

Committee on the Peaceful Uses of Outer Space

Legal Subcommittee

Unedited transcript

638th Meeting

Thursday, 6 April 2000, 10 a.m.
Vienna

Chairman: Mr. KOPAL (Czech Republic)

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

The CHAIRMAN: I now declare open the 638th meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

As all delegations will recall, we completed our substantive deliberations on all items of our agenda yesterday afternoon. What remains to be done this morning is the formal adoption of our report. Before commencing the adoption of the Subcommittee's report, however, I propose that we suspend this meeting to allow the working group on the review of the concept of the "launching State" to convene, under the chairmanship of Mr. K. Schrogl of Germany, to adopt its report.

As I see no objection, this meeting of the Subcommittee is temporarily suspended.

The meeting was suspended at 10.20 a.m. and resumed at 10.30 a.m.

The CHAIRMAN: The meeting of the Subcommittee is now resumed. Before we start to adopt the report of the Subcommittee, I have a request from the distinguished representative of Saudi Arabia, who would like to make a brief statement. I would remind him that the contents of his statement should have come under the agenda item on "General exchange of views"; however, by courtesy of the Chair and with the permission of delegations, I give him the floor now.

Mr. O. KURDI (Saudi Arabia) (*interpretation from Arabic*): As this is the first time my delegation has taken the floor, we would like to congratulate you on your chairmanship of the Subcommittee and to express our satisfaction at seeing you in this important position. We would also like to take this opportunity to congratulate Ms. Othman on her appointment as Director of the Office for Outer Space Affairs.

My delegation has asked for the floor at this stage to make a proposal that we should add an amendment to document A/AC.105/C.2/L.219, which contains a reference to the amendment presented by Saudi Arabia. Paragraph 118 of that document, which refers to the enlargement of the committee, is the appropriate place for this. This paragraph contains a statement in the singular, saying "One view was stated ..." etc. We would like to see this put into the plural, i.e. "It was felt that", to imply that several delegations held this view.

We would also suggest that the Subcommittee should respond favourably to the request to accede. We would like to pay tribute to the views expressed by the Subcommittee. Saudi Arabia had already pronounced its wish to accede during UNISPACE III and had asked the Committee to review the restrictions placed by the General Assembly on the issue of expansion. These restrictions had prevented any possible extension since 1994. There was an exchange of correspondence between ourselves and

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Corrections should be submitted to original speeches only. They should be incorporated in a copy of the record and be sent under the signature of a member of the delegation concerned, within one week of the date of publication, to the Chief, Translation and Editorial Service, room D0708, United Nations Office at Vienna, P.O. Box 500, A-1400, Vienna, Austria. Corrections will be issued in a consolidated corrigendum.

OOSA, as well as between the appropriate people in the Committee. We referred to this during the thirty-eighth session of the Scientific and Technical Subcommittee.

The Government of Saudi Arabia is aware of the arrangements to expand the Committee, formulated in 1994. These arrangements resulted from requests for adherence being based on consensus of the States Parties to maintain the positive effect of the possible extension and to comprise new members. Given the fact that there is an absence of regulations covering this issue of accession, my delegation has found it difficult to understand why it was impossible for us to accede in 1994, given the developments in the space sector.

The desire of my delegation to accede is motivated by the will to participate in constructive outer space developments, as well as to properly implement the recommendation of UNISPACE III and to fully observe the General Assembly resolution of 13 December 1996. That resolution specifies that all States should properly draw the benefits of the advances in outer space technology in order to be able to take advantage of space applications.

My delegation is convinced that the participation of Saudi Arabia could reinforce our cooperation with the Committee and our implementation of United Nations space programmes. We are working to keep up with the developments of space applications and the peaceful exploration of outer space. We have exploited these techniques for terrestrial advantage and have used modern technologies as concerns broadcasting. We have also been involved in the work of ITU in this area, to coordinate satellite technology. We are involved in work in the area of space at the regional level and are the hosts of ARABSAT, which has reinforced the communications sector among the Arab States. We are also working to help promote private sector contributions in this field.

My delegation would like to thank the Chair for your understanding of our request and we hope that the report of the Subcommittee will duly reflect our statement.

The CHAIRMAN: Thank you for your statement. I would like to repeat what I said at the outset; during our discussion on the "General exchange of views", where the delegation of Saudi Arabia as well as other non-Member States of this Subcommittee requested participation in its work: it is not within the power of this body to decide on

any question relating to the enlargement of our Committee. This falls within the competence of the Committee on the Peaceful Uses of Outer Space, and therefore I would suggest to the distinguished delegation of Saudi Arabia that they bring this question to the attention of the main Committee at its next session in June 2000. The Committee itself is the body competent to deal with this question.

I also have a request for the floor from the distinguished representative of Morocco. However, I would like to remind delegations that our agenda for this morning is the consideration and adoption of the report, not the consideration of those questions which fall under the "General exchange of views", or which fall within the competence of the main Committee.

I give the floor to the distinguished representative of Morocco.

Mr. A. SAADI (Morocco) (*interpretation from French*): I had hoped that you would accede to our request to take the floor. Following the request on the part of Saudi Arabia to become a Member of the Committee, as was already indicated in the meeting of the Scientific and Technical Subcommittee, this is an entirely legitimate request.

We have noted that the Kingdom of Saudi Arabia was very active during UNISPACE III and is certainly actively involved in outer space activities and in making available remote sensing facilities, as well as hosting ARABSAT. As we have seen at this session, that delegation has also taken part in the work of the Subcommittee. My delegation feels that we should recognize that our assembly is sparsely frequented. Certain delegations are members of COPUOS but do not attend our meetings, and we feel it would be good to accede to the request of States already participating actively in Committee meetings.

What we have just said concerning Saudi Arabia also holds true for the Republic of Korea. Both countries certainly deserve to sit on our Committee. Thus due note should be taken of the request lodged, which should be transmitted to the relevant body so that a decision can be taken.

The CHAIRMAN (*interpretation from French*): Thank you for your statement. I would like to recall once again that this matters falls under the competence of the main Committee itself. The next meeting of that Committee will be held in June and you may certainly raise this matter again at that time.

(continues in English) We will now begin the adoption of the report of the Subcommittee.

Adoption of the report of the Subcommittee

The CHAIRMAN: I will give the floor to the Secretary of the Legal Subcommittee to explain the relevant documentation before us.

Mr. P. LÁLA (Secretary): I would like to briefly outline the documents before you. The main document (A/AC/C.2/L.219) contains separate chapters: Chapter I, "Introduction"; Chapter II, "General exchange of views", which covers agenda item 3; Chapter III, "Status of the international treaties governing the uses of outer space", which reflects agenda item 4; and Chapter VI, "Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space", covering agenda item 7.

Next is document A/AC.105/C.2/L.219/Add.1 containing one chapter only, Chapter V, which covers agenda item 6, "Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union".

