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COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE
Twentieth session
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DRAFT REPORT OF THE COMMITTEE ON THE PEACEFUL USES OF
OUTER SPACE ON THE WORK OF ITS TWENTIETH SESSION

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Addendum

II. RECOMMENDATIONS AND DECISIONS.

A. Report of the Legal Sub-Committee

1. The Committee took note with appreciation of the report of the Legal Sub-Committee on the work of its sixteenth session (A/AC.105/196) covering the results of its deliberations on the four items assigned to it by General Assembly resolution 31/8.
2. The Committee took note of the work done by the Sub-Committee in its effort to complete the text of the draft treaty relating to the moon as indicated in paragraphs 18 to 21 of its report and the report of the Chairman of Working Group I contained in annex I of the report of the Sub-Committee. The Committee noted, in particular, that Working Group I of the Sub-Committee continue to give priority to the question of natural resources of the moon, which it considered as the key issue whose solution could facilitate an agreement on the two remaining issues. The Committee furthermore noted that during the exchange of views conducted by the Working Group efforts had been made to reach a compromise solution which, unfortunately, had proved unsuccessful owing to lack of consensus.
3. In the course of its present session, the Committee heard statements by its members underlining some basic issues with which the Sub-Committee had been confronted.

4. The Committee agreed that the Legal Sub-Committee at its seventeenth session should continue to consider, as a matter of high priority, the draft treaty relating to the moon.
5. The Committee noted that the Legal Sub-Committee had made considerable progress in the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting, with a view to concluding an international agreement or agreements, in accordance with General Assembly resolutions 2916 (XXVII) of 9 November 1972, 3388 (XXX) of 18 November 1975 and 31/8 of 8 November 1976. In particular, the Committee noted with satisfaction that the Sub-Committee, through its Working Group II, had been successful in formulating a tentative text of a principle of "Consultation and agreements between States" and a draft preamble.
6. In this connexion the Committee noted the hope expressed by the Sub-Committee in paragraph 27 of its report that in view of the developments in the Sub-Committee, the task entrusted to it in General Assembly resolution 31/8 would be fulfilled at the current session of the Committee on the Peaceful Uses of Outer Space.
7. In response to this recommendation, the Committee at its 173rd meeting agreed to establish a working party of the whole, to review the outstanding matters and try to achieve progress towards agreement on them.
8. The working party held four meetings under the Chairmanship of Mr. Peter Nadel (Austria), who reported on the results of its work to the Committee at its 175th meeting.
9. The working party concentrated on removing the square brackets contained in the texts of the draft preamble and the principle on "Consultation and agreements between States", formulated by the Legal Sub-Committee at its sixteenth session in New York (A/AC.105/196, annex II). It also discussed the separate paragraphs proposed by some delegations in the Legal Sub-Committee for inclusion in the preamble (A/AC.105/196, annex II appendix).
10. The working party was able to achieve significant progress in removing the square brackets from and in improving the drafting of the draft preamble but no agreement was reached on the paragraphs proposed for inclusion in the preamble.

11. On the principle on "Consultation and agreements between States" the working party also made progress in removing square brackets that appeared in the text of the paragraphs 1 and 2 of that principle and in revising part of the text of paragraph 1. The working party also held a long debate on the text of paragraph 3 of this principle but no agreement was reached and it was decided to include within square brackets the text formulated for this paragraph by the Legal Sub-Committee as well as five other alternative proposals submitted during the consideration of this principle. In view of the lack of agreement on paragraph 3 it was also decided that the texts of paragraphs 1 and 2 should also remain within square brackets for the time being.
12. Some delegations considered that, owing to the wording of the principle on "Consultation and agreements between States", the principle on "Duty and right to consult" should be reconsidered in order to avoid inconsistencies and redundancies. The working party accordingly decided to include this view in a foot-note to the text of paragraph 2 of the principle on "Consultation and agreements between States."
13. The texts formulated by the working party on the draft preamble and the principle on "Consultation and agreements between States" was set out in A/AC.105/XX/WPDBS/1 and 3 respectively and are reproduced in annex to this report.
14. The Committee, having heard the elaboration of views by its members on the outstanding issues and taking into account the progress achieved in the Legal Sub-Committee and at the current session of the Committee, recommended that the Legal Sub-Committee at its seventeenth session, should continue to consider, as a matter of high priority, the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting, with a view to concluding an international agreement or agreements, in accordance with General Assembly resolutions 2916 (XXVII), and 31/8.
15. The Committee noted that the Legal Sub-Committee, in continuing its detailed consideration of the item relating to legal implications of earth resources survey by remote sensing satellites, as requested by General Assembly resolution 31/8 of 8 November 1976, had also made significant progress. The Committee noted with satisfaction that, through its Working Group III, the Legal Sub-Committee had been able to formulate the texts of six additional draft principles referred to in paragraphs 9 to 12 of the report of the Working Group.

