

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

*Unedited transcript*

651<sup>st</sup> Meeting

Tuesday, 10 April 2001, 3 p.m.

Vienna

*Chairman:* Mr. Kopal (Czech Republic)

*The meeting was called to order at 3.12 p.m.*

**The CHAIRMAN:** The meeting is now in session.

Distinguished delegates, I declare open the 651<sup>st</sup> meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

**Agenda item 8, consideration of the draft convention of the International Institute for the Unification of Private Law (UNIDROIT) on international interests in mobile equipment and the preliminary draft protocol thereto on matters specific to space property**

Distinguished delegates, we shall now continue our consideration of agenda item 8, consideration of the draft convention of the International Institute for the Unification of Private Law (UNIDROIT) on international interests in mobile equipment and the preliminary draft protocol thereto on matters specific to space property.

As mentioned this morning, it is my intention to conclude deliberations on this item this afternoon, if possible. Therefore, I would urge all delegations wishing to do so to actively participate in the discussions this afternoon with a view to reaching appropriate agreement on issues relating to this item.

I do not have any speaker on the list of speakers for this afternoon. However, I recognize the distinguished representative of Belgium.

**Mr. J. F. MAYENCE** (Belgium)  
(*interpretation from French*): Thank you Mr.

Chairman. Mr. Chairman, in view of the fact that this item, as you have just said, will have to be concluded during this session, I would like to take this opportunity to put the finishing touches on the proposal that we have been made. If it would be possible to have a consensus in this Subcommittee on the informal ad hoc consultation mechanism that we have proposed. If we were able to get a consensus, I think that it would make it possible to set this thing up relatively swiftly.

Let me just recall a couple of aspects of this mechanism, if I may. We are talking about an entirely informal consultation mechanism which would be working alongside or on the sidelines of the Subcommittee, so it is not created under this Subcommittee. States or rather I should say participants, as the speakers are participants to this mechanism, would clearly be all of the Member States of COPUOS who wish to participate in this group. Then representatives of international organizations, specialized in, I had mentioned ITU, for example, and ESA, as well, of course, representatives of UNIDROIT.

I think I can safely say that UNIDROIT, in consultation with Mr. Stanford, is considering sending people from the space working group who would be in a very good position, I think, to participate in these discussions or consultations. I almost forgot, I apologize for that, there would, of course, be the participation from the Office for Outer Space Affairs in this ad hoc consultation mechanism.

This ad hoc mechanism, consultative mechanism, would do two different things. First of all, they would be worked on by correspondence, either through electronic mail or through other means, if

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certain delegations have a preference. I would be happy to use a different method. Of course, if the Subcommittee is agreed to set up such a mechanism, then intent to participate should be sent to the Office for Outer Space Affairs along with the necessary information of who is representing the delegations. I think that we should be reasonable in terms of the number of people per delegation. There should be two, no more than two. We should really stick to two per delegation. This would make it possible for us to have a mechanism which is as open as possible and because France would be organizing the first meeting, we would be able to have a reasonable burden, if I can put it this way, placed on the host country. The first meeting, invited by France, would be held in Paris. The exact place in Paris, the exact location still has to be determined, in the first half of September.

The work itself now. It would be actually based on the English text for the reasons that we have already outlined. The fact that it is not a very good thing to try to discuss things using various language versions and translations because that would complicate things, I think, unduly.

I think we also have to have a reasonable approach in another area. Since this is an informal consultation mechanism and I should say that one Member State will be responsible, have the burden of organizing the first meeting, perhaps we should have a reasonable approach and limit the working language to one language, namely English, which means that in our proposal, we do not intend to ask the French delegation to make available a simultaneous interpretation system. So here I would appeal to all delegations to agree to show a lot of good will and to participate in one language which would be English for all of the discussions within this consultation mechanism.

So as I said, the culmination of all this will be at the next Subcommittee meeting, where there will be a report from it. It will be endorsed by the Subcommittee and that will become the report of the Subcommittee on the item relating to UNIDROIT. And then the procedure at UNIDROIT will continue on that basis.

That sums up how we see this mechanism, Mr. Chairman. I would be extremely happy if the Subcommittee were able to endorse this general procedure as I have outlined. Thank you very much.

**The CHAIRMAN** (*interpretation from French*): Thank you very much distinguished delegate of Belgium for your explanation of how you envisage

this mechanism as well as the additional information which is very important for our decision on this.

(*Continued in English*) The next speaker on my list is the distinguished representative of Mexico to whom I give the floor.

**Mr. J. SÁNCHEZ CORDERO** (Mexico) (*interpretation from Spanish*): Thank you very much Mr. Chairman for giving me the floor. My delegation supports strongly the Belgian proposal. We think that that would be the most appropriate, in fact, the ideal mechanism for taking us to some concrete results. I would just like to urge everyone to remember the timetable. We have the UNIDROIT Council which will be held in Rome in the second half of September and we have the diplomatic conference which, as we know, will be held in Cape Town, South Africa, towards the end of October and overlapping and going into the beginning of November. I think it would be very important for both events to know whatever results have been reached in this informal ad hoc consultation mechanism.

Lastly, Mr. Chairman, the Mexican delegation would like to say that ICAO and UNIDROIT are currently distributing an invitation to Member States to attend the diplomatic conference which will be held in Cape Town, South Africa at the end of October, beginning of the month of November. I would like to stress that because I think it is extremely important that the majority of delegations from COPUOS and the Subcommittee should be represented there. The views that they could express at that diplomatic conference will be vitally important for the future development of the work on the convention on mobile equipment. Thank you very much.

**The CHAIRMAN**: Thank you distinguished representative of Mexico for your contribution to our discussion and the next speaker on my list is the distinguished representative of India to whom I give the floor.

**Mr. R. M. ROY** (India): Thank you Mr. Chairman. My delegation carefully listened to the statements made by the representative of UNIDROIT and ESA yesterday and also the statements made by the distinguished representatives of the Russian Federation, Austria and China yesterday.

We believe that the discussion on the compatibility of the draft protocol on space property with regard to international space law is very important. We would like to offer some preliminary

comments on the preliminary report on the draft protocol.

International space law uses the term "space object" and it has been defined to include combined(?) parts of space objects also in Article I of the Liability Convention and other space conventions, the State Party which exercises control over the space object in any given point of time is clearly identifiable.

Whereas the definition of space property as defined in the protocol, it conveys a different stance. According to that, the space property, among other things, is defined as a separately identifiable object that is in space.

Mr. Chairman, object and property are two different concepts and they carry different connotations. The space object potentially(?) is a thing and not a property. To call it a property, it must have a value that must be translated into monetary terms. Therefore, the definition is unclear and ambiguous.

Space law \_\_\_\_\_(?) (*speaker not clear*) the one \_\_\_\_\_(?) the space object and its competence in Article 8(?) of the Treaty on principles governing the activities of States and the one that should be covered by the Registration Convention also. The registry meant for registration is when the registration is accepted under space law.

