

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

*Unedited transcript*

664<sup>th</sup> Meeting

Monday, 8 April 2002, 10 a.m.

Vienna

*Chairman:* Mr. Kopal (Czech Republic)

*The meeting was called to order at 10.18 a.m.*

**The CHAIRMAN:** Distinguished delegates, I declare open the 664<sup>th</sup> meeting of the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space.

**Status and Application of the Five United Nations Treaties on Outer Space (Agenda Item 4)**

Distinguished delegates, we shall now continue our consideration of agenda item 4, Status and Application of the Five United Nations Treaties on Outer Space.

I do not have any speaker on this item at the level of the Subcommittee. Are there any speakers on item 4 at this time?

I see none.

Distinguished delegates, unless there is any objection, I would propose that we now suspend our consideration of item 4, Status and Application of the Five United Nations Treaties on Outer Space, until later this week when we shall consider the report of the Working Group on this item.

Seeing no objection, *it is so decided.*

**Review of the Concept of “Launching State” (Agenda Item 9)**

Distinguished delegates, we shall now continue consideration of item 9 of our agenda, Review of the Concept of “Launching State”.

Neither here do I have any speaker on my list of speakers and, therefore, I ask you, are there any speakers on item 9 at this time?

I see none.

Distinguished delegates, unless there is any objection, I would propose that we also now suspend our consideration of item 9, Review of the Concept of “Launching State”, until later this week when we shall consider the report of the Working Group on this item.

Seeing no objection, *it is so decided.*

**Information on the Activities of International Organizations Relating to Space Law (Agenda Item 5)**

Distinguished delegates, we shall now continue our consideration of agenda item 5, Information on the Activities of International Organizations Relating to Space Law.

The first speaker on my list of speakers on this item is the distinguished delegation of Greece.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): Thank you very much Mr. Chairman. Good morning to everybody. I have asked to speak, Mr. Chairman, in order to present a document which ends in CRP.8. This is a document which, at the moment, will be presented in concise form and then Belgium and Morocco have a more expanded version. This is about the activities of the European Centre for Space Law and the various States that have supported the initiative put forward by ECSL within the framework of our Subcommittee and the big

In its resolution 50/27 of 6 December 1995, the General Assembly endorsed the recommendation of the Committee on the Peaceful Uses of Outer Space that, beginning with its thirty-ninth session, the Committee would be provided with unedited transcripts in lieu of verbatim records. This record contains the texts of speeches delivered in English and interpretations of speeches delivered in the other languages as transcribed from taped recordings. The transcripts have not been edited or revised.

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.

Committee. To make sure that the World Commission on Ethics that started last year should extend its work to the subject matter at hand.

I am not going to read the document since it has been distributed by the Secretariat among the colleagues. What I would like to do is thank the Office for Outer Space Affairs for prompt translation and distribution of the text. What I would like to do at this point is merely remind the colleagues that we decided to give the floor to the distinguished Chairman of COMEST to present to us the recommendations of COMEST on space activities and that will include recommendations that we adopted at the time of the second session of COMEST held in Berlin on 17 and 18 December of last year. The COMEST has subsequently submitted its conclusions and its recommendations to the Legal Subcommittee of COPUOS and that was a discussion held at the COPUOS meeting in June 2001. Proposals were made by Mexico, Nigeria, as well as others, and COPUOS proceeded to establish a group of experts representing interested countries that would work on the UNESCO and COMEST report, make a thorough study of it and prepare recommendations, jointly with COMEST, the object being to present to this current session of the Legal Subcommittee and the next session in 2003 of a report on COMEST and its initiatives.

This report will cover current and future space activities in outer space and the document that I mentioned earlier comprises certain recommendations presented by Belgium, Greece and Morocco which would help us to carefully consider the COMEST report on outer space activities.

A little parenthetic comment, if I may. When we talk about governmental experts, and this is the title of the document, ESA/ECSL Contribution to the Group of Government Experts, we are referring to a category that virtually does not exist, experts on the ethics of outer space. This is not a category that we are very familiar with. What we should have said, and probably this would have been more accurate, we should have said representative of COPUOS Member States with an interest in and knowledge of these problems, the matter of the ethics of space activities or space ethics, as we referred to it in Berlin three months ago.