Document A/AC.105/C.2/L.219/Add.2 is the next one, which contains Chapter IV, "Information on the activities of international organizations relating to space law" (agenda item 5); Chapter VII, "Review of the status of the five international legal instruments governing outer space" (agenda item 8); and Chapter VIII, "Review of the concept of the 'launching State'" (agenda item 9). The last document (A/AC.105/C.2/L.219/Add.3) contains Chapter IX, "Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fortieth session" (agenda item 10).

I would like to remind delegations that we also have reports of the chairmen of the working groups, which will be annexed to the report and which have already been adopted. These are document A/AC.105/C.2/WG/DEFGSO2000/DR.1, which contains the report of the working group on agenda item 6 (definition and delimitation of outer space, and utilization of the GSO); and document A/AC.105/C.2/WG/LS2000/DR.1, which contains the report of the working group on agenda item 9 (review of the concept of the "launching State").

These two latter documents have already been adopted by the Subcommittee.

The said annex to the report of the Legal Subcommittee will be contained in document A/AC.105/C.2/L.221, and will include the agreement adopted by the Subcommittee on the question of the utilization of the geostationary orbit. These are the documents which will comprise the final report. The order of the chapters will be chronological; we are working through them paper by paper in order to facilitate the Subcommittee's work.

The CHAIRMAN: Thank you for your helpful information, and will repeat the following: we will go through these documents one at a time, irrespective of the chapters included therein and which will be ordered numerically in the final text of the report.

We will begin with a paragraph-by-paragraph adoption of document A/AC.105/C.2/L.219, which contains the introductory section of the report, as well as the section on "General exchange of views", "Status of the international treaties governing the uses of outer space", and "Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources".

We will begin with section I, "Introduction".

Document A/AC.105/C.2/L.219

A. Opening of the session Paragraphs 1-2

The CHAIRMAN: Paragraphs 1 and 2 are adopted.

B. Adoption of the agenda Paragraph 3

The CHAIRMAN: Paragraph 3 is adopted.

C. Attendance Paragraphs 4-7

The CHAIRMAN: Paragraphs 4 to 7 are adopted.

D. Organization of work Paragraphs 8-11

The CHAIRMAN: Paragraphs 8 to 11 are adopted.

*E. Adoption of the report of the Legal Subcommittee
Paragraphs 12-13*

The CHAIRMAN: Paragraphs 12 and 13 are adopted. We now come to Chapter II, “General exchange of views”.

Paragraphs 14-17

The CHAIRMAN: Paragraphs 14 to 17 are adopted.

Paragraph 18

The CHAIRMAN: Paragraph 18 will start with the words “Some delegations expressed that it would be desirable to extend the membership of the Committee on the Peaceful Uses of Outer Space to allow the rotating members of the Committee to assume permanent membership of the Committee”. I give the floor to the distinguished representative of Egypt.

Mr. E. ZNATY (Egypt) (*interpretation from Arabic*): My delegation would propose that we add that there are not only delegates that expressed their views as to the enlargement of COPUOS to allow for the rotating members to become permanent members, but also to refer to the acceptance of new members. This would take into consideration what was said by the distinguished representative of Saudi Arabia earlier this morning.

The CHAIRMAN: The Secretariat has a drafting proposal to read.

Mr. P. LÁLA (Secretary): The Secretariat would propose amending paragraph 18 as follows:

“Some delegations expressed the view that it would be desirable to extend the membership of the Committee on the Peaceful Uses of Outer Space and to allow the rotating members of the Committee to assume permanent membership of the Committee”.

The CHAIRMAN: Thank you. Is this text satisfactory to the distinguished representative of Egypt? I see that it is; thank you. With these amendments, paragraph 18 is adopted.

We now come to Chapter III, “Status of the international treaties governing the uses of outer space”.

Paragraphs 19-22

The CHAIRMAN: Paragraphs 19 to 22 are adopted.

Paragraph 23

The CHAIRMAN: I give the floor to the distinguished representative of the United States.

Mr. K. HODGKINS (United States of America): My delegation would like to propose the addition of a paragraph 22bis, that takes note of two documents before the Subcommittee. I apologize that I do not have the document reference available, but they were notifications from the United States and Japan regarding the discovery of space objects on their territory, pursuant to Article 5, paragraph 1, of the Rescue Agreement. Those two documents were before the Subcommittee, at least for its information, and we would like to add a reference to that.

The CHAIRMAN: Is this acceptable to the Subcommittee? It is; it will be included in the report and the Secretariat will incorporate it in the final text as a new paragraph.

Paragraph 24

The CHAIRMAN: I give the floor to the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) [speaks in English]: Just a minor point concerning the wording: do we say “Some delegates” or “Some delegations”? We would prefer “Some delegations” as it is the delegations that are expressing their views.

As I have the floor, may I make a general comment concerning the French text which is valid for all the documents. The French translation is not correct: we say for example “The delegation of Australia”, but here we have “*La délégation australienne*” (*continues in French*) We should use a substantive noun rather than an adjective. Therefore we should say, in French “The delegation of Greece” rather than “The Greek delegation”, and so forth. This refers exclusively to the French texts; the English text is perfectly clear and correct.

The CHAIRMAN: Thank you for drawing this editorial issue to our attention; the translators will take due note of your request. We will now

continue with Chapter IV, "Review and possible revision of the Principles relevant to the Use of Nuclear Power Sources in Outer Space".

Paragraphs 25-28

The CHAIRMAN: Paragraphs 25 to 28 are adopted.

Paragraph 29

The CHAIRMAN: We will amend the beginning of this sentence to read "Some delegations ...", in accordance with the request by the distinguished representative of Greece. I give the floor to the distinguished representative of the United States.

Mr. K. HODGKINS (United States of America): My delegation has one further suggestion, to add a paragraph 28bis, to note that the Subcommittee did have before it a *Note verbale* from the United States concerning the Casini mission, pursuant to Principle 4 of the Principles relevant to the Use of Nuclear Power Sources in Outer Space. I do not have the document reference, but we would appreciate it if this could be included.

The CHAIRMAN: Thank you: are there any objections from other delegations? I see none. The Secretariat will therefore deal with this matter.

Paragraphs 29-31

The CHAIRMAN: Paragraphs 29 to 31 are adopted. May I therefore consider that the entire document A/AC.105/C.2/L.219 is now adopted? *It is so decided.*

We will proceed with our adoption of document A/AC.105/C.2/L.219/Add.1.

Document A/AC.105/C.2/L.219/Add.1

The CHAIRMAN: We have Chapter V, "Matters relating to the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union".

Paragraphs 1-14

The CHAIRMAN: Paragraphs 1 to 14 are adopted. I give the floor to the distinguished representative of the Russian Federation.

Mr. Y. KOLOSSOV (Russian Federation) [speaks in English]: I have one minor question. In paragraph 12 it says that the Subcommittee adopted the second conference room paper. It is true that the status of the document was a conference room paper, but following its adoption, is it still a conference room paper? If not, a change should be made here because following its adoption it is no longer a "CRP" document.