Under the registry provision concerning the ownership and are in with the lessor rights for the space object, for whatever purposes, in my delegation's view, is not compatible with space law. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of India for your contribution to our discussion which related to some substantive questions of our item. The next speaker on the list of my speakers for this afternoon is the distinguished representative of Brazil.

**Mr. S. LEITE DA SILVA (Brazil):** Thank you Mr. Chairman. As you have noted, several delegations have presented comments on the proposal made by UNIDROIT, like even now, the Indian delegation, as for the Russian, Chinese and other delegations, and we consider that the group proposed by the Belgian delegation would be positive in the sense that in this group it would be possible to try to put more precisely the concepts that, according to COPUOS, would be appropriate to be used in such a convention.

And, concerning the meetings proposed by the Belgian delegate, and for the first meeting, which offer has been made by the French delegation, we would propose, we do not have any difficulties with the language. If it is only made in the English language, of course, for a reason of economic and other questions but we also agree to limit each delegation in order to make it easier, accordingly to an informal group. But the only thing is that, for Brazil, I suppose possibly for some other countries, it would be a little bit difficult to indicate, for example, if we have to indicate one or two persons, it would be a little bit complicated to indicate one or two persons to take part in the informal group the whole time. As the Mexican delegation informed, there will be other meetings at the same time. Some participants, when they are working with other questions, if they are, for example, diplomats who work also with civility(?) (*not clear*) and other questions. They cannot easily leave Vienna. And as the questions which are going to be discussed, we consider them important. We would like, for example, if we could send our comments to our Embassy in Paris and send a Brazilian representative from the Brazilian Embassy in Paris. For example, I just suggest that the kind of participation we agree to limit to one or two, even to one, but this one, we prefer to indicate ad hoc in the moment of each meeting, because we do not want to lose the possibility of participation in such an informal group if we have any kind of momentum difficulties in that sense. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of Brazil for your intervention in our discussion. The next speaker on my list is the distinguished representative of Belgium.

**Mr. J. F. MAYENCE (Belgium)** (*interpretation from French*): Thank you Mr. Chairman. I would like to respond to the concern expressed by the distinguished colleague from the Brazilian delegation. The fact that one has given contact information provided it is not so much for the Paris meeting, but for the actual setting up of the correspondence communication system. I think the useful point is to have a contact person or address perhaps for each State interested in participating and that such a person will be responsible as a sort of liaison officer or a contact point by correspondence but, of course, it does not commit in any way, shape or form, the country of an individual to participate in the meeting. States, of course, are free to decide who they are going to send in a purely and completely informal ad hoc way.

**The CHAIRMAN** (*interpretation from French*): Thank you very much Belgium. (*Continued*)

*in English*) Is there any delegation wishing to speak now? The distinguished representative of Mexico has the floor.

**Mr. J. SÁNCHEZ CORDERO** (*interpretation from Spanish*): I apologize Mr. Chairman for abusing my right to speak. It would, I think, be useful to if the UNIDROIT Secretariat could circulate as soon as possible the last or latest version in the English language of the protocol so that the Members of this Subcommittee will be able to arrive at the Paris meeting with the latest version. I would urge then UNIDROIT to be able to do what is necessary in this area. Thank you.

**The CHAIRMAN:** Thank you very much distinguished representative of Mexico. I believe that the latest version will be also needed for this written exchange of preliminary views and documents and so on. So we would certainly appreciate this latest version as soon as possible. Yes, Belgium.

**Mr. J. F. MAYENCE** (Belgium) (*interpretation from French*): Thank you. Once again, the idea of limiting the number of participants per delegation for the first meeting in Paris, I said two, for example, it would appear that for some delegations, it is a problem to keep it to two. I think that two could be an indicative figure. It is just for logistical reasons that have to be discussed with my colleague from the French delegation to be able to determine how many people would actually be around the table, as it were. So it is clear that if some delegations need more than two, that should not pose any sort of a difficult problem but if the French delegation has something to add and, of course, it should at this point.

**The CHAIRMAN** (*interpretation from French*): Thank you very much. (*Continued in English*) Is there any other delegation wishing to speak either on substantive problems or on procedure to be adopted? I recognize the distinguished observer for the IAF.

**Mr. H. P. VAN FENEMA** (International Astronautical Federation – IAF): Thank you Mr. Chairman. I am not going to raise the issue of the number of participants. I would like to raise the issue of the type of participants and I would, in particular, suggest that we take into account the views of the industry which has not been here. There have not been any industry participants or at least if they have been here, I have not heard them, and we are still in a stage of a party educational education. This is a rather new topic and I am sure that not all of us are totally familiar with the issues and with the problems that we have to

discuss. These are very novel problems for a lot of us. I think that this informal group that will meet in September should benefit from the views of the industry and I talk about the satellite manufacturers and the banks concerned and it may be instructive to hear how we, but not necessarily right now, to hear how the aviation people solve that issue. You need experts who can tell about their own problems which have to be solved by this new instrument and I urge you to take into account to also involve people from practice, the industry, in this exercise, whether informal or formal, but to take account of their views, their wishes, their desires and their ideas about this project. Thank you.

**The CHAIRMAN:** Thank you Dr. van Fenema for your intervention. I believe that this is a valid aspect and perhaps the distinguished representative of UNIDROIT might inform us how the representatives or spokesmen of industry have been involved in the work on other protocols.

**Mr. M. STANFORD** (International Institute for the Unification of Private Law – UNIDROIT): Thank you very much Mr. Chairman, good afternoon ladies and gentlemen. I think you are all familiar from both what I have submitted to you by way of documentation and from what I have said that UNIDROIT on this issue has to date been working very much hand-in-glove or rather through a space working group which was set up by the President of UNIDROIT and the terms of reference of the space working group were, as determined by the President of UNIDROIT, were to submit a preliminary draft protocol to the Governing Council of UNIDROIT which, as I have indicated, it intends to do this coming September. The space working group, as I think I have indicated, includes representatives of manufacturers, financiers and operators of space property, that is say both objects and various other types of property and I am sure they will be extremely delighted to hear about the proposal made by the representative of Belgium and I am sure they will make every possible effort to provide their expertise, whether it is through the medium of UNIDROIT or through the medium of the individual governments that decide to send representatives to the meeting proposed being hosted by the Government of France. I think it would certainly, I totally agree with the opinion and sentiments expressed by the representative of the International Astronautical Federation, that it would be highly desirable for governments in looking at these issues to take advantage of the educational aspect of the situation and perhaps trying to whether to obtain participant on their delegations of elements from the private sector or perhaps in seeking the advice of this sector in advance of the meetings or in the course of

the correspondence process that the representative of Belgium has referred to.