On this particular occasion, I would like to express our thanks to the representatives of the United States. The distinguished delegate of the United States here has really been extremely helpful over the past year since he chaired the consultations that have led to this document and this formulation of the objectives of the Ethics Commission.

My very kind colleague of Belgium has referred to a mechanism of consultations. That has been very important. That has worked very well as a upshot of COMEST's initiative.

We are going to try and prepare, within the framework of this little consultation mechanism group, further recommendations, not group of governmental experts on ethics, as it says here, but rather of government representatives. I think we should amend the text to say that because that will introduce more clarity. And this report is going to be submitted to the Legal Subcommittee next year. Again, these are not government experts on ethics as such, these are government representatives with an interest in the matter. What we are going to do is review the 1967 Treaty and the Principles it put forward and the relationship between those Principles and the actual conduct of States in outer space, and do the same for the various other existing treaties, analyze the various interpretations of the legal text by States Parties. Also look at the various terms that require an ethical discussion such as common heritage, peaceful applications of outer space activities, language various and the various domestic laws but the meaning is often the same and the legal input is often the same.

This specific character of space activities and the environment in which they are conducted makes it important to address our ethical matters.

As regards peaceful uses or peaceful applications, this was considered within the framework of the various bodies that addressed the matter of disarmament but we are looking at it in a different perspective. We are talking about the ethics of peaceful applications as such and how they relate to the various provisions of the Outer Space Treaty. For example, Article I of the Treaty that addresses the matter of benefit to all countries from outer space activities, promoting international cooperation and so forth, non-contamination of outer space, international responsibilities in this regard, environmental aspects, the need to be mindful of the protection of the environment, the possibility of space tourism and protection of privacy. All of these matters arise from the commercialization and privatization of outer space activities and all of them relate to the matter of outer space ethics. How can responsible States exercise their ethical obligations while pursuing space activities and in compliance with the Outer Space Treaty?

And to conclude, Mr. Chairman, we believe that the Plan of Action put forward by this consultative

mechanism, as I referred to earlier, would be as follows.

The first meeting would simply address matters of management, to use this up-to-date term, of our work, preparation of reports and so forth. Such a formal meeting could be held shortly and I would suggest that our colleague, President of the European Centre for Space Law, call this formal meeting as soon as possible. In terms of logistics, it is necessary to establish a point person or point of contact within the Secretariat and then move towards the objectives that we have outlined, ethical aspects of the Outer Space Treaty and other agreements with emphasis on such matters as space debris, access to outer space, economic and legal aspects of peaceful applications and, in addition, matters relating to intellectual property, jurisdiction and control, national legislation and how it relates to these international principles. Subsequently, we could address a question that has been on the agenda for some time. Does there need to be an international authority for managing outer space activities and the place that outer space activities hold in the general culture of nations, specifically for developing nations?

Clearly, we will need consultations and we will ask for help from the various United Nations special agencies, specifically the International Telecommunications Union, the World Trade Organization, the World Organization on Intellectual Property, the FAO and others.

I thank you Mr. Chairman and I thank my colleagues for their attention and what I would like to do is ask the representative of COMEST/UNESCO to present the recommendations of the COMEST to us in a more standard form. Thank you Mr. Chairman.

**The CHAIRMAN** (*interpretation from French*): Thank you esteemed representative of Greece. With reference to the document which has just been distributed entitled ESA/ECSL Contribution to the Group of Governmental Experts on the Ethics of Space Activities, as regards specific suggestions that you have made, first of all, you suggested that we give the floor to the new President of the UNESCO Commission on the Ethics of Scientific Knowledge and Technology, COMEST. It is, of course, entirely possible, though at this point, I do not see his name on my list of speakers.

As regards your other suggestion, which you reiterated today, regarding the expression government experts on the ethics, we cannot change that. This is in the eighth paragraph of the 56/51 resolution of the

United Nations General Assembly, so this is the language we are going to keep.

Any other speakers on this question? Delegations first.

I do not see any delegations wishing to speak at this point. I will, therefore, call upon the first observer on my list. This is the observer for the International Space University, Mr. Achilleas.

