Outer Space, and we will continue our consideration of agenda item 13, Proposals to the Committee for New Items to be Considered by the Subcommittee.

We will hear a technical presentation by a representative of Japan entitled "Japan's Capacity-Building in Space Law: Recent Progress".

**Capacity-building in space law (agenda item 8)**

Distinguished delegates, I would now like to continue and hopefully conclude our consideration of agenda item 8, Capacity-Building in Space Law.

The first speaker on my list is the distinguished delegate of Chile, speaking on behalf of the Group of 77 and China. You have the floor.

**Ms. T. ALVAREZ** (Chile): Thank you Mr. Chairman. The Group of 77 and China would like to thank the Office for Outer Space Affairs for the activities carried out during the last year on the promotion of capacity-building in space law. In this regard, we would like to highlight the Workshop on Space Law, held in Beijing, China from 17 to 21 November 2014.

The Group of G77 and China considers that more effective efforts are needed in order to increase awareness on the importance of space law and the legal framework in carrying out space activities and programmes. Capacity-building in space law, in particular in developing countries, needs to be promoted through international cooperation. Therefore, the Group of 77 and China calls the Office for Outer Space Affairs and member States for greater support to enhance cooperation of both North-South and South-South to facilitate the sharing of knowledge related to space law among nations.

The Group of 77 and China also calls upon the Office for Outer Space Affairs and member States to make available more opportunities for greater academic linkages, long-term fellowships and further collaboration with universities, the United Nations Centres of Research and other national and international institutions on space law with institutions in developing countries.

The Group would like to refer to the activities organized by the Office for Outer Space Affairs in cooperation with host countries aimed to enhance the capacity-building in space law and regional and international cooperation in the peaceful uses of outer space. The work carried out by the United Nations Office for Outer Space Affairs with space law educators and representatives of the Regional Centres for Space Science and Technology Education, affiliated to the United Nations, should further focus on the development of the curriculum on space law.

Thank you Mr. Chairman.

**The CHAIRMAN:** I thank the distinguished delegate of Chile, speaking on behalf of the G77 and China.

The next speaker on my list is the distinguished delegate of France.

**Mr. J. MARIEZ** (France) (*interpretation from French*): Thank you Chairman. Ladies and

gentlemen, the research and activities in space law in France are concentrated in two places, one Paris-South University and the other, the University of Toulouse. The Paris-South is based at the Institute of Space and Telecommunications Law and its Master is specialized in space activity and telecommunication law and there is an International Chair of the same name and it is headed by Professor Philippe Achilléas. This Institute works closely with professional sectors to train PhDs and experts and organizers, seminars and publishers, articles on innovative subjects. This Master has trained 286 students from 64 different countries over the last 13 years. It is in the framework of a partnership with 50 big companies and institutions and is essential education to embark on a career in space and/or telecommunications.

Recently, the Paris-South University set up the International Chair of Space and Telecommunications Law, funded by Orange, Thales and Airbus to provide sustainability for the teaching and research activities of the Institute for Space and Telecommunications Law.

In 2014, the Institute organized more than 10 scientific events in France and abroad. I would like to underscore: the Symposium on Space for European Citizens in Budapest; the Paris Saclay Air and Space Law International Colloquium, organized by the French Ministry of Research which brought together many international experts in air and space law; and the Symposium that was co-organized with the Beihang University in Beijing to celebrate 50 years of Franco-Chinese diplomatic relations entitled "Space Law Crossed Regards China/France". The University of Caen, in cooperation with the Institute will host the Summer Course in September 2015 on "Space for Smart Cities".

Mr. Chairman, the University of Toulouse cluster focuses around the SIRIUS Chair Space Institute for Researchers on Innovative Uses of Satellites, which sprang from an academic and industrial partnership between two major companies, Airbus Defence in Space and Thales Alenia Space, the CNES and two Centres of Academic Excellence, the University of Toulouse and the Toulouse Business School. Professor Lucien Rapp is responsible for the scientific management of the SIRIUS Chair. A team of experts are carrying out research with theses, dissertations, articles and other work on the legal and management challenges of the mutations of today's space industry, especially markets, management of disputes, intellectual industrial property, the competition applied to space activities and protection of personal data and private life. The SIRIUS Chair

has already organized international symposia such as "Law and Space" which takes place every year in Toulouse.

Mr. Chairman, among the other initiatives linked to capacity-building in space law, I would like to mention the participation of experts from the CNES at the Symposium organized in Tokyo last September by Keio University and JAXA. This event was referred to yesterday by the Japanese delegation.

Thank you.

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

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

**Mr. G. B. MUGENI (Kenya):** Chair, distinguished delegates, Kenya attaches a lot of importance to the subject of capacity-building in space-related matters, both from the operational and academic point of view. For example, since the 1960s, Kenya signed a Bilateral Agreement with the Italian Space Agency for cooperation in space-related matters wherein the Italians manage the Luigi Broglio Space Centre at Malindi, Kenya, on the Kenyan Coast. The Agreement enabled launching activities, data acquisition from satellites, remote sensing and training of a number of Kenyan Engineers and technicians both in Kenya and in Italy at PhD, Masters, Diploma and Certificate levels.

Kenya is also a member of the African Group of the Square Kilometre Array Radio Telescope Project led by South Africa and has been identified to host a remote station of this project. This is a global effort to build one of the largest scientific instruments ever to answer fundamental questions in physics, astronomy and cosmology and to stimulate interest and build capacity in science, engineering and technology.

Since the year 2005, the African SKA Human Capital Development Programme has awarded close to 600 grants, by 2014, for studies in astronomy and engineering from undergraduate to post-doctoral level, while also investing in training programmes for technicians. Kenya has been a beneficiary of this Programme.

On the international front, Kenya continues to participate in, and keenly follow, the proceedings of COPUOS on capacity-building and in the activities of the ITU's Radiocommunication Study Group on Space Science.

There is a growing pool of resources of graduates in the general fields of science, engineering and technology in Kenya. As a result, there are efforts to establish specific space-related study courses at our institutions of higher learning. For example, an undergraduate degree course, Bachelor of Science in Astronomy and Astrophysics is currently being offered at the University of Nairobi. However, in the field of space law, Kenya still lacks capacity.

Through the assistance of the United Nations Office for Outer Space Affairs, UNOOSA, and any willing member States of COPUOS, Kenya seeks to strengthen its capacity in space law and other space-related fields such as space data, space traffic management and the general use of space for socio-economic development. This can be achieved through specialized training at the Regional Centres for Space Science and Technology Education and scholarships in recognized universities offering the relevant disciplines.

Kenya is also pursuing collaborations with interested intergovernmental organizations and other entities to hold workshops and symposiums in Kenya in space-related fields with the aim of raising awareness and capacity-building at the national level.

Thank you Chair.

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

The next speaker is the distinguished delegate of Germany.

