

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

*Unedited transcript*

655<sup>th</sup> Meeting

Thursday, 12 April 2001, 3 p.m.

Vienna

*Chairman:* Mr. Kopal (Czech Republic)

*The meeting was called to order at 3.05 p.m.*

**The CHAIRMAN:** Distinguished delegates, I declare open the 655<sup>th</sup> meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space. I am doing so, because I wish to accelerate our last part of our session and, therefore, I started, not as usual a little later, but at 3.05 p.m.

**Adoption of the report of the Subcommittee to the Committee on the Peaceful Uses of Outer Space**

Distinguished delegates, I would like to continue the adoption of the report of the Subcommittee paragraph by paragraph. We have still one paragraph pending, it is paragraph 28 of the document L.228 and we have to consider document Addendum 3 starting from paragraph 6 onwards because as to the paragraph 28 of the formal document, we would need the presence of the delegation of Russian. We would continue now in consideration of Addendum 3, paragraph 6 onwards. The discussion is open on paragraph 6 of document L.228, Addendum 3. Are there any comments on paragraph 6 of this document? I see none. *It is adopted.*

Paragraph 7 of the same document. Any comments? I see none. *It is adopted.*

Paragraph 8. Yes, I recognize the distinguished representative of Nigeria.

**Mr. T. BRISIBE** (Nigeria): Thank you Mr. Chairman. With all due respect to the Subcommittee, my delegation wishes to make a slight amendment to the provisions of paragraph 8. This is because my delegation had, in fact, supported the contents of the

paragraph. We had also conjunctively stressed an issue regarding the success of the diplomatic conference to be held in South Africa. Because that statement was made conjunctively with paragraph 8, as it currently stands, I have prepared a draft sentence which can be read in conjunction with the paragraph as it currently stands and I beg your indulgence to read the sentence Sir.

**The CHAIRMAN:** Thank you very much. I will read the sentence and then if you have the text ready, submit it to the Secretariat but first read it here. Thank you.

**Mr. T. BRISIBE** (Nigeria): It means essentially, in addition to the paragraph 8, that some of these delegations expressed the view that Member States of the Committee on the Peaceful Uses of Outer Space need to participate actively to ensure full success of the diplomatic conference, for the adoption of the base draft convention and the draft aircraft protocol, in South Africa during October and November 2001.

**The CHAIRMAN:** Who wishes that the distinguished delegate of Nigeria should still read it once again? No, not necessary. Thank you very much distinguished representative of Nigeria and would you kindly submit the text to the Secretariat? Thank you.

Any comments on this addition to paragraph 8? I see none. *It is adopted.*

Paragraph 9. Egypt has the floor.

**Mr. K. EL-HUSSAINY** (Egypt): Thank you Mr. Chairman and good afternoon ladies and gentlemen. Concerning this paragraph 9, it is Egypt

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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.

who made a statement in this concern and we need to add a few words by the end of this subparagraph 9. After equipment, we put a comma, and then we add the following “a matter which was left to be decided by the diplomatic conference to be held in South Africa next October”, because this would complete the picture concerning this issue in particular and it would be useful because the Legal Subcommittee may benefit and the mechanism proposed by Belgium may benefit from the methods adopted by this Conference in this concern. Thank you.

**The CHAIRMAN:** Thank you distinguished representative of Egypt. Any comments on this suggestion? I see none. *It is approved.*

Paragraph 10. France

**Mr. M. LAFFAITEUR** (France) (*interpretation from French*): Thank you Mr. Chairman. I would like to refer to the English language version of paragraph 10 and I see a link here with 11, both of these begin with “some delegations”.

In French, 10 says “plusieurs délégations”, for some delegations, and 11 says “certaine délégations”. So the word for “some” has two different words for it in the French language and unfortunately, the wrong way around. It might have been better to have “certaine” in 10 instead of “plusieurs” and “plusieurs” in 11 instead of “certaine”. So either you have the same word or you reverse the order of the qualifier. But I think it should reflect reality.

**The CHAIRMAN** (*interpretation from French*): I believe you are quite right. They should be the same. We have to ask about custom now.

“quelque délégations”.

**Mr. M. LAFFAITEUR** (France) (*interpretation from French*): Well we could accept that term here. It is a little restrictive because in French “quelque” is the lower end and it was a few more than just “quelque”. So if you could say “plusieurs” in French in both cases, I would be happier.

**The CHAIRMAN** (*interpretation from French*): I feel I must insist on the standard formula. However, it will be the same word in both paragraphs. I thank the distinguished representative of France.

(*Continued in English*) With those modifications in the French version, may I consider paragraph 10 as approved? *Adopted.*

Paragraph 11. Any comments on paragraph 11? Yes, I recognize the distinguished representative of Canada.

**Mr. G. LAUZON** (Canada): Thank you Mr. Chairman. The Canadian delegation is satisfied with the English text of paragraph 11 but in the French text towards the end in the third line from the end, where it says “autorité de supervision?”, it should read “autorité de surveillance” which is the vocabulary that you will find in the Protocol, Article 16. Thank you.

**The CHAIRMAN:** I agree with you distinguished representative of Canada. You are right in this point. So with this language amendment in the French version of paragraph 11, may I consider this paragraph as adopted? *It is so decided.*

Paragraph 12. The distinguished representative of China has the floor.

**Mr. LIU YINGHAI** (China) (*interpretation from Chinese*): Thank you Mr. Chairman. In this paragraph 12, it says “that delegation”, I think it means the Chinese delegation. Therefore, we have some amendments to make (*continued in English*) ... “to take measures to involve more States in development of the draft protocol on matters specific to space property”. After this, we would like to add “ensuring the consistency of the draft protocol with the existing body of international space law”. I repeat it. After “space property”, we add “thereby ensuring the consistency of the draft protocol with the existing body of international space law”. Thank you.

**The CHAIRMAN:** Thank you distinguished representative of China. Any comments on this suggestion? It reflects the view that was expressed by the delegation of China. I think it may be adopted. *It is adopted.*

Before leaving us, the distinguished representative of Argentina submitted a written amendment to paragraph 12. He wanted to include a new paragraph 12 *bis*. I would like the Secretary of our Subcommittee to read it.

**Mr. P. LÁLA** (Secretary): Thank you Mr. Chairman. The new paragraph 12 *bis* would read “the view was expressed that the Secretariat should collaborate with UNIDROIT to obtain a copy of the text in Spanish of the space property protocol”. Thank you.

**The CHAIRMAN:** Thank you distinguished Secretary of our Subcommittee. I believe that this was

spelt(?) out by our colleague from Argentina and that we should include it in our report. Is there any comment on this proposal? Yes, the distinguished representative of China has the floor.

**Mr. LIU YINGHAI** (China) (*interpretation from Chinese*): Sorry, Mr. Chairman. Just now I did not hear clearly this new addition read by the Secretariat. Can you please ask the Secretary to repeat it?

**The CHAIRMAN**: Could you repeat it please?

**Mr. P. LÁLA** (Secretary): Yes, Mr. Chairman. This will be a new paragraph, 12 *bis*. "The view was expressed that the Secretariat should collaborate with UNIDROIT to obtain a copy in Spanish of the space property protocol".

**The CHAIRMAN**: Thank you very much. Any comments? No objections? *It is adopted.*

Paragraph 13. Any comments on paragraph 13? I see none. *It is adopted.*

Paragraph 14. France has the floor.

**Mr. M. LAFFAITEUR** (France) (*interpretation from French*): Same comment that I had for paragraph 13. It said "the view was expressed" and that is translated by "one delegation expressed the view that ...". And then in 14 and 15, it is translated differently in the expression "on a exprimé(?)" etc., so that there are compatibility, consistency problems. As you move through the paragraphs, the translation varies. I think that we have to try to make all of this consistent. I do not want to go over each paragraph and point out each one where there is a problem but I would like to have it checked carefully, I am talking about the French version, in the light of what I have just said.

**The CHAIRMAN** (*interpretation from French*): I thank the distinguished representative of France. I agree with you that we really have to make this uniform, not only here, but throughout the documents. Thank you very much France for that comment. Mexico?

**Ms. S. FLORES LIERA** (Mexico) (*interpretation from Spanish*): Thank you Mr. Chairman. We would like to make a comment which is actually similar to what was said by France. I would like to ask the Secretariat to make the terminology consistent in the Spanish as well because we have

paragraphs where the expression "si manifesto" (?) is used and in others it is a different expression that is used, so we would like to uniform terminology throughout the Spanish version. Thank you very much.

**The CHAIRMAN**: Thank you very much. You are right distinguished representative of Mexico and I am sure the Secretariat will meet your requests also concerning the Spanish version of our document. This happened because of fast work during the night in the translation of the basic version, of the English version in other languages and, therefore, there are some errors or not quite sufficient translations but this will be repaired.

With these remarks, is paragraph 14 approved? *It is adopted.*

Paragraph 15. The distinguished representative of the United States who submitted his proposals in writing, so he can either read it himself or we could also ask the Secretariat but as you like it.

**Mr. K. HODGKINS** (United States of America): Thank you Mr. Chairman. Yes, we propose adding 15 *bis* and we have given the Secretariat the language in writing but I will read it for the Subcommittee Members as well. "The view was expressed that under the draft UNIDROIT convention, a notice filing system was contemplated which involves minimal information to put financing parties on notice of other possible interests in equipment". Thank you.

**The CHAIRMAN**: Thank you very much distinguished representative of the United States. Any comments on this proposal? I see none. *It is adopted.*

Paragraph 16 now. No comments on paragraph 16? *Paragraph 16 is adopted.*

Paragraph 17. The United States.

**Mr. K. HODGKINS** (United States of America): Thank you Mr. Chairman. We would like to add one additional sentence to paragraph 17. We have provided this in writing to the Secretariat but again I will read it in dictation speed for the Members of the Subcommittee.

"The view was expressed that in developing a registry for aircraft finance the scope of its application and definitions of aircraft in other terms were determined pragmatically taking into account financing requirements and the variable methods of identification through computer systems and not by a conceptual

approach or by reference to other conventions such as the Chicago and Geneva Conventions". Thank you.

**The CHAIRMAN:** Thank you distinguished representative of the United States of America for your proposal. Both of your proposals have been submitted in writing so that they are at the disposal of the Secretariat and they expressed the view of your delegation so I do not believe that there would be any comments. I recognize the distinguished representative of the Russian Federation.

**Mr. Y. M. KOLOSOV** (Russian Federation): Thank you Mr. Chairman. Since everybody is aware what the Chicago Convention is. As for the second convention, the so-called Geneva Convention, I believe that the full title should be mentioned because there are so many Geneva conventions. Thank you very much.

**The CHAIRMAN:** Thank you very much distinguished representative of the Russian Federation. In that case, perhaps both these conventions should be spelt out in full titles. The full headings of these conventions should be included here not only one by the word Chicago Convention and the other one with a long heading, so in order to balance it. Thank you.

Please you have the floor.

**Mr. Y. M. KOLOSOV** (Russian Federation): I want to ask, through you Mr. Chairman, the distinguished delegation of the United States whether they mean the 1948 Geneva Convention?

**The CHAIRMAN:** Could you repeat it, distinguished representative of the United States of America? Could you answer?

**Mr. K. HODGKINS** (United States of America): Thank you Mr. Chairman. It is the 1948 Geneva Convention. I think the Registration of Aircraft. Thank you.

**The CHAIRMAN:** Thank you very much. With this amendment, as it was suggested by the delegation of the Russian Federation and the explanation of the representative of the United States, paragraph 17 is adopted. *It is adopted.*

Paragraph 18. No comments? *Paragraph 18 is adopted.*

Paragraph 19. No comments? *Paragraph 19 is adopted.*

Paragraph 20. The distinguished representative of China has the floor.

**Mr. LIU YINGHAI** (China) (*interpretation from Chinese*): Thank you Mr. Chairman. We have a small amendment to this paragraph. (*Continued in English*) The Secretariat and the Secretariat of UNIDROIT have for relevance specialized international organizations (*continued in Chinese*) but we suggest the division of this line I mentioned above and to replace it with the following. (*Continued in English*) "The participation of the Secretary of the Committee, to which representatives of the Secretariat of the UNIDROIT and relevant specialized international organizations may also be invited, ..." there it is followed "with a view to facilitating ...". May I repeat it?

Repeat from "... and representatives of the Secretariat and the Secretariat of UNIDROIT and of relevant specialized international organizations", delete this line. And then replace with the following. "... with the participation of the Secretary of the Committee, to which representatives of the Secretariat of UNIDROIT and relevant specialized international organizations may also be invited, ..." then it is followed with the rest. Thank you.

**The CHAIRMAN:** Thank you distinguished representative of China. Only one minor question, you mentioned the Secretary of the Committee with the participation of the Secretary of the Committee. It should be of the Subcommittee because it is a consultation within our body.

**Mr. LIU YINGHAI** (China) (*interpretation from Chinese*): Yes, of course.

**The CHAIRMAN:** Thank you very much. The distinguished representative of France.

**Mr. M. LAFFAITEUR** (France) (*interpretation from French*): Thank you Mr. Chairman. First of all, I would like to say that I handed in to the Secretariat a re-written version of the entire paragraph that we are on, paragraph 20, which I will read out but I only have it in French. I shall read it out slowly so that you can get the interpretation of it. It is very similar to the original text actually. It just makes a little more specific the way in which this consultation mechanism actually works. So it would read as follows.

"The Legal Subcommittee agreed to establish an ad hoc consultative mechanism to review the issues relating to this item in accordance with a proposal

introduced by the delegation of Belgium.” That is the same sentence as we have in the original. There are no changes there. “This mechanism would make it possible to undertake preparatory work to hold informal consultations during the forty-fourth session of the COPUOS in June 2001 and to carry these out using all means which are appropriate for Member States with the assistance of representatives of the Secretariat and the Secretariat of UNIDROIT and of relevant specialized international organizations (ITU and ESA) with a view to facilitating the work of the Subcommittee in examining in detail the numerous issues relating to the topic within a time frame appropriate to, or which takes into account the importance of this initiative. This mechanism would act under the aegis of the Legal Subcommittee and the results of consultations undertaken through the mechanism would be reported to the Subcommittee at its forty-first session in 2002 for its consideration and approval, or endorsement, as it deems appropriate. The Legal Subcommittee took note with interest of the indication of the delegation of France of his readiness to host a first round of such consultations in Paris in September 2001”.

**The CHAIRMAN:** I thank the distinguished representative of France. I would be interested in knowing how other delegations consider this re-worked proposal. Brazil?

**Mr. S. LEITE DA SILVA (Brazil):** Mr. Chairman, for the delegation, the original text is a good one but we consider that the text proposed by the distinguished delegate of France reflects precisely what happened here and we would prefer the proposal made by the French delegation. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you very much. Any other comment? I recognize the distinguished representative of the Russian Federation.

**Mr. Y. M. KOLOSOV (Russian Federation):** Thank you Mr. Chairman. We have already mentioned this error in the last line of paragraph 20. In the English version, it is consultations, I mentioned, and in the Russian version, \_\_\_\_\_ (*Russian word*), which means negotiations. So the Russian version must be corrected. I am not sure about other language versions whether they have consultations or negotiations. Thank you.

**The CHAIRMAN:** Thank you very much distinguished representative of the Russian Federation. What, in your opinion, would be the most appropriate equivalent in Russian for consultations? Konsultat(?) (*Russian*). It is easy. In that case, there would be no

language problem. I now give the floor to the distinguished representative of the United States of America.

**Mr. K. HODGKINS (United States of America):** Thank you Mr. Chairman. I just wanted to take the floor to support the proposal by the delegation of France. I think it is a sensible one and I understand that these changes will help the delegation organizing, in an appropriate manner, the informal consultations that we have envisaged for September. Thank you.

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

**Mr. LIU YINGHAI (China) (*interpretation from Chinese*):** Thank you Mr. Chairman. Right now, several delegations have proposed amendments. We would like, through you, to ask the Secretariat to read once again the new English version of this proposed text. Thank you.

**The CHAIRMAN:** Perhaps, this is my advice, because the Secretariat is not yet ready to present the English version because the proposal of France was submitted in written but in the French language. Of course, I recognize your sovereign right, but in practical terms, could we wait, postpone, the adoption of this particular paragraph for a while until the English text is adjusted to the French amendment?

The consideration of paragraph 20 is now postponed, is left open. We will proceed with paragraph 21. Any comments? No comments? *Paragraph 21 is adopted.*

Paragraph 22. No problem. *It is adopted.*

Part IX. 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. And I understand that this is the last part of the draft report that is now under consideration.

Paragraph 23. No comments? *It is adopted.*

Paragraph 24. The distinguished representative of Bulgaria has the floor.

**Ms. K. BESHKOVA (Bulgaria):** Thank you Mr. Chairman. We would like to propose a small amendment to the present paragraph in an attempt to ensure the absolute accuracy of the report. We would propose that in the first sentence of paragraph 24, the

entire text of that sentence, after the words “at the twenty-ninth session” be deleted and replaced with the following text. “... of the Legal Subcommittee and the forty-third session of the Committee on the Peaceful Uses of Outer Space in 2000 as reflected in the reports on those sessions A/AC.105/738, paragraphs 91, 113 and A/55/20, paragraphs 154 and 167”.

Mr. Chairman, we have already made a copy of the proposed text available to the Secretariat and I would like to express our gratitude for the help offered to us by the Secretariat. Thank you.

**The CHAIRMAN:** Thank you very much distinguished representative of Bulgaria for your proposal and also for your submission of this proposal to the Secretariat in writing.

Any comments on this particular amendment? I see none so we can consider the chapeau of paragraph 24 as amended by the distinguished representative of Bulgaria as adopted. *It is so decided.*

We have still two subparagraphs of the same paragraph, name subparagraph (a) and subparagraph (b).

Any problems? Any comments? Nothing. *It is adopted.*

Paragraph 25. Any comments? I see none. *Paragraph 25 is adopted.*

Paragraph 26. Any comments? I see none. *Paragraph 26 is adopted.*

Paragraph 27. Any comments? *It is adopted.*

Paragraph 28. Any comments? *It is adopted.*

Paragraph 29. France.

**Mr. M. LAFFAITEUR** (France) (*interpretation from French*): Thank you Mr. Chairman. At end of paragraph 29, I am reading the French version here where it talks about the forty-first session on its activities relating to a review of existing norms of international law applicable to space debris under agenda item 5. There is a portion of the phrase that will have to be replaced because, in fact, the study that this European Centre for Space Law will not be focused on a review of existing norms. It will be a review of the general problem of space debris from a legal point of view. So I would prefer to have this read “that they will be reporting to the Subcommittee on this topic”, purely and simply reporting on this topic.

**The CHAIRMAN:** So that in English it would read the delegation also noted that the European Centre for Space Law planned(?) to report to the Subcommittee at its forty-first session on its activities relating to this subject or that subject. Any comments? No comments. *It is adopted.*

The Russian Federation on the same paragraph or on the next paragraph? The same, 29? It is still under discussion.

**Mr. Y. M. KOLOSOV** (Russian Federation): Thank you Mr. Chairman. We are seeking for a clarification. The second sentence begins with the words “that delegation”, which one? Because in the previous sentence, two delegations were mentioned, Czech Republic and Greece and here the second sentence is saying about that delegation. Which delegation do we clearly mean? Thank you.

**The CHAIRMAN:** Unfortunately, we do not have here the distinguished representative of Greece. I would simply suggest to say those delegations. Distinguished member of the Secretariat, Mr. McDougall has the floor.

**Mr. P. R. McDOUGALL** (Deputy Secretary): Thank you Mr. Chairman. I appreciate it. In an attempt to clarify the words “that delegation” does not, in fact, refer to either the Czech Republic or Greece. It refers to the delegation that made the statement who is otherwise referred to in the first sentence by the terms “the view was expressed”. So it is a continuation of the ideas expressed by a single delegation and to my recollection, it was neither the Czech Republic or Greece, it was another delegation who, in fact, suggested an amendment just a few moments ago. Thank you.

**The CHAIRMAN:** As I understand it now, the words “that delegation noted” refers to the beginning of this paragraph that the view was expressed so it was the same delegation that expressed the above view but, of course, this is anonymous and we also put it in an anonymous way if we do not identify that it was just the delegation of, let us say, a particular country.

The Russian Federation has the floor.

**Mr. Y. M. KOLOSOV** (Russian Federation): Yes, Mr. Chairman, we recognize the right of any delegation to remain anonymous without asking somebody to confess that it was their statement, but \_\_\_\_\_ is that that delegation also noted that the

European Centre for Space Law lent the report. It means that the delegation was speaking on behalf of the European Space Centre and I am not sure whether it was the representative of the European Space Centre who was talking about their plans. In that case, we cannot say that delegation but if it was any delegation then probably without mentioning the country we can, for our personal notes, still take note what delegation was it. Thank you.

**The CHAIRMAN:** Does any delegation want to identify itself? I am not quite sure whether it was a delegation or a representative of an observer. The distinguished representative of France has the floor.

**Mr. M. LAFFAITEUR** (France) (*interpretation from French*): I apologize. I was reading the English version of paragraph 20 so I was on something else actually. Well, paragraph 29, actually reflects the French position and I am happy with paragraph actually.

**The CHAIRMAN** (*interpretation from French*): Does this satisfy the representative of the Russian Federation. Very well, thank you.

(*Continued in English*) May I assume that paragraph 29 is now adopted? *It is so decided.*

Paragraph 30. The chapeau first. No objections.

Subparagraphs (a), (b), (c), (d), (e) and (f). No comments? *It is adopted.*

Paragraph 31. No comments? *Paragraph 31 is adopted.*

Paragraph 32. Any comments? *It is adopted.*

Paragraph 33. Any comments on 33? None. *Paragraph 33 is adopted.*

Paragraph 34. The distinguished representative of Chile has the floor.

**Mr. R. GONZÁLEZ** (Chile) (*interpretation from Spanish*): Thank you Mr. Chairman. Just a point where it says for universal acceptance, as well as promotion of space law and we believe as well as the promotion of space law which is wrong in Spanish, it says "al"(?) instead of "del". So "del" it should be in Spanish. It is a Spanish language problem.

**The CHAIRMAN:** Yes. The other Spanish-speaking delegations agree with this? Yes. So I rely on your advice of the Spanish-speaking delegations and I believe that this amendment in the Spanish version of this particular paragraph is adopted. *It is adopted.*

Paragraph 35. The distinguished representative of the United States of America.

**Mr. K. HODGKINS** (United States of America): Thank you Mr. Chairman. Mr. Chairman, my delegation has a question about this paragraph. I think all members in this Subcommittee are aware there are many proposals that we have made over the years, some of the good and some of them bad, some of the indifferent, but never one of relatively little importance. What confuses my delegation is the connection between it being of relatively importance and the next sentence dealing with the fact that if matters of significant importance continue to be excluded from the agenda than the Subcommittee's ability to live up to its *raison d'être* would be jeopardized. I do not whether anybody is prepared to identify themselves with these two views, it creates, in our minds, a certain amount of confusion as to what the point of the paragraph is other than to point out the relative or lack thereof importance of our proposal. Thank you Mr. Chairman.

**The CHAIRMAN:** Yes. Do you propose any change in the wording of this paragraph?

**Mr. K. HODGKINS** (United States of America): Unless it can be changed in such a way that the paragraph makes sense, my proposal would be to delete it.

**The CHAIRMAN:** The whole paragraph?

**Mr. K. HODGKINS** (United States of America): Certainly. It is clear that our proposal did not enjoy consensus, if the delegation expresses view and feel strongly, we are not going to stand in their way but I think in terms of clarity of the report, we would suggest either changing it or deleting it. Thank you.

**The CHAIRMAN:** Thank you very much distinguished representative of the United States. I believe that since this paragraph should have expressed the view of one delegation and the same delegation now is ready to leave this paragraph out, we have to meet this proposal so that paragraph 35 is now deleted from the draft report. *It is so decided.*

Paragraph 36. (*interpretation from French*). The distinguished representative of France has the floor.

**Mr. M. LAFFAITEUR** (France) (*interpretation from French*): I think 36 does not really serve a purpose now either.

**The CHAIRMAN:** Yes, I understand. Indeed, this observation of the distinguished representative of France is correct because it refers to the deleted paragraph. (*interpretation from French*) Did I understand you correctly to the effect that you believe it should be deleted?

**Mr. M. LAFFAITEUR** (France) (*interpretation from French*): 36 reflects a part of my statement made a couple of days ago. It is not indispensable, so if the United States would rather delete 35 then the same could apply here.

**The CHAIRMAN:** We have here the suggestion of France that this particular paragraph too could be deleted. *It is so decided.*

Paragraph 37. The distinguished representative of China.

**Mr. LIU YINGHAI** (China) (*interpretation from Chinese*): Thank you Mr. Chairman. The Chinese delegation has a suggestion to make a minor amendment in the English, “the Subcommittee should be only”. This term should be replaced by “can only be engaged in following deliberations” and so on.

And then in this same paragraph, the Chinese translation is not precise. It is not accurate. For instance, the term “consideration” has not been translated into Chinese. According to the Chinese, it means the Scientific and Technical Subcommittee will consider this issue immediately after this consideration the Legal Subcommittee will take it up”. This is the Chinese translation which is not correct. So “consider it” does not mean discussion or examination. Therefore, the Chinese version should be adjusted, namely, “and then the Legal Subcommittee will consider whether it is appropriate to discuss the issue”. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you very much distinguished representative of China. So first, your earlier suggestion, my understanding was that the word “should” should be replaced by “can” in the third line of this paragraph. Yes? “The view was expressed that any consideration of the topic of international cooperation in limiting control of the space advertising

by the Legal Subcommittee, can only be engaged in following deliberations within the Scientific and Technical Subcommittee”. Is it correct? Yes.

And as to the adjustment of the Chinese version, so may I kindly ask you to cooperate with the Secretariat in adjusting this text to the other language versions of the report.

Any comments on these amendments, at least on the first of them? No comments. *It is adopted. Paragraph 37 is adopted.*

Paragraph 38. I see no comments. *Paragraph 38 is adopted.*

Paragraph 39. The Russian Federation.

**Mr. Y. M. KOLOSOV** (Russian Federation): Thank you Mr. Chairman. I think that many delegations were of the view that the continuation of the consideration of the issue on the definition and delimitation of outer space is a main and necessary subject item of the agenda. Therefore, we must start, begin this paragraph 39 with the words “other delegations”.

**The CHAIRMAN:** Yes. We have had before “some delegations” or “other delegations” and then in the second sentence would be “those delegations”.

**Mr. Y. M. KOLOSOV** (Russian Federation): And consequential change in the second sentence of the same paragraph.

**The CHAIRMAN:** Very good. Any comments. *Paragraph 39 is adopted.*

Paragraph 40. No comments? *Paragraph 40 is adopted.*

Paragraph 41. (i). Opening of session, statement by the Chairman, general exchange of views, status and application of the five United Nations treaties, information on the activities of international organizations, matters relating to the definition and delimitation and the character and utilization of the geostationary orbit.

(ii). Single issues/items for discussion, review and possible revision of the principles relevant to the use of nuclear power sources.



8. Consideration of the draft convention on the International Institute for the Unification of Private Law and of the preliminary draft protocol.

(iii). Agenda items considered under the work plans, review of the concept of the launching State.

(iv). New items/proposals to the Committee for new items to be considered by the Legal Subcommittee at its forty-second session.

Any comments on this? I see none.  
*Paragraph 41 is adopted.*

Before considering paragraph 42, I would like to draw your attention that we have left open some paragraphs. The first one is in document L.228, paragraph 28 and we should have received new text from the Russian delegation for this particular paragraph. Will the distinguished representative of the Russian Federation read this new text?

**Mr. Y. M. KOLOSOV** (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. We had proposed basing ourselves on the Russian text. It called upon Member States to make statements in accordance with paragraph 3 of 2777 (26) undertaking to recognize on a reciprocal basis the obligatory nature of decisions of the Claims Commission. And that is it.

**The CHAIRMAN:** Distinguished representative of the Russian Federation, would you be so kind as to provide an English translation of your proposal. Perhaps it would help very much in this area.

**Mr. Y. M. KOLOSOV** (Russian Federation): We would urge States to make declarations in accordance with paragraph 3 of resolution 2777 (26) to take an obligation, instead of binding themselves, to take obligations on a reciprocal basis to recognize the mandatory character of the decisions of the Claims Commission. The idea is that the States are making declarations, that they will consider the decisions of the Claims Commissions to be mandatory, that is the idea, which is not reflected properly both in the English and Russian versions. Because, you see, in the convention, the conclusions and decisions of the Claims Commission are recommendations but there was a proposal that the States Parties to the Convention make special declarations in accordance to which they will recognize that the decisions will not be recommendations but will have a mandatory character. That is what was meant and should be reflected.

**The CHAIRMAN:** Yes, I understand what you mean, distinguished representative of the Russian Federation. However, I would like to draw your attention to the language of Article 19, paragraph 2 of the Liability Convention which speaks about the decision of the Commission shall be final and binding if the Parties have so agreed. You quoted this provision correctly but I would like to say that instead of the adjective “mandatory”, perhaps the term “binding” should be used. Because in this case, you might put a question, what is the difference between to make something mandatory and something binding, for reasons of uniformity of terms, I would prefer the word “binding” character. Could you agree?

**Mr. Y. M. KOLOSOV** (Russian Federation): Thank you Mr. Chairman, of course, we can agree but one thing should be clear that in the Convention, Article 19, paragraph 2, the concrete dispute is manned between the two concrete Parties in dispute and if they agree, of course, the decision will have binding character. But in this paragraph 28, we are speaking not about that mechanism, we are talking about the declarations which are made by analogy with the declarations to the International Court of Justice, where the States can make declarations, that the jurisdiction of the court will be mandatory for them, or compulsory, I am sorry, yes. Here is the same thing. So this is not the declaration in relation to a certain State and concrete dispute, it is a declaration, so to say, for the future, for any decision of the Claims Commission. Thank you.

**The CHAIRMAN:** Thank you. Any comments on this particular point? We have here the text of the relevant resolution adopted by the General Assembly. It means of resolution 2777 adopted by the twenty-sixth session of the General Assembly Convention on International Liability for Damage Caused by Space Objects and in paragraph 3 of the operative part of this resolution, we have this language, “notes that any State may, on becoming a Party to the Convention, declare that it will recognize as binding in relation to any other States accepting the same obligation, the decision of the Claims Commission concerning any dispute to which it may become a Party”, so that the term “binding” is used and I would, therefore, recommend to use it also in your proposal.

I thank the distinguished representative of the Legal Office of the United Nations for providing to me so promptly the text of resolution 2777. Thank you Mr. Terekhov.

With these interventions and the results of our small discussion, can the text of paragraph 28 be adopted? *It is so decided.*

We have here paragraph 20 of L.228/Add.3, namely concerning the English version of the French amendment that was submitted a few minutes ago. Perhaps I could kindly request the Secretariat to read it or if you wish to read it yourself. You have the floor.

**Mr. M. LAFFAITEUR** (France)  
(*interpretation from French*): Thank you Mr. Chairman.

(*Continued in English*): Why, in the French the provisions are very strict to forbid the use of other languages in official meetings but no doubt to help in this process, I am going to bypass these instructions.

The text in English is “the Legal Subcommittee agreed to the establishment of an ad hoc consultative mechanism to review the issues relating to this item in accordance with the proposal introduced by the delegation of Belgium. This mechanism will make it possible to undertake preparative work to hold during the forty-fourth session of the Committee on the Peaceful Uses of Outer Space in June 2001 and to pursue them by all possible means at the convenience of interested Member States with assistance from representatives of the Secretariat, UNIDROIT and relevant specialized international organizations, in particular(?), ITU and ESA, with a view to facilitating the work of the Subcommittee in examining in detail the numerous issues relating to the topic within a timeframe appropriate to the importance of this initiative. This mechanism would act under the aegis of the Legal Subcommittee and the results of consultations undertaken through the mechanism would be reported to the Subcommittee at its forty-first session in 2002 for its consideration and endorsement as it deemed appropriate.

The Legal Subcommittee noted with interest France’s readiness to host, in the context of this process, a working meeting in Paris in September 2001”.

**The CHAIRMAN**: Thank you very much distinguished representative of France for your reading of the English version of the amendment that you have submitted originally in French to paragraph 20.

Is the text as it was re-drafted and read by the distinguished representative of France acceptable to all delegations? The representative of the Russian Federation.

**Mr. Y. M. KOLOSOV** (Russian Federation): Thank you Mr. Chairman. I was not quick enough to write down the very last sentence which was read out by the distinguished delegation of France. It was, I think, the changes, some of significant, instead of consultations, not within the framework of the Subcommittee, there is something about, it looks like that it is within the framework or under the aegis of the Subcommittee, and not consultations, but something more than that. Could you please kindly ask the Secretariat to read out the last sentence of the new French version. Thank you.

**The CHAIRMAN**: I am ready to ask the Secretariat. I only would like to ask the last sentence of this text is, “the Legal Subcommittee noted with interest France’s readiness to host, in the context of this process, a working meeting in Paris in September 2001”. Was it this sentence? So read it once again please.

**Mr. P. LÁLA** (Secretary): Thank you Mr. Chairman. I can do that and if you wish, we can also circulate the text. But I can read it for the benefit of delegations.

“The Legal Subcommittee noted with interest France’s readiness to host, in the context of this process, a working meeting in Paris in September 2001”. Thank you Mr. Chairman.

**The CHAIRMAN**: To explain it, we have consultations with the French delegation about this particular paragraph and the term “working meeting” was used for the purposes of the French authorities. We would like to avoid the translations into French which would be otherwise mandatory in this case but if it is called here for the purposes of the French authorities, “working meeting”, just for this purpose, nothing else, then we could avoid any translation of the language of the consultations. This is my explanation of this term “working meeting”.

Would you concede this?

**Mr. Y. M. KOLOSOV** (Russian Federation): Mr. Chairman, thank you very much. I understand it but it is quite an unusual thing when one language version speaks about something different what is reflected in other language versions. With all due respect to the French authorities, Mr. Chairman, the working meeting of what body? Informal consultations are one thing and the working meeting is quite a different thing. We did not discuss that.

**The CHAIRMAN:** Thank you. The distinguished representative of France will explain it better than I.

**Mr. M. LAFFAITEUR** (France) (*interpretation from French*): Thank you Mr. Chairman. In the text that I proposed, I showed that informal consultations make up a whole, to begin with the meeting in June and to finish when, if we can, we adopt the report in April 2002. These informal consultations would take on several forms. The first of these would be consultations here in June followed by work to be done either by e-mail, fax or phone between the different countries with the assistance of the Secretariat. Then we will have the meeting in Paris, which is just one step in the process. After that, we continue with our informal consultations until we finish the work.

So we say that it is a working meeting in Paris that fits within the whole process known as informal consultations. To avoid any difficulties linked to the English term, I would like to be able to write this in all languages, not only English or French, that this is a working meeting within the framework of the informal consultations, which is clearly mentioned at the beginning of the paragraph. I hope that has been clear. Thank you.

**The CHAIRMAN:** Thank you distinguished representative of France. The distinguished representative of China has the floor.

**Mr. LIU YINGHAI** (China) (*interpretation from Chinese*): Thank you Mr. Chairman. Just now I listened carefully to the English version of the French proposal. I think it did not reflect the concern of the Chinese delegation. Our amendment has not been reflected in this proposal. For example, it said with the assistance of the Secretariat, etc. All these are parallel. We cannot accept this. We propose that this English proposal, English version, can be distributed to all the delegations and maybe after a few minutes we can talk about this issue.

**The CHAIRMAN:** Thank you distinguished representative of China. Your view will be, of course, taken into account but I will still give the floor to the distinguished representative of the United States.

**Mr. K. HODGKINS** (United States of America): Thank you Mr. Chairman. I would just like to make several comments. First, I think that the proposal made by the delegation of France is a very constructive proposal and the Government of France's willingness to host an activity, should I say, or

consultations or working meeting, to help us in our consideration of the UNIDROIT Protocol, is quite generous and, in my delegation's view, we should do what we can to help France and the delegation of France in making this first round of discussions a reality. We are not too concerned about the terminology so long as we all understand exactly what the results will be and how the results will be considered by the Legal Subcommittee.

My second suggestion regards parenthetical phrase after "international organizations", we list ITU and ESA. I am not sure that we need to be restrictive. We could add the words "such as" or "for example" because there may be some other international organizations that might have an interest in participating.

And thirdly, we took note of the original proposal for modifying paragraph 20 by the delegation of China. We have no problem with that particular change and we think that probably that would be an acceptable change to the new paragraph suggested by France. Thank you.

**The CHAIRMAN:** Thank you distinguished representative of the United States for your approach to this issue. I saw the distinguished representative of France approving or nodding to the last suggestion made by the distinguished representative of the United States and perhaps this might satisfy the distinguished representative of China because, in this way, his own proposal of the wording of this paragraph concerning the participants to this mechanism would be satisfied because it was your language that you proposed.

**Mr. LIU YINGHAI** (China) (*interpretation from Chinese*): Thank you Mr. Chairman. We still want to ask, through you, the Secretariat to read the proposed new wording of this paragraph.

**The CHAIRMAN:** Under these conditions, I have to suspend the meeting for a few minutes but, indeed, only for a few minutes, thus enabling the Secretariat to put in writing the exact wording of the whole text. Thank you very much. But please stay around somewhere and we will continue as soon as we have this text.

*The meeting was suspended at 4.25 p.m.*

*The meeting resumed at 4.52 p.m.*

**The CHAIRMAN:** Distinguished delegates, the Subcommittee is again in session. We will now

listen to the Secretary who will read the text as adjusted in consultations with the Chinese delegation. The Secretary has the floor.

**Mr. P. LÁLA** (Secretary): Thank you Mr. Chairman. I will try to read paragraph 20 of Addendum 3 as amended by the delegations of France and China.

“The Legal Subcommittee agreed to the establishment of an ad hoc consultative mechanism to review the issues relating to this item in accordance with the proposal introduced by the delegation of Belgium. This mechanism will make it possible to undertake preparatory work, to hold informal consultations during the forty-fourth session of the Committee on the Peaceful Uses of Outer Space, in June 2001, and, if necessary, inter-sessional consultations at the convenience of interested Member States with the participation of the representative of the Secretariat of the Subcommittee, to which representatives of the Secretariat of UNIDROIT and relevant specialized international organizations may also be invited, with a view to facilitating the work of the Subcommittee in examining in detail the numerous issues relating to the topic within a timeframe appropriate to the importance of the initiative. This mechanism would act under the aegis of the Legal Subcommittee and the results of consultations undertaken through the mechanism would be reported to the Subcommittee at its forty-first session, in 2002, for its consideration and endorsement, as it deemed appropriate. The Legal Subcommittee noted with interest France’s readiness to host, in the context of this process, a working meeting in Paris in September 2001”.

Thank you Mr. Chairman.

**The CHAIRMAN:** Any comments on this text? I see none. *It is adopted.*

Distinguished delegates, I still have paragraph 42 of the document L.228/Add.3 but it is formal text only. The full text of the statements made by the delegations during the discussion on agenda item 10 is contained in annotated verbatim transcripts, so I think this is acceptable to all. *It is so decided.*

Distinguished delegates, having just completed paragraph by paragraph adoption of the draft report of the Subcommittee, I now suggest we adopt the report of the Subcommittee as a whole. May I take it that this Subcommittee adopts its report as a whole as amended during our discussions, paragraph by paragraph? I see no objection. *It is so decided.*

This report is adopted.

Distinguished delegates, I will now conclude the 655<sup>th</sup> meeting and, by the same token, the fortieth session of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

This meeting and session are adjourned. Thank you.

*The meeting closed at 4.56 p.m.*