I can certainly say that we shall pass on this message to the space working group and we will do everything possible to encourage them to provide and put their expertise at the disposal of the ad hoc consultative group. But I think it would also be useful for the governments that intend to be represented on this hoop themselves to, following up from the idea expressed by the International Astronautical Federation's observer, themselves to make contact with the business circles, and if I may say so, in particular with representatives of operators because obviously it is the operators who are most interested in finding the necessary finance and, of course, representatives of finance.

We have tended to find that quite often that parties best able to provide the sort of expertise, I think Professor van Fenema had in mind, are the law firms that advise these clients. Thank you very much Mr. Chairman.

**The CHAIRMAN:** Thank you very much distinguished representative of UNIDROIT for your explanation and information on the mechanism used in other groups of UNIDROIT. The next speaker on my list is again the distinguished representative of Belgium.

**Mr. J. F. MAYENCE** (Belgium) (*interpretation from French*): Thank you very much. I think that what has just been said by the representative of UNIDROIT, Mr. Stanford, is quite right. There is no doubt that we should take into account different views, different approaches. However, I would like to point out that, even though this is not a working group in the meaning that the Subcommittee has, the way in which they will work indicates to me that it might not be such a good idea to have representatives as such of industry. I think that what Mr. Stanford said, and it think it is perfectly reasonable to leave it up to each delegation to have a representative of industry if they see fit to do so on their delegation. There will, of course, be representatives from the UNIDROIT space working group and I have every confidence in the Secretary-General of UNIDROIT to ensure that all interest will be represented there.

So I do not think that we really have to represent industry as such. At least, that was not really the objective of our proposal.

**The CHAIRMAN** (*interpretation from French*): Thank you very much Belgium. I think that

your proposal about the participation of industry in the delegations of each country who will participate is a very reasonable approach.

I call on the distinguished representative of Canada.

**Mr. G. LAUZON** (Canada) (*interpretation from French*): Thank you Mr. Chairman. The Canadian delegation is extremely pleased to be able to express its support for the Belgian proposal to have an ad hoc consultation mechanism to review the agenda item 8 issues. We believe that this will be an opportunity to carry out a very thorough review of the provisions of the protocol and, possibly, the convention which will affect space objects.

As far as we are concerned, Mr. Chairman, and that will be the only expression of reluctance that we might have, we do not think there is any objection from the Canadian point of view, in any case, that representatives of industry be invited to participate as observers. We would have no objection to that at all.

We believe that ICAO experience in this area is very worthwhile looking at within UNIDROIT. It is true there are some consultations that are extremely valid that have been held, consultations with the industry side, that we have noted that at the International Civil Aviation Organization, ICAO, that in the separate examination that ICAO had of this project, the industry participation was extremely useful. In particular, we were able to have participate the representatives of IATA(?), of airlines, for example, the Aviation Working Group, it is a special new group of manufacturers of aircraft, bankers and so on. So if it were possible to have this representation from the industry side, we would have no problem with that all.

**The CHAIRMAN** (*interpretation from French*): I thank the distinguished representative of Canada.

(*Continued in English*) The next speaker on my list is the distinguished representative of the Russian Federation.

**Mr. P. G. DZIUBENKO** (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. Mr. Chairman, I would like to say that, as far as my delegation is concerned, that we are very much interested in what is done on the basis of UNIDROIT. We see a new element coming out here in the space law system, a legal element in private law and we are very much interested in taking part in the

whole process and we are very eager to observe what is going on. And, therefore, I would say yes, we are very much interested in taking part in an informal working group or informal consultations as proposed and we are grateful to the representative of France for hosting such a meeting.

I fear that I have not fully understood matters though. Who would take part in the group? And what would the mandate of the group be? We should specify this. I can understand it being informal consultations and there would not necessarily be a formal mandate but what would the purpose of the meeting be? That is something interesting. Would the Group B interested with the examination of the draft convention on mobile equipment in depth and, if so, how would it be examined? And then, there is also the question of how that dovetails with the deliberations in the COPUOS Legal Subcommittee.

I am asking this because I would like to know beforehand what it is what the group would be doing and also what would be transmitted to the Subcommittee of COPUOS.

I was a little upset hearing about industry, banks and other participants. I can understand that industry would be interested and the banks might but for the purposes of our Subcommittee and our mandate here, we should know how this all connects with the meeting. What can we learn from industry's representatives? What is the output we expect from the whole consultation process? On the basis of the UNIDROIT draft convention, I can understand that. There are various fora that have done work on this, fruitful work. There are experts working on the matters successfully, as we know, and our own Subcommittee and COPUOS itself. The role here is not one of re-working documents that have already been worked on in parallel. Our aim here is perhaps that of attentively following the whole process as of the very outset, which is a good thing. Then, when the document is available, with participation from financiers, banks and industry, of course, it would be a question of finding the experts who know their field, of public space law, if I could call it that, and it is our task to make sure that nothing clashes for the future document with the system which is already operational with the recognized norms of international space law.

That is our mandate and the Legal Subcommittee does follow these matters. So I am asking for details on the output expected from the informal consultations and working group.

If our Legal Subcommittee wants to base its deliberations on that work and take up the new document which is a useful one again, then we might question the matter. If it is, however, a question of attentively following any work done, following the direction as we know it, and giving views on possible incompatibility that there might be between the text and the existing norms and that would be a different matter and we believe that is the role for our Subcommittee. So I would like more clarity if possible.

Mr. Chairman, could I ask you to tell us that through the representative of France, more about this please?

**The CHAIRMAN** (*interpretation from Russian*): I thank the distinguished representative of the Russian Federation. You did raise the question on the question of the mandate.

(*Continued in English*) The next speaker on my list of speakers is the distinguished representative of Greece.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): Thank you very much Mr. Chairman. The distinguished representative of the Russian Federation and the two speakers before him have dotted some of the I's and crossed some of the T's, although I am a little confused by the comments made by our colleague from Canada. I am thinking of the example or rather precedent in the case of the concept of the launching State to consider the matter and arrive at conclusions. There was a formal initiative from the Federal Government, the Federal Ministry for Foreign Affairs, invitations were sent to our respective Ministries for Foreign Affairs and the composition of delegations individually was made up of representative of our Foreign Ministries or, I believe, there were also space agencies or agencies such as CNES also represented but it was first governmental level State representatives, government representatives.

So if we are to follow the same precedent which was crowned with great success, nobody clarifies the initiative of the Federal Government, so then we could follow the same example.

Our Belgian colleague who had the idea of forming the mechanism for consultations and then our colleague from France had the great idea of inviting us, I will not say receiving us in Paris because it is not quite clear yet who is going to pay the bill. However, although the initiative and from the institutional angle, falls outside the United Nations process or Committee

process, it would really be an intergovernmental process. So, if States want their national delegations to include individuals from some company, whether air or space, from the construction or lawyers office, legal firm, it does not really matter. As I see this, it would be a question of having a proposal, a suggestion, a contribution from each State or State delegation. Otherwise, it would be an open-door day for people just to come in, say what they want, have a drink and leave. I really do not think that is what it would be and we would be against that because we would be starting out in an informal but official way. So it has to be clear that there would be a formal initiative, official initiative from the Government of the French Republic and that from a Ministry but with representatives of States that are members of COPUOS.