**Mr. K. WENDELBERGER** (Germany): Thank you Mr. Chairman and good morning to everybody.

Mr. Chairman, distinguished delegates, Germany attaches great value to the various efforts of promoting capacity-building in space law on the national and international level. Therefore, we support the diverse activities such as the International Moot Court Competition and the Summer Course on Space Law of the European Centre for Space Law, ECSL. In this context, we would like to mention the bilateral cooperation between the Institute of Air and Space Law of Cologne University and universities in China, India and South Africa. The subject of capacity-building will be given particular importance at the occasion of the ninetieth anniversary of the Institute of Air and Space Law of Cologne University which will take place in May of this year. The German delegation

highly appreciates the Symposium organized by the International Institute of Space Law, IISL, and the European Centre for Space Law, ECSL, at the occasion of this Legal Subcommittee on the theme "Space Traffic Management". This subject is of great importance and requires detailed analysis.

Furthermore, the German delegation congratulates the organizers of the United Nations China/APSCO Workshop on Space Law which took place in Beijing in November 2014. This Workshop, which dealt with new developments in space law and policy, *inter alia*, with space traffic management, commercial space activities, national space legislation, mechanisms for regional and international cooperation and regulatory and institutional aspects on the use of space-derived data and information provided a highly valuable contribution to the development of space law and encouraged the exchange of opinions and information on the latest evolution in space law.

On the occasion of this Legal Subcommittee, we want to highlight the project "Cologne Commentary on Space Law", or in short, COCOSL, a cooperation of the Cologne Institute and the German Aerospace Centre, DLR. After a multi-year effort of 44 authors of 20 countries, the Project was finalized with Volume III at the beginning of this year. Volume III deals with the United Nations General Assembly resolutions on space law. Volume I dealing with the Outer Space Treaty was published in 2009. Volume II dealing with the Rescue Agreement, the Liability Convention, the Registration Convention and the Moon Agreement was published in 2013. We are pleased to present Volume III of this Commentary at the occasion of this Legal Subcommittee session. Delegations will find a voucher in their pigeonholes and are invited to receive a copy of the Volume by presenting this voucher at the Documents Counter. The editors have chosen the commentary concept, a provision-by-provision approach, in order to facilitate an overall understanding of the resolutions and their historical background. Therefore, each provision is analyzed in conjunction with its negotiation and drafting history. We hope that Volume III of the Cologne Commentary on Space Law will be a valid contribution for a coherent interpretation of the *corpus juris spatialis*.

In order to further promote capacity-building in space law, the first Volume of the Cologne Commentary, which addresses the Outer Space Treaty of 1967, is going to be translated into other languages. The German Aerospace Centre, DLR, and the Institute of Air and Space Law in Cologne are preparing a Chinese and a Russian translation with their corresponding partners. It is envisaged to have the volume available

in three official languages of the United Nations, Chinese, English and Russian, at the occasion of the fiftieth anniversary of the Outer Space Treaty in 2017.

Mr. Chairman, distinguished delegates, on the occasion of the publication of Volume III of the Cologne Commentary on Space Law, German Ambassador Konrad Max Scharinger, together with representatives from the German Aerospace Centre, DLR, would like to invite heads of delegations as well as other interested members of delegations to a reception this evening. The reception will take place after the closure of today's meeting at 6.30pm at the residence of Ambassador Scharinger. I am sure you have found your invitation cards in your respective delegations pigeonhole or have been provided with it by your Permanent Mission here in Vienna. The residence of Ambassador Scharinger is located in the City Centre next to the Upper Belvedere in the Goldiggasse 2. It can be reached by a 10-minute walk from the Metro Station SudTyrolerplatz Hauptbahnhof, or in English, main train station, of the Underground U1, which departs directly from the Vienna International Centre.

For any questions relating to the reception, please contact my delegation. My delegation is looking forward to meeting you this evening at this event.

Thank you Mr. Chairman.

**The CHAIRMAN:** I thank the distinguished delegate of Germany for his statement and for extending an invitation to a reception this evening.

Next on my list is the distinguished delegate of Venezuela.

**Ms. A. CAMPOS** (Bolivarian Republic of Venezuela) (*interpretation from Spanish*): Chairman, the Government of the Bolivarian Republic of Venezuela has decisively encouraged scientific and technological progress of the country through an evolutionary concept of sovereign and independence and activities take place in our country through international cooperation with more developed space countries leading to the creation of suitable instruments to guarantee technology transfer and training in all areas of knowledge including technical legal assistance to deal with the international legal regime. Because of this, the training of human talent plays a significant role in our national space activities. Today, Venezuela has more than 3,010 professionals trained in space activities. The knowledge acquired in space programmes of the Republic means that the Bolivarian

Agency for Space Activities, ABAE, is able to manage large-scale technology projects, as well as controlling and operating communication and remote sensing satellites, the management of Earth stations for satellite control, remote sensing and geographic information systems, among other things.

As part of the regional integration promoted by our country, my delegation is pleased to say that our National Space Agency gave a course in Bolivia and Argentina on the management of space projects in May and June in 2014 with the support of the National Commission for Space Activities of Argentina and the Bolivian Space Agency. The training included modules on project management, risk and insurance, space applications, United Nations outer space treaties and international cooperation, among others.

I would also like to mention the assistance of our Space Agency in different courses and international fora organized by the United Nations Office for Outer Space Affairs celebrated in China, Mexico and Costa Rica. Taking into account the importance of a regulatory framework for space activities, we are currently reviewing a new law which was drafted in accordance with the recommendations contained in document A/AC.105/C.2/L.289 on "Relevant National Legislation for the Exploration and Use of Outer Space for Peaceful Purposes", coming from this Legal Subcommittee.

Finally, we would like to repeat the urgent call made by GRULAC so that the United Nations Office for Outer Space Affairs will pay more attention to our region and we would like them to evaluate the possibility of carrying out seminars or workshops on space law in Latin America and the Caribbean.

Thank you.

**The CHAIRMAN:** I thank the distinguished delegate of Venezuela for her statement.

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

**Ms. L. HADDADI** (Algeria) (*interpretation from French*): Thank you Mr. Chairman. Chairman, Algeria believes that capacity-building, training and education in the field of space law is of fundamental importance. Developing practical aspects of space science and technology requires a proper legal framework for space activities. The Algerian delegation believes that it is important to strengthen the capacity of the Office for Outer Space Affairs as a promoter of training and popularization of space law.

There is still no academic programme specifically on space law in Algeria but my country's universities have Master and Doctorate programmes on international law where space law is a module.

(Continued in English) Thank you very much.

**The CHAIRMAN:** I thank the distinguished delegate of Algeria for her statement.

Next on my list is the distinguished delegate of the Russian Federation.

**Ms. O. A. VOLYNSKAYA** (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. Mr. Chairman, distinguished delegates, I would like to draw your attention to the issue of capacity-building in space law and report on the achievements of the Russian Federation in this area.

International space law, as a science and as an educational subject, develops on the basis of programmes pursued by various institutions in Russia. A space law curriculum has been introduced in humanities, universities, such as the Russian Academy of Foreign Trade, the People's Friendship University, the Higher School of Economics, the Moscow State Institute of International Relations, and various technical and vocational schools, such as the Moscow Aviation Institute, the Moscow State Technical University, named after Baumann, and a number of other establishments.

These universities form a basis for programmes pursued under the auspices of ROSCOSMOS and the Foreign Ministry of Russia. Specialized departments are set up to train highly qualified experts for the space and rocket technology industry.