The CHAIRMAN (*interpretation from Russian*): Thank you for your comment. The Secretary of the Subcommittee has told me that the final document is contained in the document L.211.

(*continues in English*) Is document A/AC.105/C.2/L.219/Add.1 as a whole adopted? *It is so decided.*

We will now continue our consideration of that part of the draft report contained in document A/AC.105/C.2/L.219/Add.2.

Document A/AC.105/C.2/L.219/Add.2

The CHAIRMAN: First we will examine Chapter IV, "Information on the activities of international organizations relating to space law".

Paragraphs 1-6

The CHAIRMAN: Paragraphs 1 to 5 are adopted.

Paragraph 7

The CHAIRMAN: I give the floor to the distinguished representative of Brazil.

Mr. E. LUCERO (Brazil): My delegation would propose that we change the wording at the end of this paragraph. The expression "would be hosted by Brazil in October 2000" should be replaced by "will be held in Rio de Janeiro, Brazil from 2 to 6 October 2000".

The CHAIRMAN: Thank you. We have taken note of your proposal and the text will be duly amended. With this amendment, paragraph 7 is adopted.

Paragraphs 8-9

The CHAIRMAN: Paragraphs 8 and 9 are adopted.

Paragraph 10

The CHAIRMAN: I give the floor to the distinguished representative of the Russian Federation.

Mr. Y. KOLOSSOV (Russian Federation) [speaks in English]: Is there not a misprint in this document, on the first page. It says “Chapter IV”, but should it not be “Chapter VI”?

The CHAIRMAN: The Secretary of the Subcommittee will explain this.

Mr. P. LÁLA (Secretary): Thank you for giving me the floor. The chapter number in this addendum is correct; it should be Chapter IV. But in the main document (A/AC.105/C.2/L.219), on page 5, the section on “Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in outer Space” should be Chapter VI. This was a problem which we did not notice in the main document.

We will of course correct this in the final report, and to make it clear, the chapter contained in the document currently under consideration should remain as Chapter IV.

The CHAIRMAN: Thank you. We will now proceed with Chapter VII, “Review of the status of the five international legal instruments governing outer space”.

Paragraphs 11-18

The CHAIRMAN: Paragraphs 11 to 18 are adopted.

Paragraph 19

The CHAIRMAN: I give the floor to the distinguished representative of Australia.

Mr. C. CANNAN (Australia): My delegation has a minor amendment to propose, adding a phrase at the end of the first sentence. In the fourth line the text presently reads “... of ratification and signature by Member States”, the words “and considering possible measures to address the situation” should be added. The text would thus read: “... should be examined further with a view to identifying the reasons for its low level of ratification and signature by Member States, and considering possible measures to address the situation”.

The CHAIRMAN: Thank you. Is this amendment acceptable? I give the floor to the

distinguished representative of the Russian Federation.

Mr. Y. KOLOSSOV (Russian Federation) (*interpretation from Russian*): In the second sentence of paragraph 19, it says that the view was expressed that the Secretariat should invite comments from those Member States which had not ratified the agreement as to their reasons for not having done so. As is the case in the first sentence, we do not quite understand the use of the words “Member States”. What membership are we referring to? Of COPUOS? Of the United Nations?

Secondly, we do not believe that States must be accountable upon a request by the Secretariat as to their reasons for acceding to a given instrument or not. They are sovereign States and are not bound to be accountable to the Secretariat. Quite recently, at the Istanbul summit, there was confirmation of the formula that States may or may not be parties to certain treaties. It is not really fair on our part to put the Secretariat in a position whereby they must ask States to be accountable for their accession or lack of it. We have doubts and reservations about this.

The CHAIRMAN (*interpretation from Russian*): As concerns your first point, the term “Member States” is correct here. We are not talking about the parties to the treaty; the reference is to those States which have not yet ratified the treaties. That is why the appeal is precisely directed to all the Member States of the United Nations which have to date not ratified or signed these agreements.

With respect to your second point, here it is a reflection of the view of one delegation, and usually it is that delegation which formulates how that point is reflected.

Mr. Y. KOLOSSOV (Russian Federation) (*interpretation from Russian*): Thank you for that clarification. In that case, the reference should probably be to “Member States of the United Nations”. Secondly, as concerns the view expressed, we understand that each delegation has the right to have its view reflected, but on the basis of one single view, does this mean that the Secretariat will take some action or not? That was the point we wanted to have clarified.

The CHAIRMAN (*interpretation from Russian*): The answer is that I agree with your first comment, i.e. that we could clarify the text by specifying “Member States of the United Nations”: As concerns your second point, this is the view of one delegation only, and I believe that the Secretariat cannot take action on the basis of that

alone. It is just the view expressed by one delegation.

(continues in English) I will ask the Secretary to give you further information on this.

Mr. P. LÁLA (Secretary) *(interpretation from Russian)*: I wanted to clarify that there is a rule in the United Nations: when “Member States” is used with initial capitals, it means precisely “United Nations Member States”. It is not necessary to include a reference to the United Nations because that is implicit in the use of the initial capitals.

Mr. Y. KOLOSSOV (Russian Federation) *(interpretation from Russian)*: Thank you for that clarification, which we appreciate. But, for example, the Moon Agreement is open to participation of not only Member States of the United Nations but to all States. Therefore I feel that we should not use such a discriminatory formula.

The CHAIRMAN *(interpretation from Russian)*: In that case, we should possibly add several words referring to international organizations as well. The point is that international organizations do not ratify treaties; they make a declaration of acceptance, if necessary. The proper terms should be used here. The Secretariat will in any case make the necessary amendment.

(continues in English) Following the explanation of the use of the language contained in paragraph 19, and following the completion of its text to include a reference to international organizations, may I consider that paragraph 19 is adopted? It is adopted.

Paragraphs 20-27

The CHAIRMAN: Paragraphs 20 to 27 are adopted.

Paragraph 28

The CHAIRMAN: Paragraph 28 includes subparagraphs (a), (b) and (c). This is a little longer, but includes the recommendations of the working group that have already been adopted by the working group. Paragraph 28 is adopted.

Paragraph 29

The CHAIRMAN: Paragraph 29 is adopted. I give the floor to the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) [speaks in English]: This is a general remark concerning the title, and also the content. Yesterday we agreed to refer to this and use the expression “United Nations treaties on outer space”. I do not know where this new formula should be introduced, because in paragraphs 11 to 29 of VII, we repeatedly refer to the “five legal instruments governing outer space”. Therefore are we supposed to introduce this linguistic change from this point on, or do we begin to use it following the adoption of item 10?

The CHAIRMAN: The Secretary will give you an explanation of the use of this language.

Mr. P. LÁLA (Secretary): I would like to draw the attention of delegations to the fact that in the titles of chapters, we should keep the title as it currently appears, as this is our agenda of the meeting. We will change it for the next meeting, but we cannot change it now.