Observer status in such a meeting is something I do not see possible. It is not an open-door day. That, from the institutional point of view.

Now as to the procedure, our view is we would have an exchange of views on the basis of the text prepared by the group of experts on space law or on space in UNIDROIT and there would be conclusions from the exchange of views. On that basis then, we would comment on the text. We would not authorize UNIDROIT to use the text as an official text from the Legal Subcommittee or COPUOS because States will have the right during the diplomatic conference to give their official position on the matter on the convention and its two protocols, the air and space protocols.

So that is how we see the procedure and we have the prestige of the institute that has to be safeguarded but also the mandate of our Subcommittee and the Committee for the Peaceful Uses of Outer Space because any text that might be transformed into an international treaty should come from this forum. In other words, a text on international space law. Other regulations concerning certain space activities or the status of space property, that is up to the diplomatic conference.

So with those remarks and restrictions, Greece has no problem or reservation on our participation in the process. In the interim period, States can consult with any organization that exists, unions, chambers of commerce, industry, all around but at national level to then come forth with a single view for each State. Thank you.

**The CHAIRMAN** (*interpretation from French*): I thank the distinguished representative of

Greece for those remarks on procedure and on the nature of future consultations.

(*Continued in English*) The next speaker on my list of speakers is the distinguished representative of China to whom I give the floor.

**Mr. H. HUIKANG** (China) (*interpretation from Chinese*): Thank you Mr. Chairman. The Chinese delegation has carefully listened to the discussion on this issue. However, I get more confused as I listen to everybody. First of all, we heard that there is an idea that further consultations need to be undertaken. That is fine. And then we also heard that these consultations will be outside the framework of COPUOS. That may be fine. However, we heard further that we are to invite the space industry to have a dialogue with us. Are we going to privatize or commercialize this COPUOS? Thus, I think of the Chinese slang that the guests will be turned into a host. Since UNIDROIT is sponsor or drafter of this convention, they want to get our advice in COPUOS in the Legal Subcommittee. By in turn, we are going to get the advice of the space industries. What will they tell us? They need commercial opportunities but usually take the responsibility for it. That is all. Therefore, I think now we are in a string circle.

The Chinese delegation believes, rather we support further consultation. However, there are two conditions. First, the consultations should be within the framework of COPUOS, not out of the framework of COPUOS. That is the first condition.

Second, it should be cost-effective. I cannot imagine, therefore, the majority of developing countries go from their home capital to Paris for one day's meeting, spend US\$1,000. Therefore, I think a better alternative might be, that is, during the session of COPUOS some formal or informal consultations can be held during the session of COPUOS itself. If this is not enough, then we can start a second run of formal or informal consultations during the next session of the Scientific and Technical Subcommittee next year. At present, on the basis of the opinions of the Member States of COPUOS, UNIDROIT can already absorb a lot of things and to digest. Therefore, we hope they can provide COPUOS with a revised draft first. Preferably, all the working languages of COPUOS. And then, we will further study this new proposal or revised draft. Then the work can be carried out step-by-step like this.

Maybe I can repeat the conclusion that we mentioned yesterday in our statement. We should attach importance to this work and react actively

accordingly. However, we should not rush ourselves. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of China for your contribution to our discussion. I give the floor again to the distinguished representative of Belgium.

**Mr. J. F. MAYENCE** (Belgium) (*interpretation from French*): Thank you Mr. Chairman. I would like to look back to the initial proposal from Belgium. About more than a year ago, UNIDROIT contacted Members of COPUOS in the Subcommittee so that several questions that came up during their work on the space protocol could be analyzed, in the Greek sense of the term, and that by the Subcommittee. And some UNIDROIT Member States, States that took part one way or another in the elaboration of the protocol, came up against questions regarding compatibility between obligations under international space law and their commitments in the context of ratification of the protocol. Some of the States, including Belgium, felt that these questions that came up can be solved only in the Subcommittee and in our non-paper, that this is also an opportunity for the Legal Subcommittee to show that its work is related to, or related with the, practical aspects, daily life in space affairs. And with a reasonable and efficient procedure, it is capable, the Legal Subcommittee is capable of responding to certain questions.

On the questions raised by the Russian Federation, I can say that we suggested for terms of reference, the basis being the two documents submitted to the Subcommittee, L.225 and L.229. We feel that those two documents would be the minimum basis and, of course, on top of that, we would also have contributions that have already been made by the Russian Federation, by China and those will give more material for reflection in consultations. That is the mechanism itself. It is outside COPUOS. However, it should a reflection of what goes on here. That is a prerequisite. That is why we would have a problem with industry being represented as such. It is an institutional mechanism which, however, is a reflection of what we do here in the Legal Subcommittee.

As to the outcome of the work in COPUOS on the UNIDROIT work. That was the second point raised by the Russian Federation. Any material that will come out from the consultation mechanism, as we hope, would be the basis of a report to be approved by the Subcommittee or the Committee even, to then be COPUOS' contribution and we hope also replies given by COPUOS to the questions raised by UNIDROIT

and also the questions raised by Member States who will be asked to sign and ratify the space protocol.

So that is the initial proposal from Belgium. Added to that, we have had other proposals, of course, but I just wanted to recall our proposal based on the terms of reference, based on results and objectives that we believe are clear and precise. Thank you.

**The CHAIRMAN** (*interpretation from French*): I thank the distinguished representative of Belgium and that was the last speaker on the list so far. (*Continued in English*) Is there any other delegation wishing to speak on item 8? The distinguished representative of Egypt has the floor.

**Mr. K. EL-HUSSAINY** (Egypt): Thank you Mr. Chairman and good afternoon, ladies and gentlemen. We join, in fact, the remarks made by both the distinguished representative of Greece and also the distinguished representative of China. Really we support them in this direction because we have in front of us the experience made by ICAO in similar circumstances. In ICAO, for example, they set up two committees. One worked on the aircraft equipment draft protocol and the other committee or body or group worked on the registration of aircraft equipment. And now, as I hear from the different speakers and that the working group is limiting its membership and also will convene for one day or two days, a very short period. Really the load of work assigned to this group is very enormous because they will work on the outer space draft protocol. They will work on the registration of outer space equipment and also they will work upon the interrelationship between the draft UNIDROIT convention and the outer space protocol.

So they have an enormous load of work to do and I doubt very much from the practical point of view that in this way they can accomplish anything of value for us. They need more time. They need also to be given the opportunity maybe to meet many sessions because they cannot finish all that in one very short session and that is why we find from the practical point of view that this will not lead us to results we want to have concerning the work assigned to this group. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of Egypt for your intervention but it was my understanding that it should not be limited to one day or two days only. My understanding was that, first of all, there would be the preliminary work in writing, preparatory work, and I believe this should be, indeed, a very serious preparatory stage and then that this consultation or mechanism should meet during the first



half of September. Of course, I did not expect that it should last two weeks but, in any case, I do not believe that it might be fulfilled within one or two days. This must have been a certain misunderstanding. I did not hear the duration of one or two days so far so we will perhaps discuss on it.