At present, the Moscow Aviation Institute has successful departments in such areas as systems analysis and the designing of space systems, designing of automatic space complexes, onboard automation of unmanned space and atmospheric machines, radio-electronic means for information and control systems in spacecraft and space complexes.

As of February 2014, a department was set up on the economics of space activities at the People's Friendship University of Russia.

One should note that educational programmes offered at these departments focus specifically on the subject of international space law as a key subject to train people with a profound practical and

comprehensive understanding of a broad array of technical and technological, as well as economic, political and legal aspects of space activities.

The People's Friendship University of Russia has a successful Centre of International Space Law, a department that promotes gaining deeper knowledge and understanding of the international legal foundations of space activities through analyzing topical issues and current challenges facing research and exploration of outer space. One of the most important objectives pursued by this Centre is to improve and promote the teaching of international space law in specialized universities throughout the country, *inter alia*, through having annual international conferences on space law.

As part of the Centre and its activities, in 2014, a long-awaited textbook entitled "International Space Law" was published. It was edited by Professor Zhukov Ganady(?) Petrovich and Professor Abaschitzer(?) Aslam Hussainovich(?). The textbook offers a systematic description of all the main elements and components of international space law. It considers both classical and contemporary issues that are on the agenda of the various United Nations bodies and agencies and other international organizations involved in space activities. This fundamental textbook is the first such publication on space law in Russia, published in the twenty-first century.

We are sorry to report that the Chief Author and the source of inspiration for the textbook, the founding father of the School of Space Law in the Soviet Union and Russia, Professor Zhukov Ganady(?) Petrovich, passed away on 21 July 2014, aged 90. We will always remember this remarkable person and his rich legacy will live on in the work of his successors and disciples.

In February 2015, under the auspices of ROSCOSMOS, with a view to developing programmes to popularize space activities, Russia's People's Friendship University opened an Educational Centre for Mission Control Operators and the demonstration complex, both designed to teach the practical applications of space services. The two systems taken together make up an educational complex which will make it possible to hold a broad array of experiments in various sciences, resolve research problems in medicine, fundamental physics, economics, agriculture and forestry. Specialized training programmes on the basis of the Centre and its capabilities are being designed to train future energy engineers, environmentalists, geologists, economists, international law experts and other specialists.

ROSCOSMOS supports the participation of young trainees and their specialists in regional and international conferences and fora associated with space law. It organizes specific educational programmes and provides other opportunities for young professionals who seek to acquire knowledge and experience in various areas through providing financial and technical support through scientific institutions involved in issues pertaining to the international regulatory framework for space activities.

Particular attention is given to ensuring productive interaction between the Government, academia, research institutions and private business, including mechanisms for State-private partnerships in comprehensively developing domestic space activities and the practical application of the benefits provided by space activities for the social and economic development of the Russian Federation.

Additional information regarding capacity-building in space law is contained in the Conference Room Paper prepared and circulated by the Russian Federation, A/AC.105/C.2/2014/CRP.12, entitled "International, Regional and National Measures in Russia for Capacity-Building in Space Law". It was submitted to the Legal Subcommittee at its session in April 2014.

Thank you very much.

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

The next speaker on my list is the distinguished delegate of Indonesia. You have the floor.

**Mr. E.S.S. PAKPAHAN** (Indonesia): Thank you Mr. Chairman. Mr. Chairman and distinguished delegates, Indonesia would like to express its appreciation for countries and non-government organizations that have actively contributed to the capacity-building in space law.

Indonesia would also like to thank the Secretariat for the Directory of Education Opportunities in Space Law, which we are convinced, will be beneficial for all members here.

The course of space law in the university is not as common as other subjects like economics or politics. The minimum number of courses available in space law in developing countries due to minimal interests of the prospective students and the few

number of professors or experts in space law. Therefore, we would like to propose the United Nations Centres of Research, other national and international institutions related to space law to reach out to universities in developing countries to share the expertise. In addition, developing countries should also actively seek the opportunities to develop its capacity related to space law.

Indonesia views that all countries are prone to outer space-related incidents although some countries may not reach the level of space-faring nations. Therefore, to anticipate the enforcement of liabilities, all countries should know the obligations and rights. Noting the growing involvement of private sectors in the outer space activities and the growing of outer space activities itself, we view the capacity-building in space law is more urgent than ever. Therefore, Indonesia would like to invite member States and competent organizations in space law to cooperate in the context of capacity-building in space law.

Thank you Mr. Chairman.

**The CHAIRMAN:** I thank the distinguished delegate of Indonesia for her statement.

Are there any other delegations wishing to speak under agenda item 8, Capacity-Building in Space Law?

I see the observer of the International Law Association.

**Ms. M. WILLIAMS** (International Law Association): Thank you Mr. Chairman. I would like to mention our capacity-building on the regional level and there was a Congress held on 30-31 October 2014 in Brazil, in São Paulo and Santos under the auspices of the Catholic Universities of São Paulo and Santos. It was the International Congress on International Environmental Law and one of the sessions was dedicated to the environmental aspects of space activities with emphasis on capacity-building, the creation of awareness and, of course, international cooperation which is at the very root of all these activities.

This gave way to the beginning of talks to conclude regional agreements among countries in the South American area and members of the International Law Association, which come from all over the world. So this I think is the beginning of a new area of cooperation involving Latin American countries and the International Law Association.

Thank you very much.

**The CHAIRMAN:** I thank the distinguished observer of the International Law Association for her statement.

Any other delegation or observer wishing to speak?

Originally I intended to conclude our consideration of this item but I received a request from one delegation to speak on that item in the afternoon so we will continue and hopefully conclude our consideration of agenda item 8, Capacity-Building in Space Law, this afternoon.

**Review and possible revision of the Principles relevant to the use of nuclear power sources in outer space (agenda item 9)**

Distinguished delegates, I would now like to continue our consideration of agenda item 9, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space.

The first speaker on my list is the distinguished delegate of Chile, on behalf of the Group of 77 and China.

**Ms. T. ALVAREZ** (Chile): Thank you Mr. Chairman. Mr. Chairman, the Group of 77 and China would like to refer to the use of nuclear power sources in outer space, specifically in the geostationary orbit and low-Earth atmosphere. More consideration should be given to this issue in order to address the legal aspects of the problem of potential collisions of nuclear powered space objects in orbit and the incidents or emergencies that may be created by an accidental re-entry in the Earth's atmosphere and impact on its surface by these objects and their consequences on health and life of people and the ecosystem.

The Group considers that increased attention should be given to these issues through an adequate interaction with the Scientific and Technical Subcommittee in order to develop strategies, long-term planning and regulations related to these matters, considering the recommendations included in the Safety Framework for Nuclear Power Sources Applications in Outer Space.

Thank you Mr. Chairman.

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

The next speaker on my list is the distinguished delegate of the United States.

**Mr. B. ISRAEL** (United States of America): Thank you Mr. Chairman. The United States welcomes the opportunity to share its views regarding the Legal Subcommittee's consideration of the Principles Relevant to the Use of Nuclear Power Sources in Space.