**Mr. P. ACHILLEAS** (International Space University): Thank you Mr. Chairman. Mr. Chairman, the International Space University, ISU, remains convinced of the importance of the work of COPUOS and of its Legal Subcommittee and congratulates you, Mr. Chairman, for the effective manner in which you are guiding this Subcommittee. ISU supports the programme presented for this session and the priorities set for the coming years and we are pleased to note that members of the ISU community, several of whom are here in this room, continue to contribute to the work of the Legal Subcommittee.

Mr. Chairman, the United Nations and its committees epitomize the practice of international cooperation, accompanied by an interdisciplinary approach and intercultural sensitivity. These aspects are also core to the approach of ISU in providing space education for graduate students. ISU specifically aims to train its students to work effectively with colleagues and specialists in other countries and other disciplines by overcoming the cultural barriers among people of different nationalities and educational background. Last summer, 95 graduate students participated in the two-month ISU Summer Session Program, held in Bremen, Germany, and 48 are currently enrolled in our 11-month Masters of Space Studies Program. This year, the Summer Session Program will be held in Pomona, California, and the next session of the Masters of Space Studies Program will be the first to be held in our new facility in Strasbourg.

ISU graduates join a unique network of several thousand eminent practitioners of space activity, drawn from more than 80 countries and from most of the agencies, governmental and non-governmental organizations, universities and industries. The common interest of those participating in this network is to develop the workforce and leaders of space activity for the future through active involvement in space education, research and cooperation. ISU's 1,800 alumni to date are effectively committed to the development of space activity and are spread around the world in various space-oriented entities. Their participation in the United Nations

Space Generation Advisory Council in various activities of the International Astronautical Federation, IAF, and in many symposia and workshops dealing with space, demonstrates a commitment that is exceptional, not only during their day jobs, but also during their spare time. They want to make things happen. Many share the interests of COPUOS and we believe that through this network, ISU has potential to further contribute to the aims of the Legal Subcommittee.

Mr. Chairman, UNISPACE III was an important event. As a result of this Conference, several recommendations regarding education, research and supporting space activity and applications in developing countries were approved. ISU, in cooperation with other organizations, is engaged in contributing to the implementation of such recommendations at several levels.

Actions have already been taken in cooperation with the IAF and the International Academy of Astronautics. For example, last year, during the International Astronautical Congress in Toulouse, ISU co-sponsored a very successful symposium with the IAF and ISSAT on "Space Education for the New Millennium", addressing the needs of space education at all levels.

This year, the subject of our main symposium in Strasbourg, from 4 to 7 June, will be "Beyond the International Space Station: The Future of Human Space Flight".

I am pleased to report that shortly after we move into our new facilities in Strasbourg, we shall offer a one-day conference following the inauguration of the building on 17 September 2002. The topic will be "Space Activity: A Quest for Knowledge and Business".

Later, in November, we shall be cooperating with UNESCO and EURISY to host a symposium in the ISU facilities on "Space Applications for Heritage Conservation".

Mr. Chairman, allow me now to present the activities undertaken by ISU in the field of space law. Teaching and research in space law constitutes a fundamental part of ISU programmes.

ISU is actively involved in the promotion of the work of the Legal Subcommittee through the organization of simulations of diplomatic negotiations, where students play the role of their representative of States and discuss legal issues actually under debate in

this Subcommittee. Moreover, each year ISU develops new legal items based on the work of the Technical Subcommittee such as the legal aspects of space debris and of light pollution.

ISU is in the process of developing its relations with the faculties of law all around the world. This year an academic agreement has been signed with the Institute of Space and Telecommunications Law of the University of Paris XI.

Following the successful organization of Space Law Moot Courts by the European Centre for Space Law, ECSL, ISU has organized in February, its second Moot Court Competition in cooperation with the European Court of Human Rights. This event gives the opportunity so space engineers and scientists to discuss current aspects of space law and their interference with human rights in front of a panel composed of the honourable members of the European Court of Human Rights.

Mr. Chairman, ISU will be pleased to work with COPUOS to ensure that space activity becomes better recognized outside the space community as being essential for maintaining a sustainable world in its broadest sense that includes the provision of the necessities and qualities of life.

Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished observer for the International Space University for your contribution by which you informed us about the activities of the University and its programme for the next period.

I have here again the representative of Greece.