16. The Committee recommended that the Sub-Committee continue, on the basis of high priority, to give detailed consideration to the legal implications of remote sensing, with the aim of formulating draft principles relating to remote sensing.

17. The Committee also noted that questions relating to the definition and/or delimitation of outer space and outer space activities had also been discussed by the Legal Sub-Committee in the course of two of its meetings and that this discussion had been the occasion for a new exchange of views.

18. In addition, the Committee noted that, in the course of the discussion, reference was also made to the question of the geostationary orbit in relation to the definition and/or delimitation of outer space, and some delegations suggested that the parent Committee might also wish to consider this matter in more detail. In this connexion, the Committee noted a working paper submitted to the Committee by the Union of Soviet Socialist Republics concerning the considerations on the legal status of geostationary orbits (A/AC.105/L.94).

19. The Committee decided that, at its seventeenth session, the Legal Sub-Committee should pursue its work on questions relative to the definition and/or delimitation of outer space and outer space activities. The Committee recommended to the Legal Sub-Committee, in discussing the definition and/or delimitation of outer space, to bear in mind the questions relating to the geostationary orbit. In this connexion the Committee also noted the view expressed by some members that the questions relating to geostationary orbit should also be described in the agenda of the Scientific and Technical Sub-Committee.

20. The Committee noted that at its 281st meeting, the Legal Sub-Committee noting that 10 October 1977 would be the tenth anniversary of the entering into force of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, approved a draft resolution contained in paragraph 13 of its report and recommended that it be forwarded by the Committee to the General Assembly for consideration and adoption at its thirty-second session. The Committee welcomed the adoption of this draft resolution and decided to forward to the General Assembly the following draft resolution for its consideration and adoption at its thirty-second session:

[draft resolution see A/AC.105/L.96 p.4]

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21. The Committee also noted that the Legal Sub-Committee had paid tribute to its Chairman and adopted a draft resolution contained in paragraph 14 of its report on the tenth anniversary of Mr. Eugeniusz Wyzner's chairmanship of the Legal Sub-Committee as well as its expression of appreciation for the services rendered by its Secretary, Miss Kwon Chen, who ended her services with the Sub-Committee after fifteen years. The Committee added its own appreciation for the outstanding contribution made by its Chairman and its Secretary to the work of the Sub-Committee.

22. The Committee, having discussed the report of the Legal Sub-Committee relating to (a) the draft treaty relating to the moon, as referred to in paragraphs 1 to 4 above, (b) the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting, as referred to in paragraphs 5 to 14 above, (c) legal implications of remote sensing of the earth from space, as referred to in paragraphs 15 to 16 above, and (d) matters relating to the definition and/or delimitation of outer space and outer space activities, as referred to in paragraphs 17 to 19 above, and having heard the views expressed by its members in regard to the programme of work and the priority items to be considered by the Legal Sub-Committee at its next session, recommended that the Legal Sub-Committee continue to consider with the same high priority the issues covered by items (a), (b) and (c) and called upon the Legal Sub-Committee to continue its work on this basis at its next session. The Committee also requested the Legal Sub-Committee to continue its work on item (d) above.