We would like to again commend the Scientific and Technical Subcommittee for its work on this topic and its success in developing, along with the International Atomic Energy Agency, a Safety Framework for the use of nuclear power sources in outer space. The achievement of international consensus on a technically-based framework for space nuclear power source applications represents a significant step forward in ensuring their safe use.

We note that the Scientific and Technical Subcommittee, at its forty-seventh session in February 2010, approved a new five-year Work Plan for its Working Group on the Use of Nuclear Power Sources in Outer Space. The Work Plan focuses on exchanges of information on national implementation of the recently approved Safety Framework and the identification of potential challenges to implementation that might be the subject of future work in the Scientific and Technical Subcommittee. We believe that the five presentations that the United States has provided over the course of the existing Work Plan have contributed to promoting and facilitating the implementation of the Safety Framework in other member States and international intergovernmental organizations considering or initiating involvement in space applications of nuclear power sources.

At last year's Scientific and Technical Subcommittee session, the Working Group on Nuclear Power Sources extended its Work Plan until 2017 to allow additional experiences with the implementation of the Safety Framework to be presented to the Working Group and to provide additional time to identify and consider any technical topics that could be the subject of additional work by the Working Group.

The United States looks forward to continuing its active support of this work.

Thank you Mr. Chairman.

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

Are there any other delegations wishing to speak under agenda item 9?

I see the Republic of Korea.

**Mr. Y. LEE** (Republic of Korea): Thank you Mr. Chairman. Good morning to everybody. My delegation is also sharing the concerns in the dangers involving the use of nuclear power sources in outer space activities that with the risk of the \_\_\_\_\_(?) environment and also sharing the specific case of the 1978 in Canada where the crash of a space object was explained previously by the distinguished delegate of Canada.

Mr. Chairman, my delegation in terms of this item of the agenda suggests that more coordination would be required on this matter between this Subcommittee and the Scientific and Technical Subcommittee in order to deliberate and consider on how to proceed appropriate management for use of the nuclear power sources in outer space.

Secondly, we would like also some balanced approaches on nuclear power sources matters between the actuality of current space activities and supporting danger for such a use of such energy sources.

Also, we would like to encourage continuous development of alternative power sources other than nuclear power sources, taking into consideration in some inevitable(?) nuclear power sources in specific missions for outer space. Any such regulations in this respect should be taken into considerate manner in coordination with other relevant entities and forums, including, in particular, the IAEA and its Safety and Security Framework.

Thank you Mr. Chairman.

**The CHAIRMAN:** I thank the distinguished delegate of the Republic of Korea.

Any other delegation wishing to speak?

I see none.

We will, therefore, continue and hopefully conclude our consideration of agenda item 9, Review and Possible Revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, this afternoon.

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

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

As you are aware, informal consultations have been ongoing yesterday afternoon, in the evening and even this morning before our session. And, before I give the floor to the delegation of Japan to introduce the results of these informal consultations, I would like to point out that a document has been prepared which is entitled "Item 11 Informal Consultations in Room C6, 22 April AM", which you will find at the Document Counter. I, therefore, interrupt this session for 10 minutes so that you can collect this document and familiarize with it and we will meet again at 11.20 a.m.

*Break*

*Meeting resumed*

**The CHAIRMAN:** So after this brief interruption, we continue our consideration of agenda item 11. I guess that all delegations have picked up a copy of the document which is now also displayed on the screen and I invite the distinguished delegate of Japan to introduce the result of the informal consultations which he has held and to run us through the text which you have in your hands and which is displayed, as I said, on the screen.

I give the floor to the distinguished delegate of Japan.

**Mr. Y. HORIKAWA** (Japan): Thank you Mr. Chairman. Distinguished delegates, Japan held the informal consultations yesterday afternoon and evening and also this morning. I would like to appreciate all the members who participated in these informal consultations who made very extensive and honest discussions on the text which we have here and this is the current, our proposed text. I can say we could achieve almost all consensus except for one point. So I will explain that point later.

But firstly, I would like to review the current text in your hand.



Paragraphs 1 to 5 which I already reported at yesterday's Subcommittee meeting. We agreed the text for those paragraphs 1 to 5 with the amendments. But as I reported yesterday, the distinguished delegate of Korea has the reservation on paragraphs 3(b) and 5, sorry, paragraphs 4(b) and 5. But I understand that if we could achieve the consensus, the distinguished delegate of Korea will go along with us. So I proceed further.

The point what we discussed extensively was paragraphs 6 to 7 in this text. Firstly, the text which was already distributed was paragraph 4 which the Russian delegation has proposed, the text which says "the Subcommittee requested the Secretariat to invite States members of the Committee to provide their assessment for each of the above-mentioned list of documents in respect of their acceptability, applicability and efficiency, as well as an explanation of their respective positions". But we could not reach consensus on this text so the informal consultations, as the Chairman, I introduced, referring to our last year's report and our mandate of this agenda item 11, so I suggested to describe the text as follows, it is shown in paragraphs 6 and 7: "The Subcommittee also agreed that under this agenda item, member States could provide, as appropriate, a detailed study on non-legally binding United Nations instruments related to outer space as well as explain their respective positions." And this was agreed by most of the delegations but one delegation, I mean the Russian delegation, wishing to strike out "United Nations" from this text, that means that the Legal Subcommittee should consider more relevant and non-legally binding instruments not only in the United Nations but also outside of the United Nations system even a draft level of documents should be exchange of views about those documents. So that is a point that we cannot achieve consensus. So we put a bracket here for the United Nations.

And paragraph 7, it says "the Subcommittee also agreed that under this agenda item, member States could, as appropriate, discuss other non-legally binding instruments on outer space as well as the relationship between legally binding and legally binding instruments. So we are not discussing about the non-legally binding instruments or other fora or outside of the United Nations system. But paragraph 6 says "could provide detailed studies" so some kind of step-by-step approach, in future maybe we do such an exercise but at this moment, paragraph 6 "United Nations instrument" and paragraph 7 says "discuss other non-legally binding instruments". And also it includes as well as the relationship between legally binding and the legally binding instruments, that kind of discussion is accepted by member States.

Paragraph 8 "furthermore, member States could also indicate issues that could be better addressed by the development of legally binding instruments", so this was expressed by our distinguished member States of GRULAC, I think. But I think this expression is a little bit duplicated with the above paragraphs. So whether we should leave this paragraph as it is or to date is a paragraph. It is up to you, your decision, since our informal consultations we did not have a delegation from GRULAC. So it is very flexible for us and no other member States will object to these matters.

And also since the Russian delegation is insisting to delete "United Nations" from paragraph 6, in that case, if we do not delete the "United Nations" from paragraph 6, then the Russian delegation thinks that the Questionnaire as a whole, above-mentioned in this text, should be removed to the agenda item 7 which is the national legislation agenda item and they are wishing to have a new agenda item, discussing about the agenda item on general information on non-legally binding instruments on outer space, not limiting to the United Nations but also includes all other fora's instruments or outside the United Nations documents. Such a discussion should be established in our agenda item. That is their desire. So it related to the new agenda items discussion under the agenda item 13 so I will defer this discussion and decision to you, Mr. Chairman.