The CHAIRMAN: Thank you. I believe we should use exactly the same language that was used in the recommendation you made in the report of the working group. May I consider that Chapter VII as a whole is adopted? *It is so decided.*

We will now examine Chapter VIII, “Review of the concept of the launching State”.

Paragraphs 30-34

The CHAIRMAN: Paragraphs 30 to 34 are adopted.

Paragraph 35

The CHAIRMAN: I give the floor to the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) [speaks in English]: With respect to paragraph 35, it was not just one delegation which stated that the mandate of the working group is to provide an interpretation; many delegations made this point. It reads “The view was also expressed ...” and then “That delegation ...”. At least ten delegations spoke on that specific point and so it is not just one delegation that should be referred to.

The CHAIRMAN: I understand you propose to amend the beginning of the second sentence of this paragraph. Instead of the words “That delegation”, it should read “Some delegations”. The first sentence reflects the view of one delegation; the second sentence then reflects the views of

several delegations. The necessary amendment will be made; paragraph 35 is adopted.

Paragraphs 36-38

The CHAIRMAN Paragraphs 36 to 38 are adopted. There should then be a new paragraph 38bis to reflect the request of the distinguished representative of the Russian Federation, as indicated earlier in our discussion. I will give the floor to the Secretary so that he may read the text of this new paragraph 38bis.

Mr. P. LÁLA (Secretary): The proposal is to add a new paragraph 38bis as follows:

“The attention of the Subcommittee was drawn to the fact that Article 6 of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space contains the term ‘launching authority’, which refers inter alia to international organizations responsible for launching.”

[The Secretary repeats the paragraph.]

The CHAIRMAN: The text of this new paragraph is now adopted.

Paragraphs 39-40

The CHAIRMAN: Paragraphs 39 to 40 are adopted. I give the floor to the distinguished representative of the United States.

Mr. K. HODGKINS (United States of America): My delegation would like to propose an additional paragraph, reflecting a proposal by my delegation made yesterday. We feel it enjoys consensus in the Subcommittee and I will read it out now (I apologize that it is somewhat long):

“The Subcommittee requested the Secretariat to prepare a paper setting out the key elements of existing national space legislation that in the Secretariat’s judgement illustrated how States were implementing, as appropriate, their responsibilities to authorize and provide continuing supervision of non-governmental entities in outer space. The paper should also include additional information, such as information on state practice drawn from the special presentations on new launch systems and ventures at this session of the Subcommittee. The paper could be prepared with assistance as required from Member States and international

organizations. The paper could be issued, if appropriate in the opinion of the Secretariat, as a single publication together with the compilation of documents requested by the working group under agenda item 9 in paragraph 15 of Annex ... to this report. The paper could provide a starting point for discussion under the second year of the workplan in 2001.”

The CHAIRMAN: We can proceed in one of two ways. We can either ask you to read this once again, or if you have a written version of the text, which I see you do have, we could request the Secretariat to type this up and distribute it among delegations, as it is quite a long text and I believe it will be easier if delegations have an opportunity to study the written version of it.

If you agree, we will proceed in this manner, and the text will be distributed in writing. We will return to this particular question at a later stage.

May I now consider that the entire text of document A/AC.105/C.2/L.219/Add.2, as amended and pending consideration of the new paragraph just proposed, is adopted? *It is so decided.*

The Subcommittee will now begin its consideration of the draft report contained in document A/AC.105/C.2/L.219/Add.3.

Document A/AC.105/C.2/L.219/Add.3

The CHAIRMAN: We will start with Chapter IX, “Proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its fortieth session”.

Paragraphs 1-5

The CHAIRMAN: Paragraphs 1 to 5 are adopted, including all the subparagraphs contained in paragraphs 4 and 5.

Paragraph 6

The CHAIRMAN: Paragraph 6 is adopted.

Paragraph 7

The CHAIRMAN: I give the floor to the distinguished representative of Brazil.

Mr. E. LUCERO (Brazil): It occurred to my delegation that the wording of paragraph 7 does not too accurately reflect what our understanding was

of the intervention made by the delegation of Argentina. We understood that Argentina had proposed, as an alternative to its working paper, that a new single item for discussion would be included. But we had not understood that Argentina had withdrawn this proposal. Unless the delegation of Argentina confirms that the wording of paragraph 7 is in fact accurate, we would propose a minor amendment to this paragraph in order to correctly reflect this idea.

The CHAIRMAN: Thank you for your comment. Does the delegation of Argentina agree with the text as presently worded in paragraph 7, or does it wish to make a change to this text, as proposed by the distinguished representative of Brazil.

Mr. S. SAYUS (Argentina) (*interpretation from Spanish*): The point raised by the delegation of Brazil is in fact a valid one, and we feel the wording of paragraph 7 should be amended accordingly. We have not withdrawn the proposal presented in the working paper.

The CHAIRMAN: Thank you. Does the distinguished representative wish to make a proposal concerning a suitable amendment?

Mr. E. LUCERO (Brazil): This paragraph could perhaps be worded as follows: "The Legal Subcommittee noted that Argentina had proposed as an alternative to its proposal contained in working paper A/AC.105/C.2/L.215 that a new single issue item ..." (the rest of the text would remain the same).

The CHAIRMAN: Could I ask the Secretary to read the text of the proposal in its entirety.

Mr. P. LÁLA (Secretary): The text would read as follows:

"The Legal Subcommittee noted that Argentina had proposed an alternative to its proposal, as reflected in its working paper A/AC.105/C.2/L.215 that a new single issue item for discussion entitled 'Commercial aspects of space activities' be included in the agenda of the fortieth session of the Legal Subcommittee".

The CHAIRMAN: Thank you. I give the floor to the distinguished representative of Colombia.

Mr. H. CHARRY SAMPER (Colombia) (*interpretation from Spanish*): My delegation would like to propose an addition to the proposal by the

delegation of Brazil. The proposal of Argentina was endorsed by various delegations, and this should be reflected in the text.

The CHAIRMAN: Could I ask if the distinguished representative of Colombia has a text which incorporates your proposal?

Mr. H. CHARRY SAMPER (Colombia) (*interpretation from Spanish*): This would be a sentence stating that this proposal received the support of several delegations, which could come at the end of the sentence proposed by the delegation of Brazil. I will ask the Secretary to suggest a possible compromise text, on the basis of these two suggestions.

Mr. P. LÁLA (Secretary): I would like to draw delegations' attention to the wording that already appears in paragraph 12, stating that "some delegations expressed the view that ..." in support of the proposal by the delegation of Argentina. So either we could phrase this paragraph differently, or we could discuss it at a later point when considering paragraph 12.

The CHAIRMAN: Is it acceptable to the distinguished representative of Colombia that we should deal with your draft amendment during the discussion on paragraph 12.

Mr. H. CHARRY SAMPER (Colombia) (*interpretation from Spanish*): That is perfectly acceptable.