**Mr. V. CASSAPOGLOU** (Greece) (*interpretation from French*): Thank you Mr. Chairman. Mr. Chairman, I take the floor, and I should say that I hesitated greatly whether or not I should raise the issue, but I think it is important that I do so.

Last February, we talked a great deal about the status of the observers. At the time we had a lot of issues, especially with regard to the representativity of non-government bodies which are neither large associations which work at a worldwide level or which are scientific organizations nor specialized agencies of the United Nations family. My experience, as of last year, in the Subcommittee and this year, is as follows.

Unfortunately, we have welcomed, as observers, private entities which are profit seeking, and

I would like to underscore that they are profit seeking, and that they do not belong to a large association or they are not non-governmental organizations, such as international organizations such as EUMETSAT, INTELSAT, etc.

I should also, for procedural purposes, mention something which is entirely unacceptable and that is that these bodies take the floor during the debates which involve States. They do not have the right to take the floor and worse, they have no right to comment on States views. This is a falsification of the intra-governmental nature of this forum and for COPUOS in general.

Mr. Chairman, I feel I must call everyone's attention. Everyone here present, particularly the national delegations and especially the Bureau to this new procedure that is currently taking place. We cannot accept it. It is against the rules and it is something that I should mention to COPUOS in June. We should not accept, as observers here, any entities which have not been approved by ECOSOC. It should be through ECOSOC that they should be here present. And, moreover, we cannot accept any organizations which are profit seeking. Now that does not mean we have to exclude the private sector. To the contrary, we need the contribution of the private sector from their experience, we need their ideas and we need the aerospace industry's contribution but it should take place through their organizations or associations at a national level, or better even, intra-national associations.

For true representation to take place democratically, this is the appropriate method and they must not use the Committee and the Subcommittee for a soapbox or to promote themselves or to sell what they are selling. That is not appropriate in an inter-governmental international organization.

And now, with your permission, Mr. Chairman, I would also like to take this opportunity to say that there should be a proper order in giving the floor. First the national delegations and then observers representing States and then inter-governmental international organizations observers taking the floor and then other associations should be last.

Thank you and I apologize for this procedural parentheses, Mr. Chairman, but I am extremely concerned about this and I think we need to preserve the function and prestige vested in us by our respective States. Thank you Mr. Chairman.

**The CHAIRMAN** (*interpretation from French*): Thank you to the distinguished representative of Greece. I thank you for your contribution to say, the truth I am not sure I entirely understand your criticism here. Admitting non-governmental organizations is in the power of COPUOS and, of course, with regard to recommendations of admitting non-governmental entities, it is up to the Legal Subcommittee to do so. I do not know if we are at present considering admitting non-governmental organizations as observers at this time, I am not aware of it.

With regard to your second remark, on the issue of the order in which the floor is given, the procedure in that regard, I should just say that I followed the list which was prepared by the Secretariat and on the list there was only one delegation which had requested the floor, your delegation, as far as I know, and then only one observer had requested the floor and that was the International Space University.

When I gave the floor to an observer after that, I then received the request from UNESCO's observer. I have his name on the list and I now have the pleasure of giving him the floor.

**Mr. J. E. FENSTAD** (United Nations Education, Scientific and Cultural Organization): Thank you Mr. President for allowing me to speak on behalf of UNESCO, and in particular on behalf of the World Commission on the Ethics of Scientific Knowledge and Technology.

I shall be very brief and try not to repeat what has already been said by the distinguished representative from Greece.

I had to pleasure to speak to you last year and I recall with pleasure the very lively debate that ensued from our intervention from the UNESCO side that really occupied the whole morning's session of COPUOS at that time. And I am also very pleased to see the report and the recommendations to the Fifty-Sixth Assembly of the United Nations where the idea of a COPUOS group of experts or people interested in this area will be formed to review and scrutinize the value aspects of some of the international space treaties and similar documents. Because it has been my experience, and I have talked in many bodies around the world in the last year and I have just come from New York where I participated in PrepCom III for the World Summit on Sustainable Development in Johannesburg, where we also had a similar discussion, not on the ethics of space specifically, but on the broader issue on environmental ethics.