That is our total discussions so as a whole, I just want to stress that the Questionnaire part, from paragraphs 1 to 5, we could have a consensus so we would like to proceed this exercise towards the next Legal Subcommittee.

And one thing, before we start these discussions, I had a suggestion from one member State that is a paragraph 2. We had an amendment "for States members of the Committee and international intergovernmental organizations, as appropriate" but instead we say "and" but the suggestion is to replace "as well as". So the text reads "serve as a basis for State members of the Committee as well as international intergovernmental organizations, as appropriate." I do not think there is any problem for this replacement so I would like to suggest to replace from this text portion.

That is all what I want to report to you.

Thank you very much.

**The CHAIRMAN:** I thank the distinguished delegate of Japan for introducing the document and clarifying the status of the discussions. The idea is to have this document, it is these eight paragraphs, being included in the report of the Legal Subcommittee. This is the idea. And we will now have to see whether this works or whether we have to find any other conclusion or solution on this matter.

So I really would try now with you to see whether we can achieve that goal and whether we can have these eight paragraphs being integrated in the report. But before doing so, I give the floor to the distinguished delegate of the Russian Federation.

**Mr. V. M. GUDNOV** (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. Before we get down to the actual discussion, I would like to share with the distinguished delegates our position and explain a little bit the reasons why we have insisted on specific language or specific articles.

Let us start with paragraph 6 which we proposed. If you recall, in the original text we wanted to specify three aspects on which an exchange of views would be appropriate. We did see, however, that many countries seem to object to that level of detail regarding the discussions to be held so we accepted a compromise and instead had this language that member States could provide as appropriate a detailed study on non-legally binding instruments related to the peaceful uses of outer space. We understand that each delegation is free to express its own opinion as to various mechanisms including non-legally binding mechanisms and we proceeded on the basis of paragraph 255 of the Scientific and Technical Subcommittee's report for this year where it refers, I quote, to the following: "The Subcommittee recalled the fact that the Committee, COPUOS, had made a decision at its most recent session to the effect that member States of the Committee should be requested to share their view regarding the possibility of the practical use of the recommendations contained in the report of the Group of Governmental Experts to the extent that they touch upon or could be used to ensure the safety of space operations."

In the same vein, we believe that the recommendations of the Main Committee to ensure that our work should have a positive outcome and concrete results to comply with those recommendations, we must be more detailed and more concrete in our work. We believe that we should not confine ourselves to discussing only the existing non-legally binding mechanisms developed within the

United Nations. We could go beyond that. There are many projects that seriously deal with issues pertaining to space activities and their safety such as launchers, the registration of space objects, removing space debris from orbit and others.

In speaking to my distinguished colleagues from France, the United Kingdom and Italy, who had objected to including this paragraph, I asked the following question, what do they think? Do they believe that a lawyer must not be involved in the development of projects or drafts for regulatory documents? And the response I got surprised me. They said they would be happy to study such documents after they were adopted. It does surprise me, as a jurist, as a lawyer. I always thought, and that is also mentioned in a United Nations General Assembly resolution, that the international legal community should be actively involved in the elaboration of new instruments. It is our job to analyze the various proposals, the various drafts, in terms of their legal purity, so to speak, and applicability as part of the international space law, as well as its compliance with domestic legislation.

In line with the objectives set for this agenda item, and also the statement we heard from the distinguished delegate of Japan, we need helpful information that would be useful to us in a future discussion of such non-legally binding instruments.

I asked another question also. Do representatives of the distinguished delegations that I mentioned earlier believe that information of this type or member States' assessments regarding various non-legally binding instruments, might not be helpful in discussing these instruments? I did not get a reply to that.

Regretfully, I have to say that all the objections I heard in the course of the informal consultations were unsubstantiated or not substantiated by a logical explanation at least.

Here is another comment I wanted to make. We have touched upon the issue of the Questionnaire, its objectives and its purpose. I would like to draw the attention of the distinguished delegates to the questions in that Questionnaire and also take on board the explanation given by the authors of the Questionnaire that the objective here is to assess the application of various non-legally binding legal mechanisms by individual member States and look at that and juxtapose it with the wording of this agenda item. The Questionnaire does not ask the States to provide an opinion regarding any specific non-legally binding

mechanism. What it asks is that the States say how they apply these mechanisms in their own domestic legislation. In our opinion, at least, that kind of study would fit more under agenda item 7. We do understand the usefulness of such a Questionnaire but it does not really fit the agenda item before us. It is not relevant to that.

And yet another comment. This agenda item is worded in a way that seems to artificially limit the scope of our discussion regarding non-legally binding instruments. In our opinion, this is not right. It sets limits on our own possibility of expressing views regarding instruments that purport to regulate some of the key aspects of space activities. Furthermore, even though last year, in our report, paragraph 197, we agreed that we could, under this agenda item, consider other non-legally binding mechanisms. Even though we had reached that agreement, the delegations I listed earlier have stated that they understood that to refer only to other instruments that had been approved within the United Nations. Again, it is an artificial limitation, in our view. It is a strange interpretation of the words “other non-legally binding instruments”.

Now, if the distinguished representatives of these member States insist that the word “other” must be taken to mean only those approved and only those approved within the framework of the United Nations, only those non-legally binding instruments should be considered. If they insist on that understanding, then we have to say that the way the agenda item is worded is, indeed, limiting. It limits our scope and our rights. Therefore, if that is the case, we would suggest that the agenda item be reworded to say “exchange of views on non-legally binding instruments regarding the peaceful uses of outer space”.

Thank you very much distinguished delegates. I hope that in the course of the discussion here, we are all guided by rational and logical considerations.

Thank you.

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

I have two speakers on my list.

The first is the United Kingdom.

**Mr. D. SULLY** (United Kingdom of Great Britain and Northern Ireland): Thank you Chair and good morning to everybody and thank you very much to the Japanese Chair of the Subcommittee for all of the hard work he has put into this and his delegation.

We feel that we made excellent progress under item 11 actually and we fully support the comments that the Chair made about our discussions.

We would like to come to consensus on this text and we feel that we are very close to that. The additional language that has been proposed has not necessarily made things any clearer so that has been a little bit harder to come a conclusion on. We have suggested consensus language for paragraph 6 which is the “United Nations”. Our abiding principle on all of this is that we have an agenda item which is entitled “General Exchange of Information on Non-Legally Binding United Nations Instruments on Outer Space” and we should be abiding by that agenda item, to start looking outside of that starts exploding the agenda into lots of different areas. That is not very helpful in our view.

We think are very close. We can agree to everything that is on the screen with the United Nations brackets included and we would like to thank the Chair once again for all of his help and his effort that he has put into this. I will leave it at that.

Thank you.

**The CHAIRMAN:** Thank you United Kingdom.

France.

**Mr. T. FOURNIER** (France) (*interpretation from French*): Thank you Chairman. My delegation fully supports the British statement. We thank the representative of Japan for having led the work that has enabled us to reach and make this progress with consensus on many points. We believe that the compromise is there with the help of delegations. The question raised by the Russian Federation of examining the instruments themselves including initiatives and texts adopted outside the United Nations framework is an interesting one but that is not our understanding of the scope of item 11, that is to say, a review of how United Nations instruments have been implemented at national level.

