

The Open-Ended Working Group on Reducing Space Threats

RECAP OF THE FOURTH AND FINAL SESSION
AUGUST 2023

By Jessica West



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The Open-Ended Working Group on Reducing Space Threats:
Recap of the fourth and final session, August 2023

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Author: Jessica West

Editor: Wendy Stocker

Designer: Tasneem Jamal

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Project Ploughshares

140 Westmount Road North

Waterloo, Ontario N2L 3G6

Canada

Telephone: 519-888-6541

Email: plough@ploughshares.ca

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Acronyms and abbreviations

ASAT	Anti-satellite
COPUOS	Committee on the Peaceful Uses of Outer Space
GGE	Group of Governmental Experts
IHL	International humanitarian law
OEWG	Open-Ended Working Group
PAROS	Prevention of an arms race in outer space
PPWT	Prevention of the Placement of Weapons and Threat or Use of Force
RPO	Rendezvous-and-proximity operation
TCBM	Transparency and confidence-building measure
UN	United Nations

Summary

The final session of the Open-Ended Working Group on Reducing Space Threats (OEWG) met from August 28 until September 1, 2023, with the goal of adopting a final report and recommendations by consensus, here interpreted as unanimity. To reach this goal, private, informal discussions were held behind closed doors for most of the session; nonstate representatives and cameras were excluded. Still, consensus was not achieved.

In an unprecedented development, the OEWG was unable to adopt either a substantive report or even the most basic procedural description of the meetings. Instead, the [Chair](#) provided a summary of the discussion in the form of a working paper.

Blame for the lack of a substantive outcome was cast in two directions. The United States pointed to “redlines” imposed by some states, which made compromise on a final report impossible. Russia blamed the foundational concept of “responsible behaviour,” which it deemed fatally flawed.

Nonetheless, most states viewed the course of the discussions as a success – expanding the scope of threats and mitigation measures under consideration; improving understanding of how states perceive threats; nurturing a convergence of views on numerous topics that reached unanimity on the applicability of international law to outer space; and also nurturing an unprecedented level of cross-regional cooperation.

Despite the absence of a final report, a growing chorus of voices has been calling for a renewal of the discussion.

Details of the final OEWG session

The Open-Ended Working Group on Reducing Space Threats (OEWG) was mandated by United Nations (UN) General Assembly Resolution [76/231](#) to

- a. take stock of the existing international and normative framework regarding threats to outer space
- b. consider current and future threats by states to space systems and other actions that could be considered irresponsible
- c. make recommendations on possible norms, rules, and principles of responsible behaviour
- d. submit a report to the General Assembly.

The goal of the final session was to achieve consensus on the content of a substantial outcome report, elements of which the Chair had begun consulting on as early as February 2023. Written responses to this effort submitted by [Russia](#) and [Iran](#) prior to the session suggested that consensus would be difficult to achieve; these and other states continued to object to the very premise of the process – the pursuit of politically binding norms of behaviour as a means of mitigating threats to space systems.

But there was political will to make the OEWG process work. In his opening statement, the Chair noted significant commitment from very different countries around the world, which indicated that the former separation of advanced space actors from developing countries is obsolete. *All* countries use space to meet the basic needs of their citizens and *all* have a responsibility to avoid an arms race in outer space. The Chair urged participants to find a path to consensus that avoids the perception of winners and losers, which he believed could be achieved if all remained committed to constructive discussion.

Still, the session ended on September 1 with the worst possible outcome. Not only was there no agreement on a final report, but states could not even agree to produce a procedural report outlining the technical details of the four rounds of meetings.

Here's what happened.

The draft reports

Before the final session began, the Chair circulated elements of the [draft](#) report, including a factual description of the discussion. He hoped to use the draft to build consensus. In his opening statement, the Chair noted that language in the draft report had already been modified to avoid using the term “dual-use.” And the report carefully avoided conflating responsible or irresponsible activities with lawfulness. The Chair opened the floor with the hopeful comment that he could “smell consensus in the air.”

A [revised draft report](#) was produced, based on the discussions held in this session. Importantly, it reaffirmed states' commitment to the prevention of an arms race in outer space (PAROS) and emphasized that solutions to space security challenges that help to drive arms racing can combine both legally binding and non-legally binding initiatives.