The CHAIRMAN: Thank you for your cooperation. I now give the floor to the distinguished representative of South Africa.

Mr. L. MKUMATELA (South Africa): My delegation would like a similar clarification on what the impact would be of using the phrase, as proposed by Brazil, "as an alternative". Does it still say the same as the purpose of what the delegation of Brazil is aiming to achieve, in respect of the original proposal by Argentina.

The CHAIRMAN: Thank you. Could I ask the distinguished representative of Brazil to kindly explain.

Mr. E. LUCERO (Brazil): In my delegation's view, when speaking about "as an alternative" to that proposal, we mean that the suggestion by the delegation of Argentina was presented with a view to reaching a consensus, taking into account that the previous workplan did not enjoy consensus at the previous session of the Legal Subcommittee. As an

alternative it presented this as a single issue item for discussion. That is the understanding of my delegation.

The CHAIRMAN: Thank you, and I must say that this is also my understanding. Originally the workplan submitted by the delegation of Argentina for the consideration of this issue was made some four years ago. Now it was suggested that it might be included in the Subcommittee's agenda as a single issue. Is this explanation satisfactory to the delegation of South Africa? I see that it is; thank you.

The proposal made by the United States is now being distributed, but we will return to it after we have finished our consideration of the present paper. Therefore paragraph 7, as amended by the delegation of Brazil, is adopted.

Paragraphs 8-9

The CHAIRMAN: Paragraphs 8 and 9 are adopted.

Paragraph 10

The CHAIRMAN: I give the floor to the distinguished representative of Brazil.

Mr. E. LUCERO (Brazil): Here again, we wonder whether, in order to correctly reflect the entirety of the proposals made for new single-issue items, a subparagraph (d) should be added to include the wording of the proposal of the delegation of Argentina, entitled "Commercial aspects of space activities".

The CHAIRMAN: Thank you. We will proceed again on a subparagraph-by-subparagraph basis. The chapeau, subparagraphs (a), (b) and (c) are adopted. Then we have new subparagraph (d), as proposed by the delegation of Brazil, "Commercial aspects of space activities". The Secretary informs me that we should add "proposed by Argentina", in order to proceed in the same manner as in other parts of the report. Therefore with this amendment, paragraph 10 is adopted.

Paragraph 11

The CHAIRMAN: I give the floor to the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) [speaks in English]: At the end of this paragraph, we would like a sentence to be added as follows, to reflect the view expressed by my delegation, (*continues in*

French) according to which the economic costs rather than the scientific and technical aspects which prevent (in the singular in French) a decision on reviewing the legal or juridical consequences of space debris.

The CHAIRMAN: Thank you; we have taken note of the text you have proposed. If I understand correctly, your remark concerns the last sentence of paragraph 11.

Mr. V. CASSAPOGLOU (Greece) [speaks in English]: Exactly; we should add the phrase "The view was expressed that ...".

The CHAIRMAN: I wanted to clarify this as I was unsure whether the present last sentence reflected the view expressed by Greece, as I recall that in fact Greece did not share this view. A new sentence could thus be added, "The view was expressed ...", as you suggested. Is this acceptable? I give the floor to the distinguished representative of the United States.

Mr. K. HODGKINS (United States of America): Could we ask the Secretariat to read the sentence out, for the purposes of clarity.

Mr. P. LÁLA (Secretary): I am not sure that I have it quite correct, but this is how I understand it: "The view was also expressed that the economic costs, rather than the scientific and technical aspects, are the reasons which prevent States from taking a decision on the review of the legal consequences of the issue of space debris".

Mr. K. HODGKINS (United States of America): Could the Secretary possibly repeat it once more, as we were unable to catch the last part of the sentence.

Mr. P. LÁLA (Secretary): "The view was also expressed that the economic costs, rather than the scientific and technical aspects, are the reasons which prevent States from taking a decision on the review of the legal consequences of the issue of space debris". Could I ask the distinguished representative of Greece to confirm my understanding of this.

The CHAIRMAN: Thank you. I give the floor to the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) [speaks in English]: There is a minor editorial issue. I actually said "... which prevent decisions being taken". I made no mention of States. This could possibly read "... scientific and technical aspects preventing

the taking of a decision on the review of the legal consequences ...”.

The CHAIRMAN: Thank you. I understand that you wish to delete the word “States”. The Secretariat will draft the appropriate final language to be used, but if this is acceptable, can we adopt paragraph 11, as amended by the delegation of Greece? It is so agreed.

Paragraph 12

The CHAIRMAN: I give the floor to the distinguished representative of Brazil.

Mr. E. LUCERO (Brazil): In this paragraph my delegation believes we should try to reflect precisely the kind of debate that was held on this issue. In connection with the proposal made earlier by the distinguished representative of Colombia, as the Subcommittee may recall, during the negotiations the proposal to include this agenda item on the commercial aspects of space activities enjoyed strong support of many delegations. However, it was not possible to include this item at the present session as one delegation opposed it.

In order to have a balanced picture of the support received and the opposition to it, the report should accordingly reflect this. We would propose that at the beginning of this paragraph, the words “Some delegations” should be replaced by “Many delegations”. Then at the end, as we have heard only one delegation that opposed the proposal, the report should reflect that as well.

The CHAIRMAN: As far as your first suggestion is concerned, “some delegations” is the standard language used when more than one delegation requests or proposes something. It was agreed many years ago and we have always kept this particular wording. In my opinion, it may therefore not be possible to change it.

As concerns your second suggestion, we will need to check this. I do not recall if this position was expressed by one delegation, or by two or more delegations. Therefore I see no other option than to ask those delegations who supported this position to raise their hands. I see there are at least two delegations that held that view.

Mr. E. LUCERO (Brazil): It is not up to the Subcommittee at the time it adopts its report to check on how many delegations are in favour of something or against it. The report must reflect the positions that were expressed during the debate. And during the debate, only one delegation opposed

this proposal; if there were any other delegations they were silent at that time. Therefore the report should reflect the discussions that took place, and not the views expressed at the moment of adoption of the report.

The CHAIRMAN: Thank you; I now understand your point. I wanted to assure you and other delegations that this was not an attempt on my part to suggest a vote. I merely wanted to clarify the possibility of editing the second sentence to read either “One delegation” or “Other delegations”. Two delegations replied; but in any event, I will ask the Secretariat to verify whether, during the debate that took place, at least two delegations expressed this view.

Mr. P. McDOUGALL (Deputy Secretary): I will attempt to clarify the position. Unfortunately, it is somewhat complicated: as delegations will recall, a great deal of discussion took place in informal consultations. In fairness to some of the decisions that were taken during those informal consultations, the Secretariat attempted to reflect the various opinions that perhaps would not ordinarily be reported in the actual report because such statements were not made in the plenary.

In this respect, according to the recollection of the Secretariat, there were at least two delegations that expressed their concern about this proposal. Therefore in our opinion, it is an accurate reflection. We are of course open to any decision taken by this body, but that is our standpoint at this stage.