**Mr. K. EL-HUSSAINY** (Egypt): Maybe there is a misunderstanding. I did not understand exactly and what I felt from the interventions is that it will be for a short period of time. So that is what I understood from the different interventions but maybe I did not understand what they said. But in any case, I intervened because, as I see, the load of work on this particular working group is enormous and, in fact, as I told you, Mr. Chairman, registration, for example, the registration of outer space equipment, it is a complex issue and it needs a lot of effort in order to sort out many difficult things and there are many details. That is why, in the wisdom of UNIDROIT and ICAO, when we worked on this particular issue, we composed a working group working only on registration issues. And then next, for the draft protocol for aircraft equipment, there was another committee.

So now we are putting all that in one committee and we should give them time enough to reach fruitful results. That is my understanding. Thank you.

**The CHAIRMAN:** Thank you. The next speaker on my list is the distinguished representative of the International Astronautical Federation.

**Mr. H. P. VAN FENEMA** (International Astronautical Federation – IAF): Thank you Mr. Chairman. Mr. Chairman, my suggestion to involve the industry was, of course, not meant to make life difficult for anybody or to complicate matters but it was inspired by the fact that the instrument we talk about itself is a space industry-inspired one. It is the satellite manufacturers, the banks, satellite operators, they have certain needs and this poses a unique challenge to the Legal Subcommittee. We are supposed to talk about an instrument which is supposed to be to requirements of the space industry to address the issues of concern to the space industry and to solve the problems of the space industry. So their knowledge, their experience is vital to us lawyers if we want to fully understand what we are supposed to do.

In fact, I am pretty sure that progress will only come from an intensive interaction between all the stakeholders. If you look at the aviation example, it would have been impossible not to involve the airlines in this exercise. They are stakeholders and they have

been involved and in a very intensive way. We still have to learn a lot about this whole issue and I am convinced that we need the industry to further educate us and to help us in performing whatever task we think we should perform. It is an industry-inspired piece of novel space legislation and if we take the example of UNIDROIT, UNIDROIT benefited immensely from the views of the industry experts. Now the Legal Subcommittee has its own responsibility and I think it will be rather difficult, not impossible, but rather difficult for the Legal Subcommittee if we do not also benefit from the views and the experience and the input of the industry. On the one hand, to perform the job which we think the Legal Subcommittee perform and, of course, you may differ about the extent to which the Legal Subcommittee should be involved in the nitty-gritty details of the convention and also on the other hand, to be able to be a well-informed and adequate sparring partner, so to say, of UNIDROIT.

So that is the basis for my suggestion to involve the industry at an early stage and to have them as sparring partners and as experts to help us along the path that we have chosen. Thank you very much.

**The CHAIRMAN:** Thank you very much distinguished representative of the International Astronautical Federation which is observer to our Subcommittee. Excuse me that I only wish to make a small remark but industry has been represented already in the working group of UNIDROIT and it was quite natural because UNIDROIT is a different kind of organization than the United Nations and its Committee on the Peaceful Uses of Outer Space. UNIDROIT deals with private law while we concentrate on international law issues, of course.

This is one remark and the other remark is, again, I feel it essential to accept the participation of industry also in our consultations but this could be managed through the Members of the Committee on the Peaceful Uses of Outer Space. Delegations could include such experts or such representatives of industry and commercial circles and so on in their delegations to this consultation. I believe that this mechanism could work.

**Mr. V. CASSAPOGLOU** (*interpretation from French*): Thank you Mr. Chairman. What you have just said is exact and it was along those same lines that I wanted to comment myself. Just to repeat and stress the role and very character legal nature of the Subcommittee and the system itself, there will not be any change unless there is a change to the Charter of the United Nations.

If there were a change to the Charter on the Specialized Agencies of the United Nations so that the private sector could be represented, observers or others. As you just rightly said, all those ladies and gentlemen or other have had ample opportunity to express their views clearly in the preparatory work under the aegis of UNIDROIT and that is it. We do not accept an official dialogue in an intergovernmental forum for States taking part here or in the General Assembly of the United Nations who are not members here, within the institutional system as established. And it is, as I said earlier, it would be a formal presentation of each State and it is only States that would be discussing.

I am quite astonished, and it is not the practice in international law practices, to have international treaty texts drawn up in private offices. It is not acceptable because that is negating the law on treaties, i.e. recognize that there are contributions from the private sector but, and I can understand that that happens with UNIDROIT but I do not think we need to extend this discussion further for quite evident reasons.

**The CHAIRMAN:** Thank you distinguished representative of Greece. I now recognize the distinguished representative of Brazil.

**Mr. S. LEITE DA SILVA (Brazil):** Thank you Mr. Chairman. We would like just to express that we agree entirely with what has been stated by the distinguished delegate of Greece and considering the statement made by the distinguished representative of UNIDROIT, we think that if, taking into account the great importance of industry, we would be able to suppose that industry would take part on the elaboration of the legal texts that are going to be submitted to COPUOS delegates at the meeting. I think that UNIDROIT, when they present the text to COPUOS members, they would also be in a position to present, not only the text but also the arguments that would reflect the opinion and the interest of the industries. So in this way we would preserve the interest of industry that some parts consider important. Other countries which would consider more important the participation of industry, they would be able to include in their delegations, any member of industry but the States character of COPUOS should have to be kept, not only because we prefer, but because it has to be like that. It has been States' organizations, they have to remain so, as the Greek delegate stressed, as long as there is no change in the UNO basic clause, we have to follow the tradition of international State organizations. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of Brazil. Do we have any other delegation wishing to speak? I recognize the distinguished representative of Colombia.

**Mr. C. ARÉVALO YEPES (Colombia)** (*interpretation from Spanish*): Thank you Mr. Chairman. Actually it was not my intention to ask for the floor but I believe what was just mentioned by the distinguished representative of Brazil has led me to give my support to the form in which he expressed concern.

Participation of industry of the private sector is a fact that we have to consider. It is something that was made quite clear earlier. Without them it is not easy to see what the future of space activity might be but we also have to bear in mind the nature of the organizations within the United Nations system and the mandate of this Legal Subcommittee is about of dealing with these questions in this context. Informal meetings are a very good idea. They help make progress and they allow room for concepts that gain in solidity but there are format problems as well. I would like to ask the distinguished representative of Belgium, who is not here right at the moment, what their proposal was for informal consultation. Who would invite? Who would decide? Would it be the States who would take the initiative for the talks in that wonderful city of Paris? But I still wonder about the format of the meeting. I have to know how much it will cost to the Colombian State, how we can convene experts and I do not know if we can really call upon them at short notice. So there is definitely a disadvantage created for some countries and it does make me worry.