Regarding the question of reviewing non-United Nations texts, we consider that we should not mix subjects or areas of discussion and we should not mix the mandates of different bodies. In that sense, we recall item 3 of document A/AC.105/L.288 of 20 June 2013 entitled “New Agenda Items on the General Exchange of Information on Non-Binding United Nations Legal Instruments on Outer Space”, and I quote, “the agenda item proposed deals with the 11

United Nations non-binding legal instruments covering outer space but other relevant United Nations General Assembly resolutions have been included on the agenda as well as non-binding United Nations instruments could be reviewed at the same time.”

Regarding the question of non-binding instruments, *per se*, it seems to us that we are outside the mandate of agenda item 11 and I will refer to item 2 of the document I previously referred to which states that it is not a question of looking at the instruments themselves but rather how they have been implemented by the different member States, I quote, “the proposed agenda item aims to facilitate exchanges of points of view on the subject and to pool information on specific measures undertaken by member States and international organizations concerning non-binding United Nations instruments such as the statements, principles, resolutions, guidelines and frameworks as indicated in paragraph 1 of this document, a document which contributes to the exploration and peaceful use of outer space.” So on this item, the carrying out of a detailed research could be envisaged in order to identify points of view on how to promote these instruments to respond to problems currently encountered in the exploration and peaceful use of outer space.

It seems to us that item 11, as we see it, is interesting enough in itself through the practice and implementation by States of these instruments, then we will be able to see how effective these instruments are. In other words, a non-binding instrument is of value based on the implementation and use made of it by member States, a review of its implementation in national law and practice would be enriching, which provisions of the non-binding instruments have been implemented, which ones are not used. What does this mean at national level regarding legislation, standards, practices? Are there any direct references to the instruments or not? There are many questions there that are of interest to us. Therefore, we support the proposal of focusing on these questions, at least initially and my delegation would like to thank the Japanese delegation, once again, for having held informal consultations which have led to this progress.

Thank you.

**The CHAIRMAN:** I thank the distinguished delegate of France.

The next speaker on my list is Brazil.

**Ms. J. MACEDO SCAVUZZI DOS SANTOS (Brazil):** Thank you Mr. Chairman and I

would like to thank the Japanese delegation for having conducted these discussions on this agenda item.

My delegation would like to support the statement made by the Russian delegation. We strongly believe that the task of this Subcommittee is to examine all issues and instruments that can have a lasting impact on the peaceful use of space in the future and we believe that this is the case here.

We, as Brazil, have long advocated the need to bring the discussions of the International Code of Conduct to the Legal Subcommittee where a truly multilateral discussion could take place about this important matter. I think we should not limit ourselves in this Legal Subcommittee only to existing instruments but to things that can affect the legal law in the future. We already agreed to discuss non-legally binding instruments last year so if we do not agree to paragraph 6, we are backtracking because we are limiting ourselves. So we prefer to maintain paragraph six, as amended by the Russian Federation, or else to remove from the title of this agenda item, the reference to the United Nations. If that could not be accepted, then we do not see a meaning to continue this discussion on maintaining this agenda item under the agenda of the Subcommittee.

Thank you.

**The CHAIRMAN:** Thank you Brazil.

Next on my list are the Netherlands.

**Mr. H. VAN DEN OOSTERKAMP (Netherlands):** Thank you Chairman. I would, first of all, thank the Japanese delegation for all efforts to come to a conclusion and also come to an agreement. From the point of the Netherlands, it has reached a lot of consensus.

Regarding the heart of the matter, paragraphs 6 and 7 in the document, item 2, we have a pragmatic view because, according to the Dutch delegation, as it is stated in paragraph 6, the member States could, as appropriate, do a detailed study on non-legally binding United Nations instruments. If a delegation also wants also a study on non-legally binding instruments outside the United Nations, it is still possible under point 7 where it is stated as appropriate discuss other non-legally binding instruments on outer space. So we think there is still a possibility on the point 7.

Thank you.

**The CHAIRMAN:** Thank you Netherlands.

Next on my list are the United States.

**Mr. B. ISRAEL** (United States of America): Thank you Mr. Chairman. I have listened closely to the discussion here and here at least two delegations that have proposed broadening the scope of this agenda item and I have also heard that the views expressed by some delegations that do not support expanding the scope of this agenda item in that way. Thankfully we have mechanisms in the report for reflecting diverse views when there is not necessarily agreement and also thankfully, I think, given that paragraph 6 is talking about submitting a detailed study on non-binding mechanisms under this agenda item, my understanding is that delegates are, in general, free to do so, irrespective of having this sort of language.

With that in mind, we would propose, since this is report language, reflecting the state of consensus, or the absence of it, in this room and merely that the Subcommittee noted the intentions expressed by some delegations to provide under this agenda a study of non-legally binding instruments and those delegations would, of course, be free to do so as they see fit at the next session.

Thank you.

**The CHAIRMAN:** Thank you United States.

Next on my list is Italy.

**Mr. P. COLAPINTO** (Italy): Thank you Mr. Chairman. First of all, I would like to join previous delegations in expressing our appreciation and gratitude to the Japanese delegation for the efforts made in the last two days having held also these informal consultations. We share the remarks, the comments made by other delegations, the United Kingdom, France, the Netherlands and the United States, concerning the state-of-the-art regarding this document. We share the view that we have achieved some progress that on the substantial part of this document we are close to a consensus and we believe that those who are not in a consensual decision right here, right now, may be reflected as opinion and views by some delegations or specific delegations in the report as appropriate. So focusing on what is the common denominator here in the consensus and all the rest may be reflected as appropriate as the views of some delegations in the report.

Thank you.

**The CHAIRMAN:** Thank you Italy.

Next is Mexico.

**Ms. R. M. RAMÍREZ DE ARELLANO Y HARO** (Mexico) (*interpretation from Spanish*): Thank you Mr. Chairman. Mexico would like to thank the delegation of Japan for its efforts and for the informal consultations that have taken place. As a result, we have this document before us which still has some passages that should be further discussed, and will, of course, be further discussed.

Mr. Chairman, the distinguished delegate of France has referred to the mandate of this Group which is, of course, to consider non-legally binding instruments of the United Nations. That is the original mandate of the Group, exchange views regarding non-binding instruments but we have heard various comments and specifically the distinguished delegates of the United Kingdom, France, the United States, the Netherlands and Italy. Mexico reserves the right to share its own views with regard to the final document and it could perhaps be attached to the report and we should perhaps point out that certain delegations are not in agreement with the overall text of the document.

Thank you.

**The CHAIRMAN:** Thank you Mexico.

Next is Venezuela.

**Mr. M. CASTILLO PARRA** (Bolivarian Republic of Venezuela) (*interpretation from Spanish*): Thank you Mr. Chairman and many thanks to the delegation of Japan for preparing the document and for holding the consultations.

We must take into account the fact that this Committee must be prepared to discuss issues that are of the greatest relevance, especially when we talk about subjects that have not been concluded. We believe that the opinion of the Subcommittee must not be ignored or disregarded in the elaboration of future instruments relating to space activities. In this regard, we believe that this agenda item should be tackled with flexibility in a way to make sure that other documents that might one day be converted into guidelines, principles or regulations, should be finalized and concluded, particularly outside the framework of the United Nations.