The CHAIRMAN: I give the floor to the distinguished representative of Brazil.

Mr. E. LUCERO (Brazil): Thank you for that clarification. We do not want to challenge the information provided to us, but as I was closely following the course of this debate myself, including in the informal consultations, I really cannot recall that more than one delegation expressed any opposition to this proposal. I would like to insist that in order to keep the balance between the broad support that was given by many delegations, and the one view that was expressed which did not support the proposal, that the last sentence should say “The view was expressed ...”.

The CHAIRMAN: I now give the floor to the distinguished representative of Australia.

Mr. C. CANNAN (Australia): The question here is the extent to which we take into account discussions that took place at the informal level,

and discussion that took place at the “semi-formal” level. I sat through the debate and I did only hear one delegation expressing concern about the proposal by the delegation of Argentina in terms of using the microphone. But what may have happened outside that I do not know. However, if we follow this line, do we then have to reflect other comments that were made perhaps during coffee breaks or scribbled in margins?

In terms of agenda item 10, I do believe that what was actually said was what should matter.

The CHAIRMAN: I give the floor to the distinguished representative of Colombia.

Mr. H. CHARRY SAMPER (Colombia) (*interpretation from Spanish*): What was just said by the delegation of Australia is quite correct. The Secretariat cannot be held responsible for comments that might be made over cups of coffee. We basically focus on what takes place in this room, and it would seem appropriate to reflect what actually was said during the debate in this room.

The CHAIRMAN: Thank you. May I make an appeal to the distinguished representative of Brazil to reconsider his request, which would enable us to proceed with the adoption of the report.

Mr. E. LUCERO (Brazil): I would like to clarify that our only intention in proposing a change to this paragraph is to reflect the fact that the first sentence received much broader support than the second sentence. As currently worded, it seems that the Legal Subcommittee was divided, say, fifty-fifty, and that is not correct in view of the debate that took place.

We believe that account should be taken of the wise words of the distinguished representative of Australia and reflect the views expressed in the microphone, either in the plenary or during the informal consultations chaired by Sweden. If we do not do this, then we are including views that some States perhaps did not want to declare openly, and so they made no comment. Therefore with the Chair’s indulgence, my delegation would insist on a more balanced wording of this paragraph.

The CHAIRMAN: Thank you. Unless I see any objection to the proposal by Brazil, I will take it that it is adopted. I see none; paragraph 12 is adopted. I give the floor to the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) [speaks in English]: At the end of the paragraph I would like

to add a sentence to reflect the view expressed by Greece: that we proposed that this be limited to the legal aspects or problems arising from the commercialization of space technology applications. I would propose the following wording: “The view was also expressed that the scope of the above item should be limited to the legal problems only arising from the commercialization of the space technology applications”.

The CHAIRMAN: Thank you. My understanding is that this will reflect the view of one delegation, and it will therefore read as you have indicated. I would ask the Secretariat to finalize the language to be used. I give the floor to the distinguished representative of the United States.

Mr. K. HODGKINS (United States of America): Could I ask for a clarification: is the proposal to add this sentence to the end of paragraph 12? It is. In that case, if we do add that sentence, in fact in our view the Secretariat had the debate accurately reflected in saying “Some delegation ...” and then “Other delegations ...”. We have no objection to the inclusion of this sentence but in fairness to the Secretariat, we feel they had done a good job in balancing this particular paragraph.

The CHAIRMAN: Thank you. My understanding is that paragraph 12 is now adopted, as adopted by the delegations of Brazil and Greece.

Paragraph 13

The CHAIRMAN: Paragraph 13 is adopted.

Paragraph 14

The CHAIRMAN: I give the floor to the distinguished representative of the Russian Federation.

Mr. D. GONCHAR (Russian Federation) (*interpretation from Russian*): We in no way wish to unduly delay discussions, but could we ask the Secretariat a question. Please correct me if I am mistaken, but it seems to me that when we were discussing this proposal on the part of the Russian Federation yesterday, during the informal consultations, there was again only one delegation that objected to our proposal. Yet in paragraph 14, the wording “Other delegations expressed doubts” is used.

May we ask the Chair and the Secretariat for their views.

The CHAIRMAN (*interpretation from Russian*): Thank you for your comment. I will ask the Secretariat to reply and will then add my own comment.

Mr. P. McDOUGALL (Deputy Secretary): Again, the Secretariat would prefer not to comment on which States made which statements in the informal consultations. At this point we would prefer to leave it to the Subcommittee; if it is willing to accept the expression "The view was expressed" in this case, then we can of course make the necessary adjustment.

The CHAIRMAN: I promised to give you my own recollection, which is that both sentences should read "The view was expressed". Both the proposal made by the Russian Federation, and the reply given by the United States, were not supported by other delegations. I would therefore propose to amend the language used in paragraph 14 and use the expression "The view was expressed" in the first sentence. Then in the second sentence we could say "Another view was expressed". I give the floor to the distinguished representative of the Russian Federation.

Mr. D. GONCHAR (Russian Federation) (*interpretation from Russian*): We believe that your proposal is a true reflection of what happened in the course of yesterday's discussion. On this occasion we agree with your proposal.

The CHAIRMAN: Is this language for paragraph 14, as amended, acceptable to the Subcommittee? It is.

Paragraph 15

The CHAIRMAN: I give the floor to the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) [speaks in English]: I have one comment on the French and English texts. It is not usual to refer to the "universal ratification". The correct expression is "universal accession" or "universal acceptance". (*continues in French*) And the same is true of the third line of the French text, on page 3. This then brings the text into line with what is said in paragraph 21.

The CHAIRMAN: Thank you. I think this is an appropriate comment as, according to the Vienna Convention on the Law of Treaties, not only ratification but also other ways may establish the obligation to be bound by the treaties. This term is

therefore wider than ratification, i.e. universal acceptance.

With this amendment, is paragraph 15 now adopted? It is.

Paragraphs 16-20

The CHAIRMAN: Paragraphs 16 to 20 are adopted.

Paragraph 21

The CHAIRMAN: I give the floor to the distinguished representative of Greece.

Mr. V. CASSAPOGLOU (Greece) [speaks in English]: This is only for the French text, as the English text reflects what we have just decided. (*interpretation from French*) In the second part of the French text, which begins with "Some delegations", at the end of the fourth line it says "... in accordance with its usual procedure". This phrase should be reworded as follows: "Some delegations expressed the view that the Legal Subcommittee could establish a working group to this end with its usual procedure as appropriate".

The words "as appropriate" would be replaced by the words "to the extent necessary". The rest of the text would remain as presently worded. I will repeat this text: "Some delegations expressed the view that the Legal Subcommittee could establish a working group for this purpose in accordance with its usual procedure to the extent necessary".