After this meeting, I would not want to have the responsibility to go home to my capital and say we have to send a certain number of experts to a meeting that, once again, is of utmost importance. We have considered UNIDROIT's work. We feel that it is very interesting but I am concerned about the format of this type of meeting.

COPUOS, by its nature, has ample capacity to take up many questions, we have seen this in the past. We have learned from experience that we can find room for discussion. However, please, allow delegations to have the possibility of looking at this question without seeking mechanisms that could be disadvantageous for some countries and, in particular, developing countries. Thank you.

**The CHAIRMAN:** Thank you very much distinguished representative of Colombia for your

contribution to our discussion. I do not have any other delegation wishing to speak. Is there any other delegation wishing to speak now at this stage? No, but I still have on my list of speakers, the distinguished representative of the European Space Agency to whom I give the floor.

**Mr. G. LAFFERRANDERIE** (European Space Agency – ESA) (*interpretation from French*): Thank you Mr. Chairman. You will recall that I had the singular honour of submitting document L.229 on behalf of a group of States Members of the Agency or having agreements with the ESA which led to my following closely all discussions that developed on the basis of this document following on the presentation of this document and in particular there was the presentation of Belgium. I think that the Belgian proposal has not been fully understood by everyone yet. Unfortunately, the delegate of Belgium is not in the room. He would be in a better position than I am to go into the nitty-gritty of his proposal but I am going to try to provide some of the clarifications that have been called for by delegations.

First of all, too much perhaps was said about how the work of this consultation mechanism ad hoc would be a group without any links so that it would be completely outside the general framework of COPUOS. It is true but at the same time it is not true. It is true that the proposal was not to make this consultation mechanism. We did not even use the word group, I would like to point out to everyone, we called it a consultation mechanism, not a group. We did not want to make this an ad hoc group under COPUOS, a COPUOS working group. We did not want to do that because we thought it would make things easier and it would mean that we would all be able to work through this more swiftly. My understanding was that this proposal did not actually break all links with COPUOS. First of all, the participants to these consultations are Member States of COPUOS. The invitation goes out to Member States of COPUOS and also to other international organizations which are represented here in COPUOS as observers. And I would say in passing that, and this is something that the representative of Belgium has said, it does not go outside that particular circle of individuals except for the case of UNIDROIT, but among other international organizations and observers in COPUOS, we have the ITU, they were mentioned, I think, the ESA and, of course, well I am leaving the Office for Outer Space Affairs outside because its participation is clear and obvious. It goes without saying, in other words.

So we have a definition. This composition, this make-up shows the *de facto* links that are being retained with the Committee on the Peaceful Uses of Outer Space and the mandate and the objective, the goal is to prepare these discussions which we will be having next year in the Legal Subcommittee and to be able to table a report that is going to be able to make it easier to reach conclusions for the work of the Legal Subcommittee in this area. We have not broken that link completely with COPUOS and in particular with this Legal Subcommittee we are in right now.

Turning now to the mechanism which was proposed by Belgium. It is a mechanism that actually brings together several elements. As you have said yourself, Mr. Chairman, there is some preparatory work that has to go into this first and that should be done broadly by using electronic mail, faxes and so on and so forth, that kind of correspondence. So consultations are not limited to the meeting of delegations which would be held in Paris as proposed. Not at all, it is not only that. We are talking about on-going permanent standing consultations which would be held using electronic means, e-mail and whatever resource is necessary to be able to maintain contacts between the different delegations involved, the various stakeholders.

And I think I can also say safely that this meeting in Paris will be the first meeting. We would not exclude, and in fact we are planning to have a second meeting which would be summing up all of the work, all of the thinking that goes into this, not only what is actually done in Paris but when there are exchanges of documents and e-mail and fax communications, there would be a second meeting held at the beginning of 2002 to be able to put all this together in a report which would go to the Legal Subcommittee here. That, once again, stresses that there is a link that is still alive there with COPUOS and specifically with the Legal Subcommittee.

Turning now to another issue, contacts with private industry. I think I have already partially responded to some of the questions saying that we are staying within the COPUOS framework but here I would like to recall what Mr. Martin Stanford said, namely that in UNIDROIT there are procedures that belong to UNIDROIT, in other words, you have the space working group which will be meeting around 23 April and so on and so forth. And, at least for me, it is absolutely clear that this space working group will be receiving input information from the status of the thinking here, both the comments made by everyone because the space working group could not possibly, I would not want to say that it would be wasting its time,

but it could not do its work the way it is supposed to do it to be able to develop a revised draft of this preliminary protocol. The space property working group is obviously going to have to work, understanding the concerns, the problems, the doubts expressed in this room and I trust that UNIDROIT will transmit these concerns and questions and comments to its working group to be able to amend the draft.

It would be most regrettable, Mr. Chairman, most unfortunate if the proposal which was made by the delegation of Belgium and which is a proposal that forges or that takes flexibility, it takes competence of bodies and concerns outside, that all of this is pooled together, it would be most unfortunate if it were to fail for various reasons and it would be most regrettable if this consultation mechanism were not able to be launched as soon as possible, especially when the contact points and addresses and so on are known in June at the COPUOS. Then there will be the delegation of France who will pick up things and call for a meeting in Paris which, of course, does not take anything away from and I really want to stress this. It does not take anything away from the fact that there will be on-going permanent contacts between all of the Members.

As I said, organizations will become involved in this. The Office for Outer Space Affairs will be involved in this whole preparation and then there will be a second meeting, as I said, at the beginning of next year, 2002.

That is roughly what this proposal from Belgium is about and I would like to make sure that everyone really understands this. COPUOS is not being circumvented or being kept on the sidelines completely separate from this. What is this consultation mechanism going to do? It is going to base itself on aspects of space law without acting or intervening, it is not able to deal with pure private law matters, insurance, finance, lend-lease, all of these matters, not at all. The concerns of this particular consultation mechanism deal directly with the specific provisions of the convention and the draft preliminary protocol and space law which COPUOS watches over.

Now, having participated personally in the development of all of this, this is how I have understood the Belgian proposal and those were the views of the European Group.

**The CHAIRMAN** (*interpretation from French*): I thank the distinguished representative of the European Space Agency for his contribution to our discussion. I still have two speakers, UNIDROIT and

UNCITRAL. The UNIDROIT representative first. You have the floor Sir.

**Mr. M. STANFORD** (International Institute for the Unification of Private Law – UNIDROIT): Thank you Mr. Chairman. Perhaps I might be permitted to make one or two clarifications in the light of the points that have been raised by a number of representatives in the discussions that have just taken place.

In the first place, I might suggest that the most suitable means of addressing the difficulties to which attention has been drawn in these last interventions might be through the invitation that I understood would be addressed to the Secretary-General of UNIDROIT to provide one or more representatives or rather to send one or more representatives to such an informal consultation mechanism.