We believe that States that are part of the Subcommittee should be involved in these issues. Therefore, we believe it would be counter-productive if, under this agenda item, we were to discuss only a

certain type of instruments listed in this non-paper or in this document.

And, in that sense, we support the concerns expressed by Russia and Brazil. We believe that paragraph 6, as written, could be helpful if we eliminated the reference to the United Nations. It would enrich the discussion greatly.

Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you Venezuela.

Next is Chile.

**Ms. T. ALVAREZ** (Chile) (*interpretation from Spanish*): Thank you very much Mr. Chairman. I think China was before us, asked for the floor before us.

Anyway, thank you Mr. Chairman. First of all, let me thank the delegation of Japan for its efforts and for the consultations that have taken place on this item. For Chile, the role of the Subcommittee is to discuss all instruments referring to the exploration and use of outer space. In that vein, my delegation believes that we should not limit ourselves only to existing instruments. We should also discuss new initiatives that can impact the future of space activities. The Subcommittee should discuss all the relevant issues and that includes instruments that have not yet been finalized but that are relevant to future space activities. We think it is fundamental that, in this forum, we have an opportunity to discuss initiated documents, documents that in future might become regulatory documents that guide space activities. Therefore, we should not be limiting out debate to certain instruments to the exclusion of others. To make this a truly relevant and efficient Subcommittee, we should broaden this discussion.

Thank you.

**The CHAIRMAN:** Thank you Chile.

China.

**Mr. Z. SHANG** (China) (*interpretation from Chinese*): Thank you Mr. Chairman. First of all, I would like to thank the Japanese delegation for the coordination it has carried out under this agenda item. It is our view that work for this agenda item we have taken an unusual working method. First of all, we have a CRP document and then we have a non-paper based on that CRP document. Then we were told that this non-paper will be part of the report while all the other

agenda items will be discussed after we receive that document on Thursday and that document will contain information and the views and positions of the delegations on this agenda item and then we will draw up conclusions and recommendations of the Subcommittee. Right now, we have not seen any summary of any discussion on this agenda item and then we have come to the conclusion.

We have our doubts. We are perplexed about this situation. At the same time, what perplexes us is our discussion, we have not reached a consensus in our discussion on this non-paper. Therefore, if the draft report to be submitted tomorrow and this document concerning the content of this non-paper, we reserve our right to continue to discuss this non-paper because we have not reached a consensus on it.

Secondly, I would like to point out what is also unusual is paragraph 1 of this non-paper refers to another CRP document and the content of that CRP document has been listed in this non-paper and then it will become a part of this Subcommittee's report. Does that mean that we have set a new time? We can ask the report of the Subcommittee to refer it to the complete content of a non-paper and that is to list the content of that non-paper in the report of the Subcommittee.

As we pointed out in our discussion yesterday, if member States agree, we can use an unusual working method. If member States agree, we can, of course, discuss all issues we would like to discuss. That is a real consensus. If we cannot discuss issues we would like to discuss under an agenda item, then where is consensus?

Thank you Mr. Chairman.

**The CHAIRMAN:** I thank the distinguished delegate of China.

Any other delegations wishing to speak?

So I took note of the criticism of the distinguished delegate of China on the procedure I had proposed and I will now try, as you request, to summarize where we stand. And I have the feeling that things have become a little bit more complicated than at the beginning of our deliberations.

Yesterday and this morning, it seemed to be that we are close to a consensus possibly or an understanding at least on this item and on the way we have been proceeding but now I see four different ways of how to proceed and all these four ways I will now

explain to you, have been voiced by the one or the other delegation.

Now the first way option, I would say, the first option, possible way, is that we find a consensus and conclusion on this document with an agreement on the text, be it with or without brackets and so on, and then have that as a part in the report of the Legal Subcommittee under agenda item 11. It would mean that we will have the Questionnaire and that there will be other provisions as outlined here. This would be option number one.

Option number two, and this has also been provided by one delegation and has been supported by another delegation, is that we take out the Questionnaire, put the Questionnaire under agenda item 7, National Space Legislation, and revise the title of agenda item 11 in a way that all non-legally binding instruments are not only non-legally binding United Nations instruments are in the title and mandate of agenda item 11. That was the second option proposed.

The third option would be that we continue agenda item 11 without any agreement on this procedure and we will have just agenda item 11 next year and we will see what will happen then.

The fourth option is, and I also heard that from one delegation, that we will not have any agenda item 11 next year because we will have to decide under agenda item 13 on our future agenda whether or not to include any of our agenda items foreseen except the Work Plans so that, as this delegation said, it might be the case that we do not renew this agenda item which is anyway a single issue item.

So these are the four options and we have 35 minutes to decide on one of these options and, of course, then try to find a conclusion on how to proceed.

I invite delegations to comment on these four options.

The Russian Federation.

**Mr. V. M. GUDNOV** (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman, distinguished delegates. With all due respect for the work carried out by the delegation of Japan, we believe that the second option proposed by you, Chairman, could be the most productive one and could really help us be productive in our work.

Having said that, as a compromise, we would not reject the third option either proposed by you. We

could leave everything as it stands and next year see for ourselves that the Questionnaire prepared by the distinguished delegation of Japan might or might not work.

Let me note, however, that this Questionnaire does not cover all issues that we should consider under this agenda item. Last year, the Subcommittee already reached agreement to the effect that we can consider other instruments, and non-legally binding instruments. That was in paragraph 197. Now, if we talk about this paper, maybe we should say “confirmed” or “reaffirmed” instead of “also agreed” because that was already agreed earlier by the Subcommittee last year. Some delegations may have forgotten it. Therefore, if we say “confirmed” or “reaffirmed”, that would be a good way to remind those delegations that that decision had already been made.

Thank you distinguished delegates. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you Russian Federation.

Other delegations wishing to speak?

The United Kingdom.

**Mr. D. SULLY** (United Kingdom of Great Britain and Northern Ireland): Thank you Chair and thank you for letting me take the floor once again.

Just on your proposed options, I think they summarize it neatly and thank you for those. The United Kingdom would be in support ideally of trying to get some text agreed. There has been a methodology done for this before, as you said in your comment. This is going to go into the report and in the report in the past, as my esteemed United States colleague mentioned, we have had language that expresses the divergence of views. So we would be inclined to maybe go down that route and at least we keep the good work that the Japanese delegation has done here. So having some sort of language like last year of “some delegations expressed the view” and working that into the relevant paragraphs here. It seems a shame to have wasted all of this effort otherwise.

Thank you.

**The CHAIRMAN:** Thank you United Kingdom.

I see France.

**Mr. T. FOURNIER** (France) (*interpretation from French*): Yes, thank you Chairman. I fully support the approach of our British colleague. A lot of work has been done and whether there is consensus or not, we should perhaps mention the words that “some delegations ...”, etc.

Thank you.

**The CHAIRMAN**: Thank you France.

The Netherlands.