Many of these questions, yes, have a scientific foundation. Yes, have a technological foundation, has an administrative aspect, has legal aspects but, in addition to this, there is also a question of values in how we choose to map the road ahead of us. And that is exact the concern of COMEST. COMEST cannot really provide a road map but COMEST, the World Commission, can be a stimulus in making various bodies think about these questions. It is particularly urgent, and you, as lawyers, I need not remind you of about this. It is good to have general guidelines but in concrete situations, values very often, almost always, come into conflict and then hope to foster ethical reflection, ethical debate, ethical argumentation in such situations, is also a major goal of the world that we are promoting through COMEST, through the World Commission.

In this particular case, the ethics of outer space, I may remind you that the starting point for this work was actually requested from the European Space Agency to UNESCO to look into these questions and to lead to this work. We reported here a bit about it last year. This year we, in our COMEST two meetings in Berlin, we adopted a set of resolutions. These resolutions will now be inside the UNESCO system. It will be transmitted to the Director-General who will inform the Executive Board about this at the meeting this spring and it is foreseen that it will be placed before the General Conference of UNESCO in 2003 and then go out as a recommendation to Member States of UNESCO.

I hope that the work that they start inside COPUOS, and we are willing to participate in this work, will also lead to a further clarification of this situation so that the recommendations to UNESCO and recommendations or specific advice that may ensue from this work, can sort of be brought forward in parallel.

There was a reference here to this document, CRP.8. May I be allowed to point out to you that some pages are missing in this document, both in the French and the English versions that I have in front of me. The document ends on Page 6. In the middle of a section on preliminary consideration, it continues on Page 7 with further preliminary considerations and then there is a page under the heading the recommendations that are not in your document. Of course, the full text will be placed at your disposal immediately after this session and I hope that it can be distributed to the delegates as soon as possible.

I do not want here to go through all of these points in details. What is the important thing is that we

have recognized that an implementation of outer space policy, that is under point B, number five, must be based on a unanimously acknowledged essential principles, respect for the dignity and social cultural identities; respect for freedom of choice and critical spirit; compliance with the principle of solidarity and precaution, that is necessary to ensure free access to outer space; that there must be an equitable access to outer space resources, both in the fields of observation and communication; and we have to promote the free access to knowledge while safeguarding protection of intellectual properties.

These are basic principles which we, in a set of recommendations, have tried to spell out in fairly specific points. I do not think it is the appropriate venue here to enter into each of these specific points, but it is our hope that the working group, the expert group that hopefully will be formed, can look at this and use these points as an input or guiding lines for their discussion in their mandate, as also outlined in the document here from the European Institute of Space Law.

Let me conclude this by saying that over-interaction with COPUOS and with the Legal Subcommittee is very important for bringing our mission forward but we are also, at the same time, now becoming much engaged with the space community and the space agencies to the IAF. It so happens that the President of IAF is the Deputy Director-General of UNESCO and which, of course, has given COMEST an excellent point of entry into the work with the space communities. Because it is important, in addition, to this important work to formulate the guidelines to see that they are implemented in legal documents, we must also reach out to the community and with the community, sort of form common goals and learn how to argue together when questions of value arises and, in particular, when we have conflict of values as we always have in these areas.

I look forward to a continued collaboration with COPUS from the UNESCO side. We are ready and willing to participate in the forthcoming work and we look forward to this. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of UNESCO, Mr. Fenstad, who, as I understand is the new Chairman or President of the Commission of UNESCO on problems of ethics, and I appreciate very much his expression of willingness of UNESCO to cooperate with the COPUOS on this particular task. Thank you once again.

Is there any other delegation or other observer? I recognize the distinguished representative of Spain.

**Mr. M. RODRÍGUEZ CANTERO** (Spain) (*interpretation from Spanish*): Thank you Mr. Chairman. As this is the first time my delegation is taking the floor in this session of the Subcommittee, we would like to indicate our spirit of cooperation and congratulate you on, once again, presiding over this meeting.

Mr. Chairman, the Spanish delegation is pleased to note that, at this moment in looking at item 5 of the agenda, Information on the Activities of International Organizations Relating to Space Law, I see that we are, once again, looking at the very interesting issue of ethics in the development of space law, etc. Last year, in the fortieth session of this Subcommittee, the COMEST delegation of UNESCO made a very interesting presentation on this issue and I think we will all recall it. I do not know if everyone here today was there at the time but most of you did have the opportunity to hear the very interesting presentation made at the time and I am very pleased, once again, to see Mr. Fenstad and for me and for my delegation, it has been a source of great satisfaction to hear the delegate from Greece presentation the very interesting document on item 8, which I have here before me.