In the past, in a number of fora, including United Nations commissions, the Secretary-General of UNIDROIT has designated representatives, including both the Secretariat and also representatives of working groups, for instance, representatives of the space working group, to advise the governments taking part in international negotiations in intergovernmental fora as to the practical implications of decisions, the implications for practice.

Insofar as the space working group, as I have indicated, I think, in one of my previous interventions, is a direct emanation of UNIDROIT. In other words, it was set up at the specific invitation of the President of UNIDROIT. Might I suggest that the Secretary-General of UNIDROIT be permitted to provide such expertise as might be considered appropriate by this Subcommittee through the persons to be invited. In other words, the Secretary-General might include under the banner of UNIDROIT, a representative of the space working group. As I point out, the space working group is an emanation of UNIDROIT. The President of UNIDROIT created the space working group and I think that might be the best means of providing the sort of expertise you need.

The representatives of UNIDROIT might, therefore, not just a representative of the Secretariat but might include one or more representatives of the UNIDROIT space working group. This is a proposal I put to you with a view to perhaps easing some of the difficulties to which delegates have drawn attention in the discussions that have just taken place. Thank you very much Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of UNIDROIT but it was my understanding that it would be up to UNIDROIT or better to say or the Secretary-General or the President or whoever is head of your Organization to appoint the representatives of this intergovernmental organization. Of course, without such a representation it would be probably useless to hold any consultations and, therefore, if the space working group is a body of UNIDROIT that was officially established so certainly representatives of the space working group too not only are representatives of the Secretariat would be very appropriate to be appointed for this participation. But it is up to you, of course, up to the UNIDROIT organization but this was only my understanding of what has been already proposed by the distinguished representative of Belgium.

I still have on my list of speakers, the distinguished representative of UNCITRAL, to whom I give the floor.

**Mr. S. BAZINAS** (United Nations Commission on International Trade Law Secretariat – UNCITRAL): Thank you Mr. Chairman. The distinguished observer of UNIDROIT, Mr. Martin Stanford, has already partly covered the points that I wanted to make. The purpose of my intervention is to cover the other points that I wanted to make and which is not to take a position on the matters before the Subcommittee but rather to share with you the experience of UNCITRAL on matters are very similar to the ones discussed.

First, the issue of cooperation with UNIDROIT. We had in the past two texts submitted to UNCITRAL by UNIDROIT, a uniform law on international sales which was developed to the United Nations Convention on Contracts for the International Sale of Goods. A very successful United Nations Convention completed here in Vienna in 1980 and we have, as of today, 58 States Parties to that Convention representing potentially two thirds of international trade.

We have had also a second text submitted to UNCITRAL by UNIDROIT, a draft convention on liability of operators of transport terminals. That was also developed into a United Nations convention which has not developed here in Vienna again in 1991, a diplomatic conference and that convention has not yet entered into force.

In recent years, UNIDROIT has chosen to develop through different intergovernmental processes, its own texts, two(?) complete conventions and that has

created quite a need for more coordination and cooperation between our respective organizations so that we will be able to avoid conflicts and overlaps such as the one that we are faced with now between the convention on assignments of receivables and the convention on mobile equipment and the relevant protocols.

The other point that I wanted to make in the same spirit of sharing with you the experience of UNCITRAL was partly covered by Mr. Martin Stanford and that is that we have industry participating in UNCITRAL as observers but there are some rules that have been developed in the practice of UNCITRAL. Those rules being that the industry has to be represented by an international organization. There has to be an organization that is a non-profit organization and is involved in the making of rules in international trade. Such organizations, for example, including the European Banking Federation, the International Chamber of Commerce or the International Bar Association.

Specifically, as Mr. Stanford mentioned, the aviation group that was created under the authority of the President of UNIDROIT to develop the text with respect to aircraft, we were not able to offer observer status because it was an ad hoc industry group and the solution that was found for that group to be represented in UNCITRAL was through the UNIDROIT delegation. So the Secretary-General of UNIDROIT would appear in our groups with representatives of the space or aircraft group and that was a useful way out of the rules, that UNCITRAL has to follow as a United Nations body in the representation on non-governmental organizations. I hope that this information may be of some help in your deliberations Mr. Chairman. Thank you.

**The CHAIRMAN:** Thank you very much distinguished representative of UNCITRAL for your, indeed, very useful information about the experience of your own body in such proceedings.

Distinguished representatives, I do not have any other delegation or any other observer inscribed on the list of speakers for this issue for this afternoon. However, I, myself, with your permission, of course, would like, not to sum up the discussion, this would be very difficult, but at least to emphasize some points of the original Belgian draft which might become elements of our eventual agreement but I only quote now these elements. It means you may have different positions in relation to these elements but these elements should be included in our final decision if we are able to reach it now. Now or tomorrow, because

we can still continue discussions on this point tomorrow.

First of all, the Belgian delegation proposes the immediate set-up of an ad hoc consultation mechanism. I do not believe that we could establish such a mechanism immediately. This is not possible because it would be up to the Committee on the Peaceful Uses of Outer Space to approve it so I should withdraw the adjective(?) immediately.

But let us speak about the set-up of an ad hoc consultation mechanism. Attention should be paid to the fact that we speak about an ad hoc, it means that it is something exceptional, that it is not a working group, a usual working group that we establish within this Subcommittee. Second, that it is a consultation mechanism. This mechanism will not decide about anything. This will be just consultation that would clarify the issues and that would prepare the basis for an eventual agreement. It should be mechanism, not a working group of the Subcommittee and this consultation mechanism would be dedicated to the review of the issues relating to point 8 of the agenda of the fortieth meeting of the Legal Subcommittee. It means that there would be a link between the work of the Subcommittee and this mechanism. The mechanism would not be completely outside the concern of the Legal Subcommittee and the phrase dedicated to the review of the issues relating to point 8 of the agenda would be a very general mandate for this mechanism because I do not believe that we should now start discussing individual points that should be under consideration of this mechanism or the points that have been raised here during the session of the Subcommittee that have been discussed should be under discussion in the consultation mechanism. Of course, this mechanism then will make a selection of the most important issues that should be clarified, that should be agreed upon.

Now, the second substantive paragraph. This mechanism should involve, on a voluntary basis, representatives of States of COPUOS. It means it should be at the intergovernmental level. It would not be a group of individuals of different provenance(?) that would come and that would discuss these matters. No, this would be a mechanism in which representatives of States of COPUOS would consult among themselves and officials of the Office for Outer Space Affairs. I think it is natural we have in our Subcommittee such officers which help us very effectively in our considerations and, therefore, their participation is necessary.

But also experts from specialized international organizations such as ITU and ESA, as well as the UNIDROIT Secretary-General or his representative. I already clarified the representation and participation of UNIDROIT. I do not need to repeat it but I believe that, again, the participation of experts from such international organizations as, for example, ITU or ESA, would be most welcome because they usually participate and very effectively in our discussions here in the Subcommittee.

The third substantive paragraph is that the consultation plan should allow the reporting to the Subcommittee at its next meeting in 2002 under a single issue item. So it again demonstrates the attachment of these consultations to the work of the Subcommittee under its aegis would such consultations be held. This implies an effective organization of the discussions between the fortieth and the forty-first meeting. I believe that a possible schedule has been already presented here, both by the distinguished representative of Belgium, who, unfortunately had to leave our meeting, otherwise he would certainly participate in this summarizing of our discussions and also some useful ideas and advice has been made by the distinguished observer for ESA.

I believe indeed that, first of all, there must be a preparatory stage in which indeed as many views and observations and suggestions from the part of members of the Committee on the Peaceful Uses of Outer Space would be mailed by any communication means that is available and I believe that these communications should be addressed to the Secretariat here in the United Nations which should be asked to serve as a coordinating point for the preparation of these consultations. And, therefore, they should also somehow summarize all these communications briefly, not necessarily a big document for the effective consultations that should then take place upon the kind invitation of the distinguished delegation of France in Paris sometime during the first half of September. We will still speak about the duration of these consultations. We shall have to discuss it with our kind hosts and also I would like to emphasize that it should not last two weeks, first of all, but that it should be sufficiently long in order to enable a meaningful discussion and meaningful results of these discussions.

I believe that a precedent that we have had with the consultations on the concept of the launching State in Bonn, two years ago, was very useful and perhaps the duration of about three days might be sufficient for this purpose. Up to three days I would say. But it is up to you to discuss it and to recommend the final decision.

The consultation plan should allow the reporting to the Subcommittee at its next meeting in 2002 so that it is clear the results of this consultation mechanism will come back to the Subcommittee, will be discussed here and it will be the Legal Subcommittee which will take the final position or which my attempt to take a final position in this respect. It means with the participation of all members of COPUOS and, of course, with the service of all translation or interpreters that usually help us in our difficult work.

Therefore, this consultation mechanism should be set up quickly. I believe that now the next text is the terms of reference as well as the coordination task and the working method would be agreed by the participants. I would say agreed instead of decided because we must agree in this respect.

I do not insist so much on the phrase "the terms of reference" because it is up to the Subcommittee to decide on the terms of reference or on the mandate of these consultations and I would formulate this mandate in a rather bold way. It means saying the review of the issues relating to point 8 of the agenda, as I already reported earlier.

This would be perhaps the list of issues to be considered. This is another thing. It is not terms of reference. The list of issues to be considered might be established then by the consultation as well as the coordination task and the working method. They should be agreed by the participants of these consultations.

These consultations should include one or more meetings of the participants which could be hosted by a State. We have been thinking up to now about one consultation. As a matter of fact, we had only one consultation in Bonn and it led to a positive outcome which was then still elaborated during the next session of the Subcommittee and the Committee and then adopted by consensus and this should be our aim also in the present case. If necessary, perhaps a second meeting might be considered unless the one meeting has proved that it would be sufficient but certainly not any other meeting because this would mean a permanent consultation and it would be useless.

So these are the elements that I see on which we might reconcile our different views. I do not wish to talk about this reconciliation. Please think about it and tomorrow we will schedule another meeting of our Subcommittee dealing with this matter and we will try to find out the final outcome of these discussions. In

the meantime, I would make a kind appeal to all delegations, particularly to those delegations which presented their views and whose views were different during this afternoon, to consult among themselves in order to find a good solution tomorrow morning on this issue.

Unless I see anybody else but I do not expect it, I would like to close the discussion on item 8 at this time. Yes, the distinguished representative of Greece.

**Mr. V. CASSAPOGLOU** (Greece): Thank you Mr. Chairman. Just to remind you that the Chinese colleague also mentioned the possibility to have some additional or some consultations within the forthcoming session of the COPUOS next June and he mentioned also questions of economies, etc. so it is possible even because this session starts, if I am not wrong, 6 June. Maybe instead to arrive on 5 June to arrive on 3 June, nevertheless, during, we have enough time to proceed in some further consideration and we prepare ourselves to proceed. That is a thing that I suppose to be included also in your memoir. Thank you.

**The CHAIRMAN:** Certainly, distinguished representative of Greece, I do not object against further consultations to be held during the session of the main Committee but we should perhaps still try to reach a certain agreement at least about the substance of this proposal during this session of the Subcommittee because it would then enable to work already in a preliminary way to start the first stage of this work up to the first meeting held in Paris so that we should use this time as effectively as possible. But certainly, if we cannot reach an agreement at this meeting, at this session, we should continue during the Committee. This was also done in the past and I do not see any reason why it would be excluded. But let us try to reach an agreement as much as possible during this session.

#### **Agenda item 9, review of the concept of the launching State**

I think everybody will agree that this item of our agenda will still be under discussion tomorrow morning. I now wish to turn your attention to the concept of the launching State. We shall continue our consideration in the Plenary on agenda item 9, review of the concept of the launching State. I have been informed that the Working Group on this item has finished its substantive work due to the efficient guidance of this Working Group and to substantive participation from the part of many delegations of our Subcommittee and the Working Group does require

only one further meeting in order to adopt its report. Therefore, I should like to inform delegates that it is my intention to also conclude substantive deliberation on this item in the Plenary this afternoon and reserve only the approval of the report of the Working Group probably Thursday morning because tomorrow we will still discuss item 8 and item 10 but the distinguished member of our Secretariat will inform us.

I have just been informed, distinguished delegates, that the Chairman of the Working Group requested to discuss the report tomorrow, maybe in the morning or early afternoon, but, of course, I would like to cooperate with him in this respect because he wanted to leave. But I fear that all language versions of the report would not be ready for it. Maybe we will try to get it but unless we have all versions of the Working Group, we could not consider this report.

This is about agenda item 9. Are there any other speakers on item 9 at this time? I see none. Therefore, with the exception of formally receiving and endorsing the report of the Working Group on this item which we might do on Thursday or perhaps tomorrow if all language versions are available, we have concluded substantive consideration of item 9 for this session.

Distinguished delegates, as mentioned this morning, it is now my intention to suspend the meeting of the Subcommittee in order to allow for the convening of a further round of informal consultations on proposals for the agenda of the Legal Subcommittee at its forty-first session in 2002 under the guidance of Mr. Niklas Hedman of Sweden. Following the conclusion of these consultations, we shall resume the meeting of the Subcommittee to formally consider item 10, proposals to the Committee on the Peaceful Uses of Outer Space for new items to be considered by the Legal Subcommittee at its forty-first session.

This meeting of the Subcommittee is temporarily suspended but if the informal consultations last until 6.00 p.m., I will then adjourn the formal session of the Subcommittee and we will discuss the agenda for its next session tomorrow.

The formal meeting of the Subcommittee is now suspended and the informal consultations will start immediately.

*The meeting was suspended at 5.07 p.m.*