Additionally, this paper noted that states:

- Reaffirmed the applicability of international law to outer space, particularly key principles established by the Outer Space Treaty and found in international humanitarian law, and article 2(4) of the UN Charter, which prohibits the threat or use of force
- Regarded threatening acts to be deliberate and non-consensual acts by states intended to, directly or indirectly, interfere with, deny, disrupt, degrade, damage, or destroy space systems under the jurisdiction or control of other states
- Described the breadth of physical threats to space systems, including kinetic, direct-energy, cyber/electronic, direct-ascent (from land, sea, or air), and co-orbital
- Described various actions, activities, and omissions that can be deemed threatening, such as lack of transparency, declaring space a warfighting domain, failures to communicate with or notify others, and the placement of weapons in outer space.

The draft report also included a series of recommendations related to:

- Damage and destruction of space objects or use of space objects as weapons
- Development and deployment of space objects for hostile purposes
- Interference with the normal and safe operation of space objects
- Protection of critical space-based services
- Assistance in and encouragement of certain harmful acts
- Military space policies, doctrines, and strategies
- Implementation of international obligations, commitments, and measures
- Notifications of defence and security exercises
- Consultative mechanisms.

Support for the drafts

On the first day of the session, participants including the European Union, the United States, Germany, the Netherlands, the United Kingdom, Japan, Singapore, the Republic of Korea, New Zealand, Sri Lanka, France, Canada, Sweden, and Switzerland took the floor to support the draft report as a basis for building consensus.

The strongest endorsement was issued by the [Philippines](#), speaking on behalf of a diverse group of 33 states. It focused on the following points of convergence identified from earlier discussions:

- The application of international law to outer space
- Enhancing transparency and building confidence
- Addressing the threats of destruction and incapacitation of space objects,

which generate debris

- Addressing rendezvous-and-proximity operations (RPO) that could increase the risk of misunderstanding and miscalculation
- Protecting space-based services critical to civilians.

The Philippine-led statement also called for the final report to declare that political commitments on responsible behaviours can support the pursuit of legally binding measures, and that these two approaches are not mutually exclusive.

Japan's statement noted growing convergence on the following:

- The urgent need to address destructive behaviours that both cause debris and also escalate tensions and endanger peace and security
- The need for rules regarding RPO activities, which are not threats per se but can be perceived as threats when conducted in an irresponsible manner
- Reaffirmation of transparency and confidence-building measures (TCBMs) related to outer space that can reduce misunderstandings
- A need to continue discussion of threats/norms.

Singapore also called attention to the harmful space debris created by the destructive testing of anti-satellite weapons (ASATs) and the need to communicate about RPO activities. Sri Lanka called for extra attention to irresponsible behaviours that could impact international peace and interrupt civilian services, science, climate change applications, and disaster risk reduction.

DEBRIS FROM WEAPONS

Space debris caused by tests of destructive weapons – particularly of direct-ascent ASAT missiles – proved a galvanizing topic throughout the OEWG process. Austria argued that the deliberate creation of space debris is the biggest threat to space security, asserting that a clear norm against such destructive tests or other similar activities on orbit is one way to address it. This view was echoed by the United States, Singapore, and Brazil.

A growing voluntary moratorium against destructive tests of direct-ascent ASAT missiles had been evolving within the context of the OEWG. This commitment expanded steadily, culminating in a [working paper](#) and subsequent statement by the European Union that committed all its members to the moratorium, bringing the total number of participants to 37.

During the closing session, the United Kingdom pointed to this initiative as a “clear step forward” on space security.

However, not all states were convinced of the value of this focus. China argued that destructive ASAT tests are not a major source of space debris, while others indicated that this concern is a matter for the UN Committee on the Peaceful Uses of Outer Space (COPUOS) (see below).

THE MISSING GENDER DIMENSION

While supporting the draft report, Canada claimed that it did not acknowledge some con-

crete impacts of space insecurity on Earth. Canada reinforced the idea that harm to space systems results in disproportionate impacts based on gender, sexuality, geographic, and socio-economic qualities; as well, resilience to such harm is not equal across all segments of a society. Canada called for gender-informed and -inclusive recommendations and provided appropriate language for the report.