The CHAIRMAN (*interpretation from French*): Thank you. I understand what you are saying here and thank you for drawing the Subcommittee's attention to this point. I am not sure whether the words "as appropriate" in English are not precisely what you said in French.

Mr. V. CASSAPOGLOU (Greece) (*interpretation from French*): I have put my head together with my French colleagues here. If in French we say "*si approprié*", this is not the same.

The CHAIRMAN (*interpretation from French*): I believe that the French words you have suggested are rather more restrictive than the words "as appropriate". Could we ask our Francophone friends for some clarification? I give the floor to the distinguished representative of France.

Mr. M. LAFFAITEUR (France) (*interpretation from French*): If necessary, “as appropriate” is something traditionally used in all documents.

The CHAIRMAN: Thank you. I give the floor to the distinguished representative of the Russian Federation.

Mr. Y. KOLOSSOV (Russian Federation) (*interpretation from Russian*): Yesterday, when we were discussing new agenda items and when we spoke on this and recognized that there was no consensus on the new agenda item proposed by my delegation, we also expressed the view that the Legal Subcommittee, in changing the terms of its agenda item 4, intended to confirm that the discussion within agenda item 4 could include the status of the treaties, the review of their implementation and obstacles to their universal acceptance. We proposed that within that agenda item we could also refer to the issue of the advisability of the development of a single convention on outer space law.

After we spoke, no objections were voiced by any delegations. For that reason, we would propose that a phrase be added to the end of the first sentence of paragraph 21 as follows: “, as well as” and then continue with the wording of paragraph 9, i.e. “the advisability of developing a single United Nations convention on the law of outer space”. I am reading this quickly as the wording is already contained in paragraph 9 within quotations.

The CHAIRMAN: Thank you. Would you kindly read the full text of your proposal.

Mr. Y. KOLOSSOV (Russian Federation) (*interpretation from Russian*): [some words missing] After the first sentence of paragraph 21, and after the comma add the following words: “as well as the advisability of developing a single comprehensive United Nations convention on the law of outer space”.

The CHAIRMAN: Thank you for your proposed amendment. We should also delete, in the third line, the word “and”. It would read “... the status of the treaties, review of their implementation, obstacles to their universal acceptance, as well as the advisability of developing a single comprehensive United Nations convention on the law of outer space”. Are there any comments?

I give the floor to the distinguished representative of Sweden.

Mr. N. HEDMAN (Sweden): As the moderator of the informal consultations that took place yesterday, I would just like to share the following information with you. There was not only the proposal of the Russian Federation for a comprehensive treaty, to be included in this text; I specifically asked delegations if we could retain the text we had agreed, i.e. the text that is now reflected in paragraph 21, without further amendment and there were no objections to that.

The CHAIRMAN: Thank you. I give the floor to the distinguished representative of the United States.

Mr. K. HODGKINS (United States of America): My delegation wishes to associate itself with the view expressed by the distinguished representative of Sweden concerning this paragraph. It was our recollection that a consensus had been reached on this very specific language.

The CHAIRMAN: Thank you. I give the floor to the distinguished representative of Australia.

Mr. C. CANNAN (Australia): My delegation too supports what was said by the delegations of Sweden and the United States. The first part of that paragraph certainly did achieve consensus; Australia and other delegations proposed certain insertions which were not adopted, and the wording should stand as is.

The CHAIRMAN: Thank you. I give the floor to the distinguished representative of Japan.

Ms. N. SUGITA (Japan): My delegation also supports the view expressed by the delegation of Sweden.

The CHAIRMAN: Thank you. Under the circumstances, I would like to kindly request our distinguished representative of the Russian Federation to reconsider their proposal. In order to facilitate this, perhaps we could agree that even without mentioning specifically the two subjects (the single universal convention and the consideration of the present state of accessions to the Moon Agreement), these questions could be raised during the discussion under this particular item. Would that represent a basis for a compromise?

I give the floor to the distinguished representative of the Russian Federation.

Mr. Y. KOLOSSOV (Russian Federation) [speaks in English]: My delegation had been

thinking on exactly the same lines as you have just outlined. Under the circumstances, we would request the Secretariat to insert, after the first sentence, the phrase “The view was expressed”, and the rest of the amendment we proposed.

The last point is a procedural one. With all due respect to the distinguished representative of Sweden, we must point out that any consent or disagreement in the process of informal consultations is not the final stage of achieving consensus. It is not that we are suggesting reopening a discussion, but in 1962 the understanding of the Committee expressed by its chairman was that formal deliberations of the Committee would be conducted on the principle of consensus, but not informal consultations.

The CHAIRMAN: Thank you for your clarification, and for your proposal on how to express your delegation’s view in paragraph 21 of the report. My understanding is that you propose including the text you read out previously, introduced by the phrase “The view was expressed that”. This language should be added to the present text of paragraph 21. I give the floor to the distinguished representative of the Russian Federation.

Mr. Y. KOLOSSOV (Russian Federation) [speaks in English]: It should of course be reworded accordingly, but what we suggested was not to add it but to insert it between the two sentences in paragraph 21. We do not exclude the possibility that the position of delegations might change at a certain time, and perhaps a working group might be set up on this matter.

The CHAIRMAN: I think I understand what you are thinking here, and I believe you are right. Your expression of the view of your delegation relates to the first sentence. It should be included between the first and second sentences. I give the floor to the distinguished representative of Australia.

Mr. C. CANNAN (Australia): Would it be possible for the Secretariat to read this out as reworded.

Mr. P. LÁLA (Secretary): The new second sentence would read as follows: “The view was expressed that discussion under this agenda item would also include the advisability of developing a single comprehensive United Nations convention on the law of outer space”.

The CHAIRMAN: I give the floor to the distinguished representative of the United States.

Mr. K. HODGKINS (United States of America): Paragraph 21 as proposed and amended would be acceptable to my delegation with one change in the last sentence. The phrase “for that purpose” should be amended to read “for the above purposes”.

The CHAIRMAN: Thank you. Therefore the text of paragraph 21, including the amendments submitted by the delegations of the Russian Federation and the United States, is acceptable to the Subcommittee? I give the floor to the distinguished representative of Australia.

Mr. C. CANNAN (Australia): I apologize that I had to take an urgent phone call and missed some of the preamble to this debate. If the delegation of the Russian Federation is expressing its view (“The view was expressed”) about the point that they did indeed raise, then I see no reason why a reference about the points raised by Australia should not also be included. I was happy to leave the text as it read before, but if we include one then we should perhaps include the other. I do apologize for bringing this point up, but I think you must have either none or both.

The CHAIRMAN: Can you propose specific language?

Mr. C. CANNAN (Australia): Instead of two sentences, it might be easier to have just one: “The view was expressed that discussion under this agenda item could include a discussion of the matters relating to the low level of ratification of the Moon Agreement and the advisability of ...” etc., or vice versa.

Mr. Y. KOLOSSOV (Russian Federation) [speaks in English]: Could we ask through the Chair whether this means that the delegation of Australia co-sponsors our suggestion?