Mr. Chairman, I think it is entirely appropriate that we continue the discussion on ethics and the founding of a group of experts on this matter and my delegation would like to fully join in the proposal of Belgium, Greece and Morocco on this matter. We think it is entirely necessary to have this working group and, thus, Mr. Chairman, we hope that we will continue discussing this matter more in detail and we would like to, once again, express our enormous satisfaction due to the way in which this issue has been developed within this body and we hope to hear, Mr. Chairman, other interventions on this issue and we hope that the discussion will continue on the matter. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of Spain for your contribution to the discussion on agenda item 5, Activities of International Organizations Relating to Space Law.

Do we have any other speaker from among the delegations or from among the observers to speak on this particular item?

I see none. Therefore, we will continue our consideration of item 5, Information on the Activities of International Organizations Relating to Space Law, this afternoon.

**Matters Relating To: (a) the Definition and Delimitation of Outer Space; (b) the Character and Utilization of the Geostationary Orbit, Including Consideration of Ways and Means to Ensure the Rational and Equitable Use of the Geostationary Orbit Without Prejudice to the Role of the International Telecommunication Union (Agenda Item 6)**

Distinguished delegates, we shall now continue our consideration in the plenary of item 6, Matters Relating to the Definition and Delimitation of Outer Space; (b) the Character and Utilization of the Geostationary Orbit.

I have two speakers on my list of speakers for this particular item, so far, and the first one is the distinguished representative of Australia, to whom I give the floor.

**Ms. S. PAYMAN** (Australia): Thank you Mr. Chairman. Australia welcomes the opportunity to comment on the question of the definition and delimitation of outer space.

We are aware of the complex nature of this topic and realize that the definition of outer space is not an issue that Australia can deal with alone.

Under its current legislation, Australia has chosen not to define outer space in the Space Activities Act 1998. The scope of the Act currently extends to all launches and returns of space objects to or from outer space. However, the term "outer space" has not been defined either in Australian law or international law.

The lack of a precise definition of the term has, however, led to uncertainty about what launch activities are regulated by the Act. A bill is currently before the Australian Parliament to provide greater certainty to the Act.

Subject to parliamentary consideration, the Act will define a distance of 100 kilometres above mean sea level as the point at which the Act takes effect in regard to the launch and return of space objects.

It is important to note that amendments to the Act do not constitute a definition of outer space. Rather, the 100 kilometres demarcation point is

necessary to give efficacy to the legislation and to provide guidance as to what activities fall within the ambit of the Act.

Australia welcomes the opportunity to discuss this issue further. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you distinguished representative of Australia for your statement on this item.

The next speaker is the distinguished Ambassador of Ecuador, to whom I give the floor.

**Mr. P. PALACIOS** (Ecuador) (*interpretation from Spanish*): Thank you very much Mr. Chairman. Mr. Chairman, firstly I would like to express my delegation's pleasure at seeing you once again preside over our work.

Despite the complexity of some of the issues discussed in the previous session of the Subcommittee, there were important agreements which were reached and we hope that we will, through these agreements, make progress under your skilled leadership.

Mr. Chairman, my delegation would like to thank the Secretariat for the report contained in document A/AC.105/769. This document recalls the approval on the part of the Subcommittee in the year 2000, the approval of a document on the use of geostationary orbit and the ensuing agreement that the issue will remain on the Subcommittee's agenda. It also mentions that the Working Group will only meet to look at issues related to the definition and delimitation of outer space.

The report also mentions the COPUOS agreement reached at the forty-third session. The agreement involves examining these issues as two separate issues on the agenda and it also establishes as a consensus in the definition and delimitation of outer space and remitting this issue to the Scientific and Technical Subcommittee. These were two agreements.

With this background, my delegation would now like to indicate the following.

First, Ecuador was part of the consensus approving the document on the use of geostationary orbit because it regulates not only radiocommunications through the ITU, through Article 44 of its Constitution, and these are regulations which are accepted by the international community which facilitate a compromise solution.