TO RECOMMEND OR NOT TO RECOMMEND

There was still debate among supporters of the Chair's draft about whether the final report should include recommendations or be restricted to a discussion summary. Switzerland argued that recommendations—such as not to disrupt critical civilian infrastructure—were essential. Sweden urged the inclusion of recommendations made during the previous sessions on issues for which there was consensus or a convergence of views.

Other states expressed misgivings about recommendations in the final report. The United States cautioned against ambitious, but rushed, recommendations, which it feared might have unforeseen consequences on emerging space activities. Israel disagreed with many of the recommendations in the initial draft report, calling them controversial and even contested, thus premature and inappropriate in the report.

Disagreement with the drafts

The first day's discussion revealed that consensus would not be easily achieved.

China's statement was critical of the draft report for including concepts that it argued were not reflective of shared understandings. Along with Russia and Iran, China expressed concerns that their views were not adequately represented. But those views – which took issue with the premise of norms of behaviour as a vehicle for peace and security – amounted to a denial of the very legitimacy of the discussions and their relevance to PAROS. Foreshadowing things to come, in response to the Chair's optimism around consensus, China replied that it sensed the “smell of tension.”

RESPONSIBLE BEHAVIOUR AND LAW

Dissenting states were most concerned about the foundational concept of “responsible behaviour.” Venezuela argued that the concept was intrinsically subjective and fuzzy, echoing comments from Iran's paper that it was not sufficient to prevent international harms in outer space. China argued that the binary distinction between “responsible” and “irresponsible” behaviour served as a political tool – what Iran called “an oxymoron with political side effects.” India also raised concerns about subjectivity in the description of space behaviours as responsible/irresponsible and perceptions of threats, then helpfully submitted language to be considered in the final text.

The relationship between norms of behaviour and law remained both confused and contentious for some states. Sri Lanka stated that the development of norms of behaviour must not provide scope for subjective interpretations of international law. Venezuela raised concerns about the “vague, non-legal notions” of responsible behaviour that it feared could legitimize as acceptable behaviours related to warfighting or conflict in outer space. China wanted the relationship between norms and international law clarified.

NORMS V. LAW

Although it is commonly accepted that norms and law are complementary, some states continue to view them as either/or options and resist the pursuit of norms in favour of new legal measures related to PAROS. Venezuela asserted that voluntary norms cannot serve as a substitute for law, noting that this view is also held by the Non-Aligned Movement. Yet France argued that, while views differ on the need for a legal instrument on PAROS, work on norms can still complement the existing legal framework for outer space. Türkiye concurred.

Malaysia, Indonesia, and Egypt were among the states that saw norms as essential to a legally binding initiative on PAROS. Iran objected that the draft report did not explain how recommended norms would do so.

China and Cuba argued that legal instruments were not adequately emphasized in the draft report, which they insisted should urge all states to commit to negotiating a legal agreement on PAROS. China, Venezuela, and Iran expressed support for the draft Treaty on the Prevention of the Placement of Weapons in Outer Space, the Threat or Use of Force against Outer Space Objects (PPWT).

INTERNATIONAL HUMANITARIAN LAW

Despite consensus on the applicability of international law to outer space, the application of international *humanitarian* law (IHL) remained controversial. In response to previously expressed concerns by states including Russia and China that acknowledgement of such applicability would amount to legitimizing warfighting in outer space, the Netherlands asserted that such claims were misleading; rather, IHL neither increases the chance of armed conflict nor prevents conflict from occurring. Iran insisted that any such applicability could only be discussed in the context of *legal* negotiations; the OEWG did discuss existing international law related to outer space activities during earlier sessions.

Austria argued that a focus on IHL is relevant because of the significant reverberating effects of warfighting activities in outer space on civilian populations and objects on Earth.

DISAGREEMENTS ON THREATS

Iran argued that the draft report did not cover the “entire range of issues related to the security of outer space.” Some states agreed, pointing to:

- The effort of one state to weaponize outer space and turn it into a battlefield
- Military doctrines of deterrence and space supremacy
- Military domination and development of weapons
- Commercial mega-constellations
- Violations of sovereignty
- Private colonization of resources
- Sanctions.

DIVISION OF LABOUR AT THE UNITED NATIONS

As they had during earlier sessions, some states continued to express concerns that work at the OEWG overlapped with work at COPUOS; these concerns contributed to the lack of consensus. For example, China claimed that direct ascent ASAT tests were *not* a major source of space debris and should instead be considered at COPUOS, which deals with debris mitigation. Similarly, Russia's paper submission argued that many issues on the table fell under the mandate of COPUOS; Venezuela agreed. Cuba and Argentina, among other states, insisted that the mandate and work of COPUOS should be preserved (although COPUOS does not discuss issues related to military activities or security in outer space).

However, the Netherlands argued that there is no distinction in international law between civilian and military space systems and emphasized a need to build synergy across the work of various UN fora.

INSUFFICIENT FOCUS ON WEAPONS

Russia believed that the draft report paid insufficient attention to weapons systems. Specifically, Russia called for the adoption of legal obligations to “fully exclude outer space from the arms race and preserve it for peaceful purposes.” It also proposed obligations not to use space objects as a means of striking targets on Earth, space, or in the atmosphere; not to create, test, or deploy weapons in space for any purpose including missile defence or ASATs; and not to destroy, harm, or disrupt the normal functioning of, or change the space trajectory of, the space objects of other states. This approach was supported by Cuba; Malaysia also expressed a desire to prohibit weapons in space.

EQUALITY

Some states feared that rules would have unequal effects. Iran argued for equal access to outer space for all without discrimination, speaking against what it deemed to be illegal sanctions on the transfer of technology. The United Arab Emirates stressed that equal and fair access to outer space should inform the development of norms; Malaysia wanted an assurance that norms, such as requirements for prior notification, would not impinge on national sovereignty.

Efforts to build consensus

With early indications that consensus on a broad range of issues would be difficult to achieve, India suggested that the final report make note of those points of general agreement and set down points of disagreement.

In a nod to cooperation and consensus-building, the United States noted concerns about some proposals but agreed that they had been raised during discussion and could be noted in the report; it urged others to be similarly accommodating. In a closing statement, the United States expressed its willingness to allow “no first placement” to be mentioned in the report, even though it had long opposed this initiative.

The closed room

Early on the first day, it became evident that subsequent meetings would likely be closed to negotiate the contents of the final report. The thinking seemed to be that private meetings would better enable some states to negotiate and cooperate on key elements of the draft report. If so, the thinking was wrong.

The deadlock

Negotiations on the final report concluded after only three days of closed-door discussions when the Chair determined that reconciling diverging views was impossible. The Chair then endeavoured to produce a [procedural report](#) that outlined the parameters of the meetings held under the mandate of the OEWG, to be followed by a personal summary report in the form of a working paper.

But there was no agreement for a procedural report, either. After the meeting was re-opened to the public, Russia and China declared their surprise that the discussion had moved from negotiating a substantive outcome document to a procedural report and dismissed the need for such a report, although, according to the United Kingdom and Australia, the Chair had made the shift clear the previous day. Syria, Cuba, Nicaragua, and Venezuela also opposed the procedural report.

The Chair, Japan, Canada, and the Republic of Korea all claimed that a procedural report represented the bare minimum needed to fulfill the OEWG's mandate from the UN General Assembly, which required a report. France and the Netherlands further explained that a procedural report, while not ideal, was established practice when a substantive document could not be agreed upon. Brazil, the Philippines, Chile, and Singapore supported the creation of such a report. Switzerland and Mexico worried that failure to adopt such a report would set a negative precedent for other meetings.

Russia insisted that discussion of the Chair's draft procedural report be informal and behind closed doors. The Netherlands was opposed, as was the Philippines, which called such meetings "extraordinary tools to expedite work" and deemed it "excessive to have a long informal session without other stakeholders able to see us decide on something really simple." However, the Chair did suspend the meeting to discuss the draft procedural report informally, with the poor conclusions already noted.

The fallout

Despite the absence of an outcome document, most states found the OEWG process valuable. A joint [statement](#) issued by 39 states (see "Cross-regional cooperation" below) described the OEWG as a constructive platform for inclusive dialogue, "which has inspired open, substantive, interactive, and enlightening discussions pertaining to outer space security" and reaffirmed the value of political commitments on norms of responsible behaviour. Beyond this group of states, supportive statements were also issued by the European Union, Israel, and the United States.

So why no consensus? The problem stems not from the wording of the draft report but from resistance to the OEWG itself, as expressed by Russia, China, Iran, Cuba, Nicaragua,

Venezuela, Pakistan, India, and Syria. Brazil argued that, despite universal agreement on the objective of PAROS, longstanding disagreement on the ways and means of achieving this goal remained entrenched. Specifically, China, Iran, Cuba, Nicaragua, and Russia continued to insist on legal approaches as the *only* way forward. India indicated that “politically binding” measures were no substitute for legal ones. Although Pakistan acknowledged that non-legal measures complement legal agreements – and indeed can develop into such – it pointed to divisions over the conceptual framing of responsible and irresponsible behaviours.

The greatest objection was aimed at the concept of “responsible behaviour,” on which the OEWG was based. While China disagreed with the concept, Russia issued a lengthy statement deriding the overall approach of the OEWG, arguing that the “initiative has proved to have flaws and those turned out to be fatal” and that the “negative outcome of the OEWG speaks for itself.” Russia claimed that the OEWG undermined PAROS and international security, proving “that the concept of responsible behaviour in space is not something that brings us closer together.” Russia also accused the supporters of the OEWG of seeking to “weaponize space” and claimed that the no-first-placement initiative was discriminated against.

The United States responded that efforts to cooperate on the outcome report were met with “redlines” that would only allow a narrow, rather than a broad, set of risks and threats to be included under the mandate of the OEWG. At a later briefing to the UN First Committee on Disarmament and International Security, the Chair more pointedly explained that those states blocking consensus would not allow any mention in the report of norms of responsible behaviour (see discussion [summary](#) under “Outer Space”).

Both Switzerland and Japan worried that the deadlock would have an impact on future processes, such as the November 2023 meeting of the Group of Governmental Experts (GGE) on Further Practical Measures on PAROS, which was to focus on elements of a legally binding approach.

The Chair’s summary

Australia called the Chair’s personal summary “an excellent way forward”; New Zealand noted that it was an “established and essential practice of multilateral processes.”

Although Russia agreed that it was the Chair’s prerogative to issue this working paper, it insisted that it be treated as a “*non-paper* with no status for this group or any further UN activity dealing with PAROS” and that it must *not* include any other documents not agreed to by consensus. China made a similar demand.

The Chair’s [summary](#) noted the following ways in which the development of norms, rules, and principles can help to reduce threats to space systems, as identified by states throughout the discussions:

- Reduce threats to international peace and security related to activities in outer space
- Prevent an arms race in outer space
- Prevent, with a view to eradicating, the risk that armed conflict would be initiated in

or extend to outer space

- Contribute to both the long-term sustainability of outer space activities as well as the continuing and non-discriminatory use and exploration of outer space
- Reduce the risk of misunderstandings, misperceptions, miscalculations, and unintended escalation of conflict
- Encourage transparency and communication relating to space activities to avoid misinterpretation
- Inform state practice and positions regarding the application of existing international law
- Identify criteria that could facilitate the identification by states of the hostile intentions of other states
- Contribute to negotiations of a legally binding instrument or instruments on the prevention of an arms race in outer space
- Ensure that private actors are accountable for their actions in outer space and foster cooperation between states and private actors in the protection of space systems
- Encourage the development and deployment of new technology in a manner that is consistent with international law and that promotes the security and long-term sustainability of outer space.

The report also called attention to discussion points that focused on the need for consultation mechanisms and the value of additional work on applying the concept of due regard to space activities.

The report highlights many recommendations made by states under the following categories:

- Damage and destruction of space objects or use of space objects as weapons
- Development and deployment of space objects for hostile purposes
- Interference with the normal and safe operation of space objects
- Protection of critical space-based services
- Assistance and encouragement in certain acts
- Military space policies, doctrines, and strategies
- Implementation of international obligations, commitments, and measures
- Notifications of defence and security exercises
- Consultative mechanisms.

The value and takeaways of the OEWG process

In a significantly new approach to PAROS, the Open-Ended Working Group on Reducing Space Threats aimed to reinvigorate conversation and cooperation by identifying threats and perceptions of threats that drive insecurity, arms racing, and conflict and then showing how to mitigate threats through norms, principles, and rules of behaviour rooted in existing international law and governance frameworks. It succeeded.

Scope of discussion

The discussion's scope was unprecedented, covering everything from weapons and weapons tests to misperceptions caused by uncoordinated close approaches and the impacts on civilians of harmful interference with critical space systems. The measures suggested to mitigate such dangers included commitments to restraints on weapons, weapons tests, and hostile doctrines and uses of space; efforts to better notify and coordinate activities with others; and protections for civilians, critical systems, and the environment. At the end of the OEWG process, states most certainly had a much better understanding of how they and other states perceive threats in outer space and of the tools available to mitigate such threats.

Inclusivity

Inclusivity at OEWG discussions was exceptional. More than 70 [state participants](#) engaged in the process, along with representatives from [nongovernmental organizations](#), including civil society organizations, academia, and the commercial sector.

Such extensive engagement is essential. As Brazil noted, the conversation clearly showed that developing countries are particularly vulnerable to deteriorations of security in outer space. Canada and Sweden noted the need to acknowledge and consider multi-stakeholder perspectives, including those of civil society.

Cross-regional cooperation

Cooperation was unprecedented. Discussions enveloped both advanced and emerging spacefaring states, with leaders such as Germany, the Philippines, and Nigeria bringing together states from both sides of this traditional divide. By the end of the process, 39 states signed on to the final group [statement](#) (Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Colombia, Czech Republic, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxembourg, Malawi, Mexico, the Netherlands, New Zealand, Nigeria, Norway, Panama, Peru, the Philippines, Portugal, the Republic of Korea, Samoa, Singapore, Spain, Sweden, Switzerland, the United Kingdom, Uruguay).

Convergence of views

This value of OEWG discussions is further reflected in the growing convergence of views on international law; the contributions of politically binding commitments to the implementa-

tion of law and governance more broadly; and core measures to protect civilians and the environment, and to mitigate the drivers of armed conflict.

Continuing the conversation

Many states, including the United States, Germany, the Netherlands, Japan, Sweden, Switzerland, Australia, New Zealand, Canada, Peru, Israel, and Mexico, expressed a desire to continue the OEWG discussion on norms of responsible behaviour. Such a desire was also expressed in the joint statement of the 39 states.

The organizers, facilitators, and participants should all be proud of these achievements.

Next steps

As there was no substantive or procedural report, there will be no formal reporting of the OEWG process to the UN General Assembly.

In November 2023, a Group of Governmental Experts will begin meetings to discuss possible elements of a legally binding instrument on PAROS; these meetings will end in July 2024. The United Kingdom, Peru, and the Philippines expressed hope that discussions at the OEWG will inform this process. Despite fundamentally opposing the OEWG, Russia continued to describe it as complementary to the GGE.

The GGE discussion on a legally binding approach to PAROS will be continued in a subsequent Open-Ended Working Group on Further Practical Measures on PAROS, which will meet for two yearly two-week sessions over four years (2025-2028), as [mandated](#) by the UN First Committee in November 2023.

The mandate for the Open-Ended Working Group on Reducing Space Threats has been [renewed](#) by the UN General Assembly. It will meet for four one-week sessions over two years (2025-2026) with a focus on: a) intentional damage to and destruction of space systems, b) threats to the safe operation of space objects, c) rendezvous operations and proximity operations that could increase the risk of misunderstanding and miscalculation, d) protecting critical space-based services to civilians as well as services that support humanitarian operations, and e) other activities and measures that could reduce the risk of unintended escalation and conflict.

Additional resources

- Twitter threads
 - [Resource list](#)
 - Day 1, [meeting 1](#) (morning)
 - Day 1, [meeting 2](#) (afternoon)
 - Day 5, [final meeting](#)
- UN TV (Meetings 1 and 2, Meetings 9 and 10)
 - Day 1, [meeting 1](#) (morning)
 - Day 1, [meeting 2](#) (afternoon)
 - Day 5, [meeting 9](#) (morning)
 - Day 5, [meeting 10](#) (afternoon)
- Analysis: [What to look for during the final session](#)
- Chair's [draft report](#)
- Second draft report ([Rev. 1](#))
- Draft [procedural report](#)
- Chair's [summary](#)



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