The CHAIRMAN: Thank you: could I ask you to reply?

Mr. C. CANNAN (Australia): That being the case, I think it may be advisable to say “A view” or “The view” was expressed, and then the amendment proposed by the Russian Federation. Then we could have a second sentence saying “A view was also expressed that discussion” etc.

The CHAIRMAN: I believe that the addition of these two sentences is quite clear. In the second sentence we would say, in accordance with customary practice in the Subcommittee, “The view was also expressed”. I give the floor to the distinguished representative of the Russian Federation.

Mr. Y. KOLOSSOV (Russian Federation) [speaks in English]: It is a regrettable split of one sentence into two, otherwise we could have the views expressed of “some delegations”!

The CHAIRMAN: Thank you, but I see no other way than to express it in two sentences because otherwise it would be an ambiguity that would not be constructive!

Paragraph 21, as amended, is therefore adopted.

Before giving the floor to the distinguished representative of Greece, I would like to remind delegations that it is nearly 1 p.m., and we still have some paragraphs left to adopt in order to meet our proposed deadline.

Mr. V. CASSAPOGLOU (Greece) [speaks in English]: I just wanted to ask for the French text to be aligned to the English version, following the suggestion of the distinguished representative of the United States. He used the words “for these purposes”; this is purely for grammatical reasons as in French we would say “*et à cet effet*”. It is for this reason that I would like the two texts to be aligned.

The CHAIRMAN (*interpretation from French*): This change was proposed by the United States delegation, in the plural. This is why we have included in the French text “*pour ces buts*” in the plural.

(*continues in English*) Following the various proposals made, is the text of paragraph 21 now acceptable? It is acceptable.

Paragraph 22

The CHAIRMAN: Paragraph 22 is adopted.

Paragraph 23

The CHAIRMAN: I give the floor to the distinguished representative of France.

Mr. M. LAFFAITEUR (France) (*interpretation from French*): We have some minor problems with the wording used in 6, and the

footnote (ii). We have checked with the English version and realize that we did not have the same text. This whole issue could be simplified if the delegations involved could agree, and we could recommend to the Committee and to the General Assembly that they simplify the way 6 is worded. We should also refer to the proposal made by the delegation of the Russian Federation.

This could simply be called (*continues in English*) “Matters relating to (a) the definition and delimitation of outer space; (b) the character ...” etc. I will not read the entire text. (*reverts to French*) We believe this would solve the difficulties encountered in the French text which also appear in the Spanish version.

The CHAIRMAN: Thank you for your proposal. Is this acceptable to delegations? If I might express my own opinion on this, I believe it would be helpful. As things currently stand this is such a long heading, and in practical terms we repeat under both subparagraphs (a) and (b) the same words that already appear in the chapeau of the heading. Therefore it would be both reasonable and practical to shorten this title.

I give the floor to the distinguished representative of Ecuador.

Mr. S. MARTINEZ (Ecuador) (*interpretation from Spanish*): As the proposal from the delegation of France contains certain words in the initial title, my delegation is not in a position to accept that change.

The CHAIRMAN: I give the floor to the distinguished representative of Colombia.

Mr. H. CHARRY SAMPER (Colombia) (*interpretation from Spanish*): I believe that the comments are relevant. As was mentioned by the distinguished representative of France, if we could reach an agreement on the content, then we must also reach an agreement on the title. It is a long title and, as set forth here, it is acceptable but with one safeguard. We would not in any circumstances shorten the title in subparagraphs (a) or (b). What was proposed by the distinguished representative of France should remain.

The CHAIRMAN: Under these circumstances, it seems to me that we have not reached a consensus. I see that in fact we do agree? It therefore gives me great pleasure to correct myself and apologize for my misunderstanding. The proposal of the distinguished representative of France, as supported by two other delegations, is adopted.

I must inform the Subcommittee that we have 10 minutes left to finalize our consideration of the draft report during this morning's session. I do not insist that no further comments should be made, but if that is the case then we need to reconvene this afternoon.

I give the floor to the distinguished representative of the Russian Federation.

Mr. Y. KOLOSSOV (Russian Federation) [speaks in English]: We will be brief; we have a small contribution to paragraph 23. Instead of a full stop after the chapeau, we would prefer to see a colon.

The CHAIRMAN: Your proposal has been taken into account; I think that is right.

Are there any other comments from delegations on paragraph 23? The chapeau is adopted, with the minor amendment proposed by the delegation of the Russian Federation. All the subparagraphs are adopted.

We should return to our consideration of the proposal by the United States delegation. The full text of this proposal is now before us in writing. I do not believe it is necessary for me to read this out, but I would ask for delegations' opinion on this proposal. I give the floor to the distinguished representative of Germany.

Mr. K.-U. SCHROGL (Germany): We have one slight amendment. In the second sentence it reads "The paper should also include additional information, such as information on State practice drawn" and here we would suggest inserting "inter alia". The text would then continue "from the special presentations".

The CHAIRMAN: Is this amendment acceptable? Can we agree on the full text, including this amendment, as presented? *It is so decided.*

We have now considered and adopted each of the documents of our draft report in turn. I would now like to adopt the report of the Subcommittee as a whole. Unless there are any objections, may I take it that the Subcommittee adopts the draft report as a whole, as amended at the present meeting, including the reports of the two working groups and the other annexes to the report? I see no objections.

The draft report of the Legal Subcommittee on the work of its thirty-ninth session is thus adopted as a whole. *It is so decided.*

I will now conclude this 638th meeting and the thirty-ninth session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. I recognize the distinguished representative of Argentina, to whom I give the floor.

Mr. S. SAYUS (Argentina) (*interpretation from Spanish*): My delegation would like to express the wish that, as from the next meeting of the Subcommittee, to the extent possible, those who make substantive contributions should bring such contributions to the attention of Members in advance. We are sure that the Secretariat will offer its assistance in circulating such documents to permanent missions here in Vienna. In this way we can better communicate these documents to our capitals. This should help us all to better analyse and to make more informed comments about such proposals and contributions.

The CHAIRMAN: Thank you for your suggestion. Of course, this depends to a large extent on the delegations concerned. If they submit proposals well in advance it will certainly be distributed by the Secretariat before the next meeting of the Legal Subcommittee.

On the other hand, it is difficult to overlook the possibility that additional suggestions can be made, and we must therefore be flexible in this respect. The substance of your request is certainly justified and I am sure the Secretariat will cooperate fully. Are there any other comments?

I would like to thank all members of the Secretariat for their hard work that has helped the smooth and efficient running of this session, as well as before the session. Some documents have been well prepared in advance and will be very helpful in our future work. I would also like to thank the Secretariat for the work they will be doing in the future, as much remains to be done in terms of editing the report and in preparing the respective papers that have been requested during this session.

This meeting, and this session of the Legal Subcommittee, is adjourned.

The sitting closed at 1.05 p.m.