Second, separation of topic 6 in its current form and the agreement on the mandate of the Working Group does not mean a decrease in the importance of geostationary orbit nor, and worse, that this discussion has not been exhausted. On the contrary, we believe that the thematic separation between geostationary orbit gives it the very important role that corresponds to it and, therefore, it is very practical to have proceeded in this manner.

Third, due to the natural link between these topics, the discussion on definition and delimitation of outer space has a significant impact on the issue of geostationary orbit. The legal approach to them does not limit itself to two simple aspects, rather it covers an entire spectrum which is contained in the GRULAC Declaration, which Ecuador joins, and in this sense, the use of this limited natural resource should be rational and extended to all countries regardless of their current technical capacity. This would, thus, give them the ability to have access to geostationary orbit in equitable conditions and it specifically takes into account the needs and interests of developing countries, as well as the geographic position of these countries.

Fourth, Ecuador notes the work of the ITU on the use of geostationary orbit. However, my country acknowledges the competence of COPUOS in this area, and of this Subcommittee in particular, to examine the legal and political aspects of this issue. Thank you Mr. Chairman.

**The CHAIRMAN:** Thank you Excellency for your statement on the present item that is under our discussion, it means matter relating to the definition and the geostationary orbit and I also thank you for the kind words that you used to address the Chair.

Ladies and gentlemen, I do not have any other speaker on my list of speakers, either from among the delegations or from among the observers. Are there any other speakers on item 6 at this time?

I see none. We will continue our consideration of item 6 this afternoon.

Distinguished delegates, I will shortly adjourn this meeting of the Subcommittee to allow the Working Group on Item 6 to convene its first meeting under the chairmanship of Manuel Alvarez of Peru. Before doing so, however, I would like to inform delegates of our schedule of work for this afternoon and also consider the issue of the informal consultations today on the report of the World Commission on the Ethics of Scientific Knowledge and Technology, COMEST.

This afternoon, we shall continue our consideration of item 5, Information on the Activities of International Organizations Relating to Space Law, and item 6, Matters Relating to the Definition and Delimitation of Outer Space; (b) the Character and Utilization of the Geostationary Orbit. Time permitting, we might also begin consideration of item 8 on our agenda, Consideration of the Convention on International Interests in Mobile Equipment (Opened to Signature in Cape Town on 16 November 2001) and the Preliminary Draft Protocol on Matters Specific to Space Assets. Thereafter, the Working Group on Item 6 might convene its second meeting under the chairmanship of Mr. Manuel Alvarez of Peru.

Are there any questions or comments on this proposed schedule?

I see none.

Finally, let us move on to the issue of the informal consultations on the report of the World Commission on the Ethics of Scientific Knowledge and Technology, COMEST.

I would recall that at its last session, the Committee on the Peaceful Uses of Outer Space agreed to invite interested Member States to designate experts to identify which aspects of the COMEST report on the ethics of space policy might need to be studied by the Committee, and to draft a report with a view to making a presentation on the matter at the forty-second session of the Legal Subcommittee in 2003, under the agenda item, Information on the Activities of International Organizations Relating to Space Law. Therefore, the informal consultations which have been proposed do not fall within the scope of the schedule of work for this session of the Legal Subcommittee, as endorsed by the General Assembly.

Nonetheless, I am sensitive to the desire of certain interested Member States to already make some progress in their work for the session of the Legal Subcommittee next year.

Therefore, unless there is any objection, I would propose that, as an exceptional measure, following the conclusion of the meeting of the Working Group on Item 6 this morning, this room and the associated interpretation facilities might be made available to those interested Member States for such informal consultations.

This would be on the understanding that the interpretation facilities would only be available to the extent that they are remaining from this morning's

meeting. In other words, until 1.00 p.m. sharp. It would also be on the understanding that these informal consultations would not be regarded as having been constituted under the aegis of the Legal Subcommittee and, therefore, the deliberations would not be reflected in any way within the report of the Legal Subcommittee for this session. They are simply a measure to accommodate the interested Member States concerned.

Are there any objections to our proceeding in this manner?

I see none.

*It is so decided.*

We shall, therefore, proceed accordingly.

Ladies and gentlemen, this meeting is adjourned.

*The meeting closed at 11.30 a.m.*