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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Fifth Session

SUMMARY RECORD OF THE SIXTIETH MEETING

Held at the Palais des Nations, Geneva,
on Friday, 15 July 1966, at 3 p.m.

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CONSIDERATION OF A TREATY GOVERNING THE EXPLORATION AND USE OF OUTER SPACE, THE MOON AND OTHER CELESTIAL BODIES (continued)

Mr. RUDA (Argentina) expressed satisfaction at the initiative that had made it possible for the Sub-Committee to continue its work on the draft treaty on the exploration and use of outer space and celestial bodies. With the enormous progress that had been made, the problems of space law and the control of outer space were more than ever tied to scientific development, and if the Sub-Committee's work was successful legal norms would be established before man's conquest of celestial bodies and not for the purposes of a posteriori codification.

Considering that the draft treaty should serve the interests of all mankind and not those of any one State, his delegation would take its stand on the following four basic principles: (1) outer space and celestial bodies should be used solely for peaceful purposes; (2) they should constitute a sphere of international co-operation, not of controversies and conflicts; (3) all States should be able to explore, study and freely exploit outer space and celestial bodies; and (4) the provisions of international law, and above all those of the United Nations Charter, should govern the relations among States in outer space and on celestial bodies.

It followed from the first principle that the placing in orbit, in outer space, of nuclear weapons or weapons of mass destruction should be prohibited, that there should be no testing in space of weapons of any type, and that no military fortifications should be set up or military manoeuvres conducted in space.

In virtue of the second principle, every State should: (1) assist other States carrying on activities in space; (2) help astronauts in their activities; (3) inform other States of activities taking place in space; (4) make available to other States the results of its research or exploration; (5) seek to prevent any contamination of the earth from space and of space from the earth; (6) seek to co-operate in scientific research conducted in that field; and (7) return to other States objects belonging to them or used by them in the exploration of space.

It followed from the third principle that: (1) all States should be guaranteed equality of opportunity to carry on research and exploration without any discrimination in outer space and on celestial bodies; (2) States should have full freedom of access to space and celestial bodies; and (3) no State could appropriate outer space or celestial bodies or claim sovereignty over them.

(Mr. Ruda, Argentina)

Lastly, from the fourth principle there flowed three rules which should be mentioned in the draft treaty: (1) notwithstanding the third clause of the previous paragraph, States should continue to have jurisdiction over their nationals and over installations and objects belonging to them; (2) States should bear international liability for damage caused to other States as a result of their space activities and those of international organizations to which they belonged; (3) since international law and the provisions of the Charter were to apply in space and on celestial bodies, States should be under an obligation to seek the peaceful settlement, in conformity with the procedures fixed by the Charter, of any disputes arising between them as a result of their space activities.

It was in the light of those considerations that his delegation would judge the various drafts to be submitted to the Sub-Committee.

As to the question of the final clauses, which were extremely important in treaties of the type considered, his delegation supported the proposal made by the French representative at the 57th meeting that they should be referred to the full Committee for study at a later date.

With reference to the statement made by the United States representative, also at the 57th meeting, concerning the Antarