

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

Unedited transcript

654th Meeting

Thursday, 12 April 2001, 10 a.m.

Vienna

Chairman: Mr. Kopal (Czech Republic)

The meeting was called to order at 10.12 a.m.

The CHAIRMAN: The meeting on the Peaceful Uses of Outer Space is now in session.

I declare the open the 654th meeting of the Legal Subcommittee. Before proceeding with our regular business, let me make the following observation and information.

At the beginning of our session, I recalled that this was the fortieth session of the Legal Subcommittee. This was not a real anniversary. This was just commemoration of the fortieth session of this body in the series of its sessions starting from 1962 but today could, and should, commemorate a real anniversary, a real fortieth anniversary, that of the first space that was accomplished on 12 April 1961 by a Russian, Yuri Gagarin. His courage and achievement can be compared with those of the great discoverers of the past. It opened new horizons, new frontiers for human endeavours. It was not a simple coincidence that within a year after that first manned flight, the Committee on the Peaceful Uses of Outer Space started its real discussions and work and within the same year, two Subcommittees of the Committee on the Peaceful Uses of Outer Space were established and also started its effective work. One of these Subcommittees has been our Legal Subcommittee.

And in a couple of years, the first outer space treaty, the 1967 Treaty on the Principles of Activities of States in Outer Space, including the Celestial Bodies, was negotiated, concluded, signed and entered into force. So there is a certain connection between the first achievements in space activities and the legal effect of these activities.

Other important achievements followed during the 40 years that have now elapsed. First of all, I should mention here the United Nations Conferences on Outer Space, the first one was held in 1968 just one year after the conclusion of the Outer Space Treaty and the third one was held recently in 1999 and it is still in our good memories. But also other achievements in space exploration followed.

I have to remember the launching of the first orbital stations. I have to recall the flight of the first re-usable space vehicle, US Space Shuttle, which, by the way, also occurred during a session of our Legal Subcommittee 20 years ago in Geneva.

And, of course, I have also to remember achievements that perhaps might be more modest but still also important under the programme of space applications which has been successfully developed under the scope of the United Nations activities in order to bring the benefits of space exploration and space activities to all countries, particularly to the developing countries.

And finally, I would like to recall the present build-up of an international space station which is still going on and will be completed during the next years of this century.

I believe that the fortieth anniversary of the first human flight in outer space which gave such a great impetus to the development of space activities is also important to commemorate for our future work because our task is to progressively develop the rule of law for space activities, the rule of law for outer space.

Distinguished delegates, I would like also to inform you that the Secretary-General of the United

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Nations issued a message on the fortieth anniversary of Yuri Gagarin's flight and the twentieth anniversary of the launch of the first US Space Shuttle today and that the full text of this message is available to you as a document of our Legal Subcommittee. I appreciate very much that the Secretary-General, the highest administrative officer of the United Nations has paid great attention to this anniversary and to space activities and also to our endeavours.

Moreover, I would like to inform you about an initiative of a Space Youth Advisory Council which prepared for you the following announcement.

"Dear delegates, the Space Generation Advisory Council is honoured and privileged to share with you the efforts of the youth of the world to celebrate the final annual Yuri's(?) night, this 12 April 2001. Forty-eight cities will be celebrating the fortieth anniversary of Yuri Gagarin's flight, the first human to orbit the Earth and the twentieth anniversary of the first Space Shuttle flight. We felt that these amazing international achievements falling on the same day warranted a commemoration of the increasingly important role international cooperation plays in our human endeavours in space.

Only of the UN Space Generation Forum, the International Space University and other space advocates around the world have joined together in this unique celebration of youth, passion, space, music and our future, together as a planet.

Already we are working with our friends in Chile, Turkey, Canada, Russian, Japan, Pakistan, Tanzania, United Kingdom, Australia and 15 other countries to plan events that will be linked together through webcasts, chat rooms and digital images. The bonds we forged at UNISPACE-III and at the Graz Conference as well as other international space events have brought the global youth community together and we are working now to create the future we believe in, our future together as a spacefaring planet.

By celebrating the excitement of space through music and dance, we are hoping to spread interest in space among our generation. We are committed to sharing this vision with the world and bringing our energy and vigour to the United Nations, the space organizations, companies and agencies of the world and their projects.

We invite you to join in our virtual celebration and look forward to joining you this October in the observances of International World Space Week.

Thank you. S.G.A.C. and the Global Yuri's Night Team"

I have now filled my duties relating to the commemoration of this important anniversary and I now recognize the distinguished representative of the Russian Federation, to whom I give the floor.

Mr. P. G. DZIUBENKO (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. Mr. Chairman, ladies and gentlemen, I would like to thank you for your very kind words and that on the occasion of the anniversary of Yuri Gagarin's first flight in space and, I must say, it is an event that was indeed very important. It is not only something for which we should feel proud in Russia, the flight of Yuri Gagarin belongs to all of mankind and it is mankind as a whole that should share the pride. This opens space to all humanity. It is the first trip into space. The first conquest of space.

What is symbolic is that now, with the fortieth anniversary of a man's voyage, we also see that it is the fortieth anniversary of our Legal Subcommittee. And this coincidence is not something gratuitous.

Man went into space giving impulse to technical progress of humanity and the international community has thus been driven to work for new norms and international law and law of the space. And this whole process has evolved greatly and the Committee on the Peaceful Uses of Outer Space of the United Nations is the Committee that helped forged the law. It is the backbone. And for the last 10 years it has been the Legal Subcommittee that has been the backbone of COPUOS.

It has been 40 years that man has been working in space which has also led to technical results and achievements leading on to new activities in space and we believe that COPUOS is extremely important, the Legal Subcommittee is also important and what we have to do is seek the responses to questions that arise, taking part in development and promoting the development of space.

Today, we want to say that it is our hope that when we meet again for the fiftieth anniversary of the Subcommittee, we might also be celebrating the fiftieth anniversary of man's voyage into space, a half century of the new space age for humanity and let us hope that, on that occasion, we will be able to observe the grand achievements of our Subcommittee over the 10 years that we will have seen gone by and that we can continue to develop space law which, alongside

technology, should serve the well-being of all mankind in further developments of space activity. Thank you.

The CHAIRMAN (*interpretation from Russian*): I thank the representative of the Russian Federation.

Agenda 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

(*Continued in English*) Distinguished delegates, we shall now continue in our regular business and we will now conclude our consideration of agenda 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.

The only issue remaining is the proposal from Greece on agenda item 4. As I mentioned at the end of yesterday afternoon's session of the Subcommittee, informal consultations on this issue managed to reach a consensus. As promised, I will now read out the text of this consensus agreement.

First, the title of agenda item 4 would remain unchanged and would continue to read "Status and application of the five United Nations treaties on outer space".

Second, a working group would be established under agenda item 4 to consider the following issues: (a) status of the treaties, review of their implementation and obstacles to their universal acceptance; and (b) promotion of space law through the United Nations Programme on Space Applications.

Agenda item 7, entitled "Review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space" would remain on the agenda for next year's session of the Legal Subcommittee.

May I take it that this consensus is agreeable to delegations?

If there is no objection, *it is so decided*.

We have, therefore, concluded our consideration of item 4 and item 10.

Distinguished delegates, I will shortly suspend this meeting of the Subcommittee so that the Working Group on Agenda Item 6 can meet to adopt its report. I

then intend to re-open this meeting of the Subcommittee so that we can adopt the report of the Subcommittee. Unless I see any objection against this proceeding, this meeting of the Subcommittee is suspended. I recognize the distinguished representative of Egypt.

Mr. K. EL-HUSSAINY (Egypt): Thank you Mr. Chairman and good morning ladies and gentlemen. Concerning the meeting of the Plenary here, it will be in the afternoon by 3.00 p.m. or just after the Working Group finishes? That is all what I want to be clear on.

The CHAIRMAN: Thank you distinguished representative of Egypt. Immediately when the Working Group and its consideration of its report, we will re-open the formal session of the Subcommittee and we will endeavour to finish our business as soon as possible. Thank you.

The meeting was suspended at 10.30 a.m.

The meeting resumed at 11.22 a.m.

The CHAIRMAN: Distinguished delegates, I now re-open this meeting of the Subcommittee.

I would note that both Working Groups have now adopted their reports. I, therefore, suggest that this Subcommittee endorses the reports of the Working Groups on agenda items 6 and 9, and closes its consideration of agenda items 6 and 9.

Is there any objection against this decision? (*interpretation from French*) The distinguished representative of France at this point perhaps would like to offer something. You have the floor Sir.

Mr. M. LAFFAITEUR (France) (*interpretation from French*): Thank you very much Mr. Chairman. Well, I was informed, thanks to the interpreters that the English version of paragraph 9 had used the word "agreed" which is very different from a decision. So in that case, I would like it if the French version could be simply aligned on the English version. That would solve a part of the problem, in any case. Thank you very much Mr. Chairman.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative of France. I think you are entirely right because the French version, of course, has to be very accurately and must reflect exactly what was said in the English version. It must be aligned with the English version. Thank you very much for your understanding.

If there is no other observation or objection on these reports of our Working Groups, may I assume that it has been approved by the Subcommittee? *It is so decided.*

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

Distinguished delegates, I would now like to proceed with adoption of the report of the Subcommittee and would first like to give the floor to the Secretary, who will brief us on the documents before us. Mr. Secretary, you have the floor.

Mr. P. LÁLA (Secretary): Thank you Mr. Chairman. For the benefit of delegations, I would like to just list the documents which you should have in front of you. If there is any document that is missing, you can ask here for additional copies.

We have in front of us now the full report of the Subcommittee which consists of the following document. Document A/AC.105/C.2./L.228 which contains introduction; the text of item 4, status and application of the five United Nations treaties on outer space; item 5, information on the activities of international organizations relating to space law; item 7, review and possible revision of the principles relevant to the use of nuclear power sources in outer space.

The document with the same number but Addendum 1, contains text of item 6, matters relating to the definition and delimitation of outer space and to character and utilization of the geostationary orbit.

Document Addendum 2 contains item 9, review of the concept of the launching State.

And Addendum 3 contains 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.

And finally, 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 is the whole set of documents. I would just like to clarify that, of course, the final report, the order of items in the final report will be according to their numbers, just not to skip from one document to another. The document that we put it in different order

but the final order will be, of course, adjusted. Thank you Mr. Chairman.

The CHAIRMAN: Thank you Mr. Secretary for your advising us about how to make order in all these papers which are before us and I would now like to consider the draft report, paragraph by paragraph, starting with document A/AC.105/C.2/L.228. Let us start.

Introduction. A. Opening of the session and election of the Chairman, paragraph 1. Any suggestions. I see none. *It is adopted.*

Paragraph 2. *It is adopted.*

Paragraph 3. *It is adopted.*

B. Adoption of the agenda.

The chapeau of paragraph 4. *It is adopted.*

Now all points of the agenda. *It is adopted.*

C. Attendance, paragraph 5. *It is adopted.*

Paragraph 6. *It is adopted.*

Paragraph 7. It will be, of course, completed by the Secretariat. *It is adopted.*

Paragraph 8. *It is adopted.*

D. Organization of Work.

Paragraph 9. The chapeau. *It is adopted.*

A. *It is adopted.*

B. *It is adopted.*

C. *It is adopted.*

Paragraph 10

The Russian Federation has the floor.

Mr. Y. KOLOSOV (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. Paragraph 10. In paragraph 10, it refers to the utilization of Conference Services and the decision-making bodies of the United Nations. Is the Subcommittee actually a deliberating body or a decision-making body?

The CHAIRMAN: If I understood you correctly, distinguished representative of the Russian Federation and I am speaking English because we work with the English text, you suggest to substitute “decided” for “deliberative”?

Mr. Y. KOLOSOV (Russian Federation): It was a suggestion, not proposal. I am indeed a little bit astonished that our body, a formal Subcommittee of COPUOS which is a Committee of the General Assembly of the United Nations is called deliberative body. I do not believe it. Only deliberating, we are doing something else. I am not sure what the word should be.

The CHAIRMAN: Could we not say simply “by all United Nations body” instead of it. Yes. So we will delete deliberative. Thank you very much.

Paragraph 10. As a mandate on the basis of the Russian remark. *It is adopted. It is so decided.*

Paragraph 11. No objections? *It is adopted.*

Paragraph 12. The Russian Federation.

Mr. Y. KOLOSOV (Russian Federation) (*interpretation from Russian*): Thank you. We would like the Secretariat to specify the dates for the next session. This year, we shortened the session because tomorrow is Good Friday and Easter holidays are ahead. Will there be Easter holidays next to next year’s session. Why was it shortened? Please.

Mr. P. LÁLA (Secretary): With your permission, Mr. Chairman. Yes, you are right. It happened that way. We have Easter holidays at the end of this year’s session and we will have Easter holidays before the start of our meeting next. So next year we should start on 2 April on Tuesday because Monday is a holiday so that is why we put 12 so the dates are correct. Thank you.

The CHAIRMAN: Has it been clarified? Thank you very much for your cooperation.

Paragraph 12, as it was explained by the Secretary. Is it adopted? *It is adopted.*

Part E. Adoption of the Report of the Legal Subcommittee.

Paragraph 13. Again it should be completed by the Secretariat, the figures here. *It is adopted.*

Paragraph 14. Again to be completed by the Secretariat. No comments? *It is adopted.*

II. General exchange of views.

Paragraph 15. All delegations that have made statements are listed here. Yes. *It is adopted.*

Paragraph 16. Yes, the distinguished representative of the Russian Federation.

Mr. Y. KOLOSOV (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. After paragraph 15, we would like to suggest paragraph 15 *bis* and in 15 *bis* it would be a reflection of the fact that the Secretary-General of the United Nations Organization sent us a letter and that because of the fortieth anniversary of manned flight into space and it could also cover what was said by the Space Generation Advisory Council as mentioned by the Chairman of the Committee. And the milestones in aeronautics with the twentieth anniversary of the re-usable object being sent out into space. Would you like me to repeat this in English or is it clear?

Continued in English) The Secretary-General sent to us his address on the occasion of the fortieth anniversary of the first human flight in space that you, yourself, mentioned several outstanding achievements of humanity including the first manned space flight and including the twentieth anniversary of the re-usable space object and perhaps maybe even the fact that the Space Generation also mentioned this occasion. I think this is the proper place, it might be, in paragraph 15 *bis*. Thank you.

The CHAIRMAN: I thank the distinguished representative of the Russian Federation. Any other comment on this proposal? I see none. *It is adopted.*

And perhaps I would ask the Secretariat to include a proper and exact formulation of your proposal. Do you agree, Mr. Kolosov? Yes, thank you.

Paragraph 16, which will now become paragraph 17 and so on. The present paragraph 16. No comments. *It is adopted.*

Paragraph 17. No comments? *It is adopted.*

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

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

Part III. Status and application of the five United Nations treaties on outer space.

Paragraph 20. No comments. *It is adopted.*

Paragraph 21. No comments. *It is adopted.*

The chapeau adopted, then A, subparagraph (b), subparagraph (c), subparagraph (d) and subparagraph (e). This is just the list of United Nations space treaties so there is nothing to be said. And the following paragraph after this list. The remaining part of paragraph 2, *adopted. The whole of paragraph 21 is adopted.*

Paragraph 22, subparagraph (a), (b), again just listing of the documents submitted to the Subcommittee. *Adopted.*

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

Paragraph 24. *Adopted.*

Paragraph 25. *Adopted.*

Paragraph 26. *Adopted.*

Paragraph 27. No comments. *Adopted.*

Paragraph 28. Yes, the Secretary has the floor.

Mr. P. LÁLA (Secretary): Thank you Mr. Chairman. There is a little comment or error in the first line of page 7. You should change 1998 to 1999. Thank you Mr. Chairman.

The CHAIRMAN: The Russian Federation has the floor.

Mr. Y. KOLOSOV (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. It seems to us that the idea is not fully clear on statements by States on recognition of binding jurisdiction of the Commission under the Liability Convention. It says that it is binding if agreed before hand, although it is put in different terms.

Here it seems something similar to binding decisions of the International Court of Justice, decisions that are binding, thus, would mean that States making declarations are bound. This idea was put forth two years ago but as set out in the English and Russian language versions, it is not easy to understand. It says binding themselves on a reciprocal basis and so on to the decisions of the Convention.

It might be clear in the English language version. However, in Russian it is not absolutely clear. In Russian, it says “urge States to make declarations under paragraph 3 of the resolution undertaking on a reciprocal basis to observe the decisions of the Claims Commission” and that is not exactly the case. The Russian language version should urge States to make declarations in accordance with paragraph 3 of the resolution 2777 recognizing the obligatory nature of decisions of the Claims Commission on a reciprocal basis.

The Russian text should be re-worded and there might be room for improvement in the English text as well.

The CHAIRMAN (*interpretation from Russian*): Could you please re-read your proposal and that regarding the Russian language text and I would like to ask that this be translated into English so that we can correct it.

Mr. Y. KOLOSOV (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. In Russian, the fifth line from the top, it should say “make declarations” and then it would continue and then in the sixth line undertaking instead of “observing the decisions”, it would be “taking the commitment on a reciprocal basis to recognize the obligatory or binding nature of the decisions of the Commission” and then it would continue as we have it. So to recognize the binding or obligatory nature of the decisions of the Commission.

The CHAIRMAN: Perhaps we might leave out for the time being this paragraph. We will return to it and knowing that Professor Kolosov commands the English language as well as the Russian language, he might help us to draft his proposal in English and we will then return to his proposal and we will try to agree upon it. Thank you very much for your cooperation.

Paragraph 28 remains open for the time being. We will return to it.

Paragraph 29. Any comments? No comments. *It is adopted.*

Paragraph 30. No comments? *It is adopted.*

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

Paragraph 32. I see no comments. *It is adopted.*

Paragraph 33. No comments? *It is adopted.*

Paragraph 34. No comments? *It is adopted.*

Paragraph 35. To be completed again by the Secretariat. *It is adopted.*

IV. Information on the activities of international organizations relating to space law.

Paragraph 36. No comments? *It is adopted.*

Paragraph 37. No comments? *It is adopted.*

Paragraph 38. No comments? *It is adopted.*

Paragraph 39. No comments? *It is adopted.*

Paragraph 40. *Adopted.*

Paragraph 41. *Adopted.*

Paragraph 42. No comments? *It is adopted.*

Paragraph 43. No comments? *It is adopted.*

Paragraph 44. I recognize the distinguished representative of Spain.

Mr. M. RODRÍGUEZ CANTERO (Spain) (*interpretation from Spanish*): Thank you very much Mr. Chairman. My delegation has a bit of a problem with paragraph 44. The first part is drafted in a very objective factual way. However, the last part, "in addition ..." right up to the end, in that part there are terms that are not very convincing and there is also a bit of a difference with respect to the English text.

It says "in addition, that delegation expressed the view that the report contained incorrect information" whereas in English it says "inaccuracies". An error is not the same as an inaccuracy. And then further on, the authors of the document might wish to correct those errors, it says, in Spanish. It should say "inaceptitudas(?) or "impreziones(?) in Spanish which is closer to "inaccuracy" instead of "errors".

And then at the end of the paragraph, it should say that the UNESCO delegation confirmed the terms of their statement, at the end of comments made by other delegations on the errors. The UNESCO representative did respond and I think that should be reflected here. Thank you very much.

The CHAIRMAN: Thank you very much distinguished representative of Spain. My

understanding is that as far as the term "inaccuracies" is concerned, it should be adequately reflected in the Spanish text. This was your first remark so the Secretariat will cooperate with you in using the proper term for it.

Your second suggestion concerned the end of this paragraph and you wanted to add a new sentence. Could you read out again this new sentence, slowly, so that it could be correctly translated in other language versions and the Secretariat could take this text.

Mr. M. RODRÍGUEZ CANTERO (Spain) (*interpretation from Spanish*): Yes, thank you very much Mr. Chairman. My proposal is to include a sentence as follows.

The current text says that the authors of the document might wish to correct those errors, them, in English, in the future. And my proposal is to add the following "the UNESCO delegation reaffirmed the terms of their previous statement. The UNESCO delegation reaffirmed the terms of its previous statement. And I hope that is clear enough.

The CHAIRMAN: My attention has been drawn by our Secretary that in this paragraph, we do not speak about UNESCO, we speak about COMEST, so it should be also spelt out here that it was the COMEST not UNESCO. My own modest remark is that indeed the explanation of the second speaker for COMEST was not quite accurate, that there were mistakes there concerning the Law of the Sea Convention. So, of course, we can add the sentence that you propose but bearing in mind that this modest criticism has been appropriate.

So your first suggestion concerning the term, I think, is adopted but do insist on inclusion of the second suggestion. Yes? I see the representative of the Russian Federation.

Mr. Y. KOLOSOV (Russian Federation) (*interpretation from Russian*): Thank you. Mr. Chairman, my delegation did draw attention to several inaccuracies in the COMEST document and, as you just said yourself, Mr. Chairman, the COMEST representative did accept the view and said that in future work on the document they would take into account the comments made. So if now we add the proposal as suggested by the Spanish delegation, it would not fully reflect what occurred in our exchange of views with COMEST and perhaps the Spanish proposal should specify further saying that they did not insist on the exactitude of their terminology and that

they did say that they would take into account proposals made by the delegations.

The CHAIRMAN: The distinguished representative of Spain.

Mr. M. RODRÍGUEZ CANTERO (Spain) (*interpretation from Spanish*): Thank you Mr. Chairman. I thank the distinguished representative of the Russian Federation for that comment. However, at the time the COMEST/UNESCO representative, Professor de Faramiñan, the explanation he gave to the Russian Federation was not exactly as just mentioned by the representative of the Russian Federation. In other words, Professor de Faramiñan said that he would take into account the comments made but he mentioned articles and legal texts in support of his report.

My delegation feels that there should be a sentence added at the end of paragraph 44 mentioning that the UNESCO delegation responded to the statement made by the distinguished Russian Federation delegation reaffirming, or repeating, the same points made.

So my proposal is that we say that the COMEST delegation reiterated the terms of the previous statement.

The CHAIRMAN: Any other views? May I assume that you agree with the text suggested by the distinguished representative of Spain? Perhaps we could also find a way out of this slight disagreement that we would simply substitute another term, another word, for the present language saying instead of “the authors of the document might wish to correct them in the future”, “might wish to complete them in the future”.

In this way we simply do not express our agreement with this statement nor any disagreement. It is a neutral language. Yes, Spain?

Mr. M. RODRÍGUEZ CANTERO (Spain) (*interpretation from Spanish*): Thank you very much Mr. Chairman. My delegation does not fully agree with your suggestion. This is a factual paragraph and the Russian Federation felt that the authors might want to correct the points in the report but this is factual. The Russian Federation said that the terms were not feasible and the Russian delegation is entitled to say that, of course. And then Professor de Faramiñan quoted all sorts of articles and text reaffirming the terms of his previous statement, however. Thank you.

The CHAIRMAN: Well, it seems to me that there is no agreement about the adoption of this last sentence and, therefore, I have to leave this paragraph open, as we did with paragraph 28. Yes, I recognize the distinguished representative of the Russian Federation.

Mr. Y. KOLOSOV (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. It is such a minor point, Mr. Chairman, that we would be ready not to insist on this to re-establish history’s truth, so we could accept what is proposed by Spain.

The CHAIRMAN (*interpretation from Russian*): I thank the representative of the Russian Federation for cooperating with the Chair and other delegations. So, paragraph 44 is thus adopted with the change introduced by Spain. *It is so decided.*

France?

Mr. M. LAFFAITEUR (France) (*interpretation from French*): I am very sorry to back but I have a point on paragraph 42. Paragraph 42, it says that some delegations welcomed and expressed their support for the report of COMEST, that is true, but not all those delegations felt that it was an excellent idea to create a high authority for outer space. And the two are connected here later on in the same paragraph. It said “they believe that the proposed initiative to create a high authority for outer space ...” and so forth. So perhaps the “they” could be replaced by “some delegations believed” and so forth. That way it would all fit.

The CHAIRMAN (*interpretation from French*): I thank the distinguished representative of France for that suggestion and we could propose a new text but with a split for this paragraph. Splitting it into two and starting the new paragraph with the wording you suggested. Would that be acceptable? *It is so decided.*

Now we shall continue with paragraph 45. Any comments on this particular paragraph? None? *It is adopted.*

Paragraph 46. Yes, I recognize the distinguished observer for the European Space Agency.

Mr. G. LAFFERRANDERIE (European Space Agency –ESA) (*interpretation from French*): Thank you Mr. Chairman. I would like to ask the Subcommittee, if this is not too ambitious, to please consider the addition of a sentence and that referring to

the statement that it was my honour to make before the Subcommittee which could read as follows. I can read it a first time and repeat it, if you wish, if this is accepted by the Subcommittee. "The representative of ESA presented views on the definition of ethics, the relationship between ethics and morals and law referring, in particular, to the Outer Space Treaty". Thank you very much. And if delegations would not mind the addition, I would be willing to give the text to the Secretariat. Thank you.

The CHAIRMAN (*interpretation from French*): I thank the distinguished observer for ESA. Would you please repeat your text once again.

Mr. G. LAFFERRANDERIE (European Space Agency –ESA) (*interpretation from French*): Thank you very much Mr. Chairman. I will repeat it again. The ESA representative presented views on the definition of ethics, the relationship between ethics, morals and law, referring to the Outer Space Treaty. Thank you Mr. Chairman. And as I said, I would like to ask the Subcommittee to give the proposal its consideration and, of course, I will not maintain it if this is not agreeable to a single delegation(?).

The CHAIRMAN (*interpretation from French*): I thank the distinguished observer for the European Space Agency. Any comments on this proposal. I see none. *It is adopted.*

The whole paragraph as completed by the observer for ESA is now adopted.

Paragraph 47. Again to be completed by the Secretariat. No objections? *It is adopted.*

VI. Review and possible revision of the principles relevant to the use of nuclear power sources in outer space.

Paragraph 48. No comments? *It is adopted.*

Paragraph 49. *It is adopted.*

Paragraph 50. *It is adopted.*

We have just completed the consideration of document L.228. We will now proceed with the consideration of document L.228/Add.1.

So Addendum 1, draft report of the Legal Subcommittee on the work of its fortieth session held in Vienna from 2 to 12 April 2001.

V. Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, etc.

Paragraph 1. France has the floor.

Mr. M. LAFFAITEUR (France) (*interpretation from French*): Thank you Mr. Chairman. As was mentioned earlier, I believe we should adjust the general title of this and bring it in line with the title which is L.228. In other words, splitting it into (a) and (b).

The CHAIRMAN: Thank you very much distinguished representative of France. Are there any objections. I see none. *It is so decided.*

It means that the heading will be completed as just proposed by the distinguished representative of France.

Now paragraph 1. Any objections? None. *It is adopted.*

Paragraph 2. *It is adopted.*

Paragraph 3. The chapeau and then (a) and (b), subparagraphs (a) and (b) on Page 2 followed by subparagraphs (c) and (d). This is again just a list of the documents submitted to the Subcommittee. *It is adopted.*

Paragraph 4. The distinguished representative of the Russian Federation.

Mr. Y. KOLOSOV (Russian Federation) (*interpretation from Russian*): Thank you Mr. Chairman. My colleague on my delegation in his remarks drew attention to the fact that between air space and outer space legal regimes, there are at least seven differences and that is legal differences, seven, and I believe that it might be a good idea not to list all the differences but to say in paragraph 4 that the view was expressed that between the legal regime for air space and the legal regime for outer space, there are fundamental differences that are legal in nature. Thank you.

The CHAIRMAN: Only should it be used against this wording "the view was expressed". Should it be added towards the end of this paragraph? Perhaps it should be done so because we first speak on behalf of some delegations and then it could be followed by the expression of the view of one delegation. Or would you prefer to have a separate paragraph? No. I believe it is possible to have this item _____

(interpreters microphone not switched off – too much background noise).

Very well, paragraph 4 as it stands now but completed by the sentence that was suggested by our distinguished colleague from Russia could be adopted. *It is so decided.*

Paragraph 5. Egypt has the floor.

Mr. K. EL-HUSSAINY (Egypt): Thank you Mr. Chairman. Concerning paragraph 5, the Egyptian delegation made a statement which was not duly in relation to subparagraph 5 here which was not duly reflected in the report and we are proposing the following language to satisfy our statement and I read it at dictation speed. It can come under 5 *bis*, for example, or it can be added to 5, I do not know, I will leave this to the Secretariat.

The view was expressed that in considering the definition and delimitation of outer space due regard should be paid to establishing a delicate balance between the principle of the States of _____ *(interpreters microphone switched on – too much background noise)* over its territorial inner space and the principle of freedom of ex _____ and _____ of outer space in order to avoid the possible abuse of the freedom of _____ and _____ of outer space thereby _____ the sovereign rights and security of States.

Note: *The interpreters had left their microphone on for most of this tape – it was very difficult to understand while all the other interpreters were speaking at the same time as the speaker*

This is the addition we want to add to the report in subparagraph 5 or under subparagraph 5 *bis*. Thank you Mr. Chairman.

The CHAIRMAN: Perhaps it should be or it might be included as a separate paragraph because paragraph 5 deals with another problem that of innocent passage through the air space. Yes?

Mr. K. EL-HUSSAINY (Egypt): Thank you Mr. Chairman, I agree with you this would be better for us. Thank you.

The CHAIRMAN: Thank you distinguished representative of Egypt and since it reflects the view of one delegation, it should be included as it was proposed and it should be perhaps included as subparagraph 4 *bis*. 4 *bis*? Yes, because then we have the innocent passage, that is a different term but it is

more related to the content of paragraph 4. Yes? So that we will have paragraph 4 completed by the proposal of the Russian delegation. Then we will have paragraph 4 *bis* as proposed by the distinguished representative of Egypt and then we will have the present paragraph 5.

Yes. *It is so decided.*

I do not know if we already agreed on the present paragraph 5 but if not so I will declare that it has been accepted.

Paragraph 6. No comments. *It is adopted.*

Paragraph 7. *It is adopted.*

Paragraph 8. No comments. *It is adopted.*

Paragraph 9. No comments. *It is adopted.*

Paragraph 10. No comments. *It is adopted.*

Paragraph 11. Yes, the distinguished representative of Ecuador.

Mr. S. MARTÍNEZ (Ecuador) *(interpretation from Spanish)*: Thank you very much Mr. Chairman. My delegation would like an addition to this paragraph reflecting exactly in what was said by my delegation and others. We would like to same delegations expressed the view that the geostationary orbit is a limited natural resource, with a sui(?) -generous characteristics. For the text to be clear, those words should be added with the sui(?) -generous characteristics. To the end, then continue the paragraph as we have it please. Thank you.

The CHAIRMAN: It would be introduced by the words “some delegations” or the “same delegation”. The “same delegations” because I think it is also the position of Ecuador relating to the beginning of this paragraph. “Some delegations expressed the view that the geostationary orbit was a limited natural resource ...” and now we would repeat the same sentence and then we will add on this specific characteristics, the language on a specific characteristic.

Is it acceptable for other delegations? Yes. *It is so decided.*

Paragraph 12. Ecuador again.

Mr. S. MARTÍNEZ (Ecuador) *(interpretation from Spanish)*: Thank you very much.

On this paragraph, I would just like to recall the discussion in the working group and in Spanish it is clear it is one delegation giving that view and that should be a point for the Secretariat please.

The CHAIRMAN: Distinguished Ambassador of Ecuador, we have discussed this question at some length during the consideration of the report of the working group. I would suggest to stick to our practices, in all languages, it means not only in the English language as it was read out, but also in other languages. I would not advise the Subcommittee to re-open this discussion at this late hour, otherwise it might be a very long discussion and I can advise you that I witnessed this discussion in 1978 and it was a very hot discussion, a very long discussion, but the then Chairman of the Legal Subcommittee, I think it was still Ambassador Rivner(?) of Poland who has succeeded to reach a consensus and we should honour this consensus and not to break it now.

Mr. S. MARTÍNEZ (Ecuador) (*interpretation from Spanish*): Mr. Chairman. I do not want to re-open the discussion on this. I just want to recall for the Secretariat that in accordance with the rules in the relevant language, this has been reflected appropriately. Thank you.

The CHAIRMAN: Thank you very much for your cooperation distinguished Ambassador. So we now have adopted paragraph 12.

Now paragraph 13. *It is adopted.*

Paragraph 14. To be completed by the Secretariat. France has the floor.

Mr. M. LAFFAITEUR (France) (*interpretation from French*): Thank you very much. In the French version, in the third line, it says, it is supposed to be item 6(a) and not only item 6, because it says item 6 in the French.

The CHAIRMAN: Yes, you are right. It will be completed.

Paragraph 14 as completed by the distinguished representative of France. *It is adopted.*

Paragraph 15. I should draw the attention of the delegations that minor corrections should be inserted here. The first sentence, "the Working Group on agenda item 6 held four meetings" instead of "three meetings". 6(a), yes. France again.

Mr. M. LAFFAITEUR (France) (*interpretation from French*): Thank you very much. I was going to make the same comment to add a little (a) after 6 in that paragraph.

Now the paragraph as it is worded, you will certainly understand, is not satisfactory, as far as I am concerned. I would like to read out the few lines that I would propose for this. "The Working Group on agenda item 6(a) held three meetings. At the XX meeting on April". The Legal Subcommittee took note of the report of the Working Group which is contained in Annex I to the present report. One delegation recalled that it felt that it was not useful to have discussions in that framework and it did not share the views expressed in paragraphs 9, 10, 11 and 12 of this report or possibly of that report.

The CHAIRMAN: Could you repeat the last sentence?

Mr. M. LAFFAITEUR (France) (*interpretation from French*): Yes, I would be very happy to. One delegation, so I would say that this Committee took note of the report. One delegation recalled that it felt that the discussions in this framework were not useful and that it did not share the views expressed in paragraphs 9, 10, 11 and 12 of that report.

The CHAIRMAN: Is this the opinion of other delegations? The distinguished representative of Brazil.

Mr. S. LEITE DA SILVA (Brazil): Thank you Mr. Chairman. The Brazilian delegation considers acceptable the proposal made by the distinguished delegate of France as it refers to an individual decision of a country but if the Working Group stressed that one country has its specific position, what is certain, I would prefer if we keep the word "endorsed" and not "took note" because we endorse and we accept one single position. Thank you Mr. Chairman.

The CHAIRMAN: Thank you very much distinguished representative of Brazil. Would it be acceptable for the distinguished delegation of France? I would like to make an appeal to consider this suggestion.

Mr. M. LAFFAITEUR (France) (*interpretation from French*): Well, I will go along with you and I will accept that. Yes, we could leave it that way. My position is clear. It is well-known. I do not approve it entirely but I can go along with that.

The CHAIRMAN (*interpretation from French*): I would like to thank you very much distinguished representative of France for your cooperation. Thank you once again.

(*Continued in English*): The text will remain as it was proposed. It means “the Working Group on agenda item 6(a) held four meetings at the XXX meeting on XXX April. The Legal Subcommittee endorsed the report of the Working Group which is contained in Annex I to the present report”. And then the sentence proposed by the distinguished representative of France would follow. Is it acceptable? Yes. *It is adopted.*

We will now proceed with draft reports of two chairmen of the Working Groups, if my order of documents is correct. Is it so? I apologize. The Secretary has just brought to my attention that we did not discuss paragraph 16 of document Addendum 1, so if there is still some observation on this paragraph, some comment. I see none. *It is adopted.*

I have just been advised that we should proceed with document L.228/Add.2, Addendum 2, draft report of the Legal Subcommittee on its fortieth session held in Vienna from 2 to 12 April 2001, addendum, review of the concept of the launching State. It is part 8 of the draft report.

Paragraph 1 of this document. *It is adopted.*

Paragraph 2. *It is adopted.*

Paragraph 3. *It is adopted.*

Paragraph 4. Again it is the list of documents that have been before the Subcommittee, A, B, C. *It is adopted.*

Paragraph 5. This reflects the views of the delegation of Australia. Is it correct? Thank you. *It is adopted.*

Paragraph 6. To be completed again. *It is adopted.*

Paragraph 7. *It is adopted.*

Paragraph 8. *It is adopted.*

Paragraph 9. Again to be completed by the Secretariat. *It is adopted.*

Paragraph 10. *It is adopted.*

I use this opportunity to advise you that the Secretariat very efficiently managed to publish a document including the presentations made on this issue and it should be now in your hands.

We will now proceed with Addendum 3 of our draft. It means VII, 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.

Paragraph 1 of Addendum 3. No comments. *It is adopted.*

Paragraph 2. No comments. *It is adopted.*

Paragraph 3. Again a listing of documents that we had before us. No comments. *It is adopted.*

Paragraph 4. The distinguished representative of France.

Mr. M. LAFFAITEUR (France) (*interpretation from French*): Thank you Mr. Chairman. Perhaps to be a little bit more accurate in terms of what was actually stated by the representative of UNIDROIT, a minor correction, at least on the French version that I have here, but it has to do with substance, I think, in the sixth line of the French version where it says that “the preliminary draft space protocol was scheduled to be presented for consideration”. I think that it should be that it was going to be presented for consideration by the Governing Council, not for the approval of its submission to meetings of intergovernmental experts. It should not say “approval”. I can repeat this if you wish.

The CHAIRMAN: Yes, please do so.

Mr. M. LAFFAITEUR (France) (*interpretation from French*): So it is the second sentence that begins the words “a preliminary draft space protocol was scheduled to be presented for ...”. It should be “was scheduled to be presented”, summi(?) in French, this one appears to apply only to the French, “... for the Council’s approval of its submission to meetings”, for transmitting, the speaker wishes, transmitting to instead of submitting to.

The CHAIRMAN: For transmitting to instead of submitting to? Is it what you wish?

Mr. M. LAFFAITEUR (France) (*interpretation from French*): Well, in French, I think the word “summi”(?), “summetre”(?), the appropriate word needs to be used. Submitted should be all right. The interpreter would say that this appears to affect the French only. In French, the word “presentation” was used and instead of that in French it should say “summi”?

The CHAIRMAN: I do not see any difference between the French “summetre”(?) and the English “submit”. Perhaps there is some slight difference. The distinguished observer for UNIDROIT.

Mr. M. STANFORD (International Institute for the Unification of Private Law – UNIDROIT): Thank you Mr. Chairman, good morning, ladies and gentlemen. If I might, I think perhaps the point that the distinguished representative of France was referring to was that in the second sentence of paragraph 4, it perhaps might be slightly more accurate and might, I think, clarify a number of misapprehensions, I would suggest, that emerged during the discussions by the Subcommittee, if what I stated in my statement and what I also reported in my comments, were reflected, if I may say so, rather more accurately in the report and the effect of that would be that the second sentence of paragraph 4 would state “the preliminary draft space protocol was scheduled to be presented for consideration by the Governing Council of UNIDROIT at its next meeting from 17 to 19 September 2001 with a view to the Council’s approval of its transmission to governments, with a view to the Council’s approval of its transmission to governments and the convening of governmental experts.”

This, Mr. Chairman, distinguished representatives would, I think, make it much clearer to those reading the report that the text has not, to date, been submitted to governments by UNIDROIT and, in fact, the Governing Council’s primary purpose in September would be to authorize, or not authorize, the transmission of the text to governments. Thank you very much Mr. Chairman.

The CHAIRMAN: Thank you very much for your cooperation, distinguished observer for UNIDROIT. Would it be acceptable for the delegations if we put it as it was now, re-drafted by the representative of UNIDROIT? I see no further comments. *It is so decided.*

Paragraph 5. Yes, the distinguished representative of Russia.

Mr. Y. KOLOSOV (Russian Federation): Thank you Mr. Chairman. In light of the other paragraphs, to which we shall come later on, it is hardly possible to accept the formula beginning with two sentences of this paragraph 5, “the Subcommittee agreed ...” and then the second sentence “the Subcommittee also agreed ...”. I think it would be more proper to say that some delegations expressed the view or even many delegations because there are other opinions. For example, in further paragraphs, it is reflected that the only issue which should be within the competence of the Subcommittee is the compatibility of the Convention and the outer space protocol to the convention with the existing rules and principles of outer space law. That is all. Some delegations expressed the view that we must limit ourselves only to that task. Therefore, in paragraph 5, I think, there was no consensus on the fact that this document, it was an initiative of considerable interest to Member States. It should be our(?) primary responsibility to develop into international space law. I hardly can accept that approach. Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of Russia. So that the language the Subcommittee agrees would be replaced by some delegations expressed the view or held the view. Egypt has the floor.

Mr. K. EL-HUSSAINY (Egypt): (*Note: background noise – difficult to hear speaker in places*) Thank you Mr. Chairman. In fact, this _____ drafting the report here, they reflected the general consensus in the Subcommittee concerning this particular issue and if certain States or certain representatives(?) from that, it should be recorded here that it is a different view. One State expressed a different view but I think this _____ of our Committee here when drafting this particular subparagraph 5. They reflected exactly what happened during the Plenary and if Russia, for example, wants to deviate from that, it should be mentioned as one State expressed its views to the contrary to that.

The CHAIRMAN: Sorry, distinguished representative. It is not possible to use this language that you have just suggested because either there was a full consensus and then we would use the language the Subcommittee agreed or there was not a consensus reached and then we should use some delegations. And then we can add the view of one delegation. These are the rules in this Subcommittee.

Yes?

Mr. K. EL-HUSSAINY (Egypt): Thank you Mr. Chairman. In fact, I do not see here in the language used the word “consensus”. It said agreed only.

The CHAIRMAN: It means the full Subcommittee agreed, all delegations agreed. This is the sense of this phrase. But I would like to make a modest appeal to the Russian delegation. Does it really insist on this suggestion? Could you not accommodate the views of other delegations.

Mr. Y. KOLOSOV (Russian Federation): Mr. Chairman, with all due respect to the views and opinions of other delegations, including the distinguished delegation of Egypt, we are not sure that our Subcommittee will be able to cope with this issue. It is in the interests of the outer space industries and commercial banks. Of course, our experts participate in drafting the protocol document but it can hardly be the task of the Subcommittee and we have agreed only to arrange consultations, not more than that. By the way, there is a mistake in the Russian version of one of the paragraphs. We shall come to it. It is paragraph 20. In the last line, the word “consultations” had been translated into Russian as “(Russian word?) “negotiations”, but we are not going to negotiate on it. We are only going to keep our finger on the pulse of what is going on when we recommend to the process of the draft, whether there are some discrepancies between this future possible document and the outer space law as it is now. But we, several times, our delegation, mentioned that we must limit, and not only our delegation, some other delegations as well, were saying that we can only limit ourselves to the issue of compatibility of the existing outer space law and the emerging document.

The CHAIRMAN: Yes, distinguished representative of Russia, but read carefully the text of this paragraph. We do not say that the Subcommittee agreed with this convention and protocol, we only say here that this initiative was important and that it was of considerable interest to Member States. There is no approval of the content of these documents, only it is underlined that this initiative has been important and it has been important because we discussed this initiative in our Subcommittee at length. We dedicated, I think, four(?) meetings, not full time of these meetings but still a major part of these meetings, just to this initiative.

So I believe that the present text of paragraph 5 reflects the actual proceedings of this Subcommittee, nothing else. Yes?

Mr. Y. KOLOSOV (Russian Federation): Thank you Mr. Chairman, for drawing the attention to the substance of the first sentence but in the second sentence, at the end of it, the text is the Subcommittee should make every effort to deal effectively with that new subject of substantial legal significance. It is the issue of private international law. We are dealing with public international law and several delegations were saying it during our deliberations and when we say the Subcommittee should make every effort to deal effectively, there were doubts expressed by some delegations that we can hardly be able to deal effectively with this issue here. I remember it very well, so I do not understand why other delegations keep silent because they have expressed the view that private international law is not within our competence, that we are dealing only with public international law, if my memory does not fail me. Thank you Mr. Chairman.

The CHAIRMAN: Yes, but again, distinguished representative of Russia, we say here only that the Subcommittee agreed that there remained a number of issues and concerns to be addressed. We emphasized that, particularly with regard to the relationship between that initiative and existing international space law and that, in view of its primary responsibility, it means the responsibility of the Subcommittee for the development of international space law, the Subcommittee should now, we could leave out, if you wish, the words “every effort” but we should say that we should deal effectively. It means that we should work with this complex issue in a very serious manner and that we should act effectively and nothing else. We do not approve anything. We do not say that we will accept everything that is involved in this initiative. Deal effectively with the new subject of substantial legal significance. We can omit of substantial legal significance, if you wish, saying simply the Subcommittee should deal effectively with that new subject. And there you can, of course, raise all questions and there you can, of course, insist on your position and so on.

Mr. Y. KOLOSOV (Russian Federation): Mr. Chairman. Of course, it is not a really a principle issue for us but if we come back to the days when we established the COPUOS and three years later, its two Subcommittees, it is clear that the mandate given by the United Nations General Assembly is to develop legal issues relating to public international law, not private international law.

The CHAIRMAN: (no microphone) ... mandate of the Committee and of the Subcommittee. Sorry.

Yes, the Russian delegation has the floor.

Mr. Y. KOLOSOV (Russian Federation): No thank you Mr. Chairman. I cannot add anything except I remember very well, it is my recollection that during the debates on this document issue, some delegations said that we must limit ourselves to only one task, compatibility with the new document with the existing outer space law, not more than that and other delegations are saying that we are not experts in the field of private international law. That is the fact so how come it is now said that all of us agreed that this is our responsibility, that we must deal with it effectively. How can we, if it is not within our competence, to consider it our primary responsibility and our readiness to act effectively? And we came in the _____(?) ends on the basis of this suggestion of the proposal of the distinguished delegation of Belgium to the conclusion that we can only arrange consultations. The results of consultations will be submitted to the Subcommittee and the Subcommittee might either approve the conclusions of those consultations or not. We shall see what happens in a year's time. So we have agreed on nothing as yet.

The CHAIRMAN: But distinguished representative of the Russian Federation, I do not oppose your conclusion that we have not agreed about something substantive because certainly we discussed the future procedure that should be used for consideration of this initiative. We said that we decided on holding the informal consultative mechanism meeting in Paris and perhaps, if necessary, once again, at the beginning of the next year, but we also insisted on submitting the results of these consultations to the Subcommittee for its information and approval, of course. But it means that we shall deal with this initiative and we will deal with this initiative very seriously and we have awarded(?) it a special procedure. Unlike other items on our agenda, we agreed on a special procedure on a plan of different consultations. So I do not know why we could not state in this paragraph that indeed the Subcommittee should deal with this initiative and make every effort, if you wish, or if you do not wish, this could be omitted.

But I would also like to draw your attention to paragraph 10 which is inserted in the same part of the report which, perhaps, takes care of your concerns in this respect and which might satisfy your position.

I now recognize the distinguished observer for UNIDROIT.

Mr. M. STANFORD (International Institute for the Unification of Private Law – UNIDROIT):

Thank you Mr. Chairman. I hesitate to enter where angels fear to tread and I quake at the thought of adding additional confusion to this issue but I wonder whether I might be permitted, in the light of the observations made by the distinguished representative of the Russian Federation to suggest that one way of perhaps of dealing with the concerns expressed by the representative of the Russian Federation might be in the last two lines of the paragraph in question, I am referring to the English text, to state the Subcommittee should make every effort or should seek or should deal effectively with those aspects of this new subject falling within its competence. Should deal effectively with those elements of this new subject falling within its competence. I hope I have not created more problems than I meant to but this is a simple suggestion which might, or might not, commend itself to the consideration of the Subcommittee. Thank you Mr. Chairman.

The CHAIRMAN: Thank you distinguished representative of UNIDROIT for your suggestion. May I ask now the delegation of the Russian Federation whether this suggestion would satisfy its position?

Mr. Y. KOLOSOV (Russian Federation): Thank you Mr. Chairman. Not quite, of course, because, you see, the consultations to be held in Paris will be organized not within the framework of our structure. It is not a formal body, a working group or something or mechanism of the Legal Subcommittee, it is just the voluntary initiative of the French Government to arrange such consultations in Paris and we do not even know how many delegations will come to those consultations. Maybe only five and they do not represent the quorum of this Subcommittee. So it is just that mechanism does not(?) mean very much to us.

We suggest another compromise solution at this late hour. Instead of the word “agreed”, to use the word “felt”, the Subcommittee felt.

The CHAIRMAN: Is this language acceptable to other delegations? The distinguished representative of China has the floor.

Mr. LIU YINGHAI (China) (*interpretation from Chinese*): Thank you Mr. Chairman. This paragraph starts with “the Subcommittee agreed”, therefore, we suggest to the Chairman and the Subcommittee that we consider the opinion of the Russian delegate. Thank you.

The CHAIRMAN: Do I understand it correctly that the distinguished Chinese representative has returned to the original suggestion of the Russian Federation to say only some delegations or does it mean that he joined the Russian Federation in the latest suggestion? It means to say in the last sentence, instead of “agreed”, “felt”.

Mr. LIU YINGHAI (China) (*interpretation from Chinese*): Thank you Mr. Chairman. We still prefer to use the formula “some delegations” which can more fully reflect the actual discussions of the Subcommittee. Thank you.

The CHAIRMAN: Thank you distinguished representative of China for your intervention. Under these conditions, I do not see any other outcome of the discussion than to use the language “some delegations expressed the view” in both sentences. But perhaps we might also adopt the language that was proposed by our distinguished colleague, the observer for UNIDROIT. It means the Subcommittee should deal effectively with those aspects of the new subject falling within its competence.

But I think that under these conditions, we could start a second sentence, as suggested by the representative of the Russian Federation in his latest intervention, saying the Subcommittee felt, in the second sentence. Yes, is it acceptable for both China, the Russian Federation and other delegations? Yes, I see no objections. *It is so decided.*

Distinguished delegates, it was my endeavour to finish the consideration of the whole report this morning because I know that some delegations wanted to leave earlier than in the evening but we still have a number of paragraphs to be considered and adopted and, therefore, I do not see any other solution than to adjourn this meeting now and to reconvene it again, a meeting of the Subcommittee in the afternoon. But I would like to seek your cooperation for this afternoon meeting because we would like to finish as early as possible. Yes, the distinguished representative of France.

Mr. M. LAFFAITEUR (France) (*interpretation from French*): Thank you Mr. Chairman. I have no problems at all with the timetable because I am here until tomorrow but perhaps we could just pick up our work a little earlier this afternoon, perhaps at 2.30 p.m. instead of 3.00 p.m., that way we would have an hour and a half for lunch which should be enough.

The CHAIRMAN: I fear, distinguished representative of France, that we will still need some time. It could not be finished within half an hour or an hour or so. I understand, so let us start at 3.00 p.m. and let us have a usual meeting.

Mr. M. VERGARA (Argentina) (*interpretation from Spanish*): Mr. Chairman. It is one minute to one. I just wanted to make a point on this item. It could be now or it could be later. Just one phrase on item 12. Should I do this now or can I do it later?

The CHAIRMAN: Item 12 of this part of the report? Perhaps, distinguished representative of Argentina, would you be so kind as to make it later because we have not reached yet this paragraph?

We will resume our meeting this afternoon at 3.00 p.m. The meeting is adjourned.

The meeting adjourned at 1.01 p.m.