**Mr. H. VAN DEN OOSTERKAMP** (Netherlands): Thank you Chairman. We also support what has been said by the United Kingdom and France and in the Dutch language, we say the glass is half full or half empty and we think that the glass is nearly half full so we would like to put a key in the report and where is not a key we can say “the view was expressed”.

Thank you.

**The CHAIRMAN**: Thank you the Netherlands.

Brazil.

**Ms. J. MACEDO SCAVUZZI DOS SANTOS** (Brazil): Thank you Mr. Chairman. My delegation would like to support the Russian proposal. We think it is a good solution. We could leave things as they are. We could maintain the agenda item as it is but we think that it would be very important to add the word “confirmed” that other non-legally binding instruments can also be discussed by this Committee as was agreed by consensus in the last session.

Thank you very much.

**The CHAIRMAN**: Thank you Brazil.

Chile.

**Ms. T. ALVAREZ** (Chile) (*interpretation from Spanish*): Thank you Chairman. I would like to say thank you for your four proposals which are an excellent summary of the debates that have taken place. I think that the first proposal is maybe the most utopic. It is what we all want. We all want to reach a consensus but if we take a look at what is happening now, I do not think there will be consensus before 1.00 p.m. or indeed in the two days that we have left. So proposal number two is probably the most suitable, at

least taking into account what other delegations have said. Proposal number three would also be a compromise solution and proposal number four is one that my delegation would not take into account for now because it really does not do much.

Some delegations have spoken about the possibility of including something in the report about some delegations expressed one opinion and others a different one. However, I do not think that is very effective. If we include that in the report, there is really no impact from that so I do not really see the point if the final aim is to make progress. So my delegation would be in support of your second proposal, Chairman.

Thank you.

**The CHAIRMAN**: Thank you Chile.

Italy.

**Mr. P. COLAPINTO** (Italy): Yes, thank you Mr. Chairman. Just to add my voice to the comments made by the United Kingdom, France and the Netherlands and also to reiterate the fact that the paragraph 197 of the last report is reflected right now in this text in paragraph 7, is setting really the boundaries or the scope of part of this agenda item and we believe that this is encompassing the possibility to express the view, discuss the view of other non-legally binding instruments.

Thank you.

**The CHAIRMAN**: Thank you Italy.

Mexico.

**Ms. T. CASTILLO OLASCOAGA** (Mexico) (*interpretation from Spanish*): Thank you Chairman. Mexico would like to thank you for the options you proposed and we support the United Kingdom, the Netherlands, Italy and France.

Thank you.

**The CHAIRMAN**: Thank you Mexico.

Other delegations wishing to speak?

The Russian Federation.

**Mr. V. M. GUDNOV** (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. Once again, thank you for the options you



proposed. We support the view expressed by Chile. And let me say this again, we believe option two would be the optimal solution especially having listened to the views of the distinguished delegates of France and Italy.

Let me recall that in the course of the consultations, the words “other” non-legally binding instruments was interpreted by these delegations as a reference to the existing approved non-legally binding instruments and they referred to others that are not on the list but United Nations instruments.

Last year, however, when we included this paragraph, we stated explicitly what we understood under the term “other non-legally binding instruments”. At that time, there was an understanding that that included initiatives, drafts and instruments approved and not yet approved, both within the United Nations and those initiated outside the United Nations, instruments that, however, have a serious and important impact on or relevance to the safety and long-term sustainability of outer space activities and that deal with such issues as transparency and confidence-building and enhancing the safety of space operations.

This year, we have heard a different interpretation from some States. Therefore, if we take option three, we will need to include in our report at least three or four paragraphs confirming that the term “other” is understood the way I have just stated and the way we agreed last year to avoid any dual interpretation of this paragraph.

Furthermore, we will have to also make sure that our report includes the views of many delegations that the way it is titled now, this agenda item limits the scope of our opportunities in the eyes of many delegations, our opportunity to have a discussion and those delegations that are of this view should then be listed.

Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you Russian Federation.

I would now like to interrupt the meeting for five minutes and will ask the representatives of the Russian Federation, of Brazil, of Japan and of the United Kingdom to come to the desk so that we can have a short informal consultation.

*Break*

*Meeting resumed*

**The CHAIRMAN:** Distinguished delegates, I am pleased to announce that we have found a conclusion amongst the interested States in the informal consultation and I would now present this conclusion to the Subcommittee in order to endorse this procedure and it is based on what I have characterized as option one. So we will hopefully be able to get almost the optimum out of this procedure and this in the spirit of compromise of all delegations involved.

We will proceed as follows.

The Japanese delegation will issue a Rev.1 of CRP.24 where the Questionnaire has been contained and where in Rev.1 the Questionnaire will be updated based on the discussions we had here. This will be the reference document for the report.

We will then have in the report the reference to CRP.24/Rev.1 where delegations will be invited to respond to the Questionnaire and the addressee of these responses will be the delegation of Japan. The delegation of Japan will, based on the responses, issue a compendium, I use the expression compendium because we want to mirror it to the Compendium introduced by the Czech Republic, Canada and Germany on Space Debris Mechanisms. So the delegation of Japan will prepare a compendium based on the responses on this Questionnaire and will then introduce that at our next session.

So this is part one for the report with the reference to CRP.24/Rev.1.

The second part will be a very precise and concise report in the typical report language where all the points which have been made, in particular by the Russian Federation, by Brazil, by GRULAC, by others, with regard to the mandate of this agenda item. So this will be very carefully phrased in view of the statements which have been made by the delegations and the Subcommittee next year, under this agenda item, and we also by that agreed that the agenda item will continue to be on the agenda as it is. The delegations will then continue their deliberations on the substance of this agenda item as well as continue the debate on the mandate and scope of this agenda item.

I hope I have summarized our discussions correctly and would now like to ask delegations whether they can agree on that proposal.

I see the Republic of Korea.

**Mr. Y. LEE** (Republic of Korea): Thank you Mr. Chairman. First of all, I would like to appreciate your tireless approach to get some consensus on this matter, with the same appreciation to the delegation of Japan.

Mr. Chairman, when you summarized the results of our informal consultations, first, I would like to convey(?) on this matter so when we have some written text of these suggestions. And at the same time, I would like to express our reservation on the compiling of the compendium in the manner \_\_\_\_\_(?) by this Committee. That would be further described as \_\_\_\_\_(?) on the appropriate occasion.

Thank you.

**The CHAIRMAN:** Yes, we are losing interpretation. Are there any other delegations wishing to speak?

I see none.

OK, Chile.

**Ms. T. ALVAREZ** (Chile) (*interpretation from Spanish*): Thank you Mr. Chairman. Just a brief announcement for all GRULAC countries. At 2.30p.m., we will have a coordination meeting in Room 431.

**The CHAIRMAN:** .... issue the report, the draft report, based on what I just announced and we will come back to that under the adoption of the report where further reservations or changes or whatever can be made but I remind you that this has been a real effort and I would be very careful in re-opening this consensus which has been achieved amongst the delegations and I then hope that we find a conclusion when we adopt the report.

So the meeting is adjourned. We will meet at 3.00 p.m. I will not announce what we will be doing this afternoon but be prepared also to discuss agenda item 13.

The meeting is adjourned.

*The meeting adjourned at 1.12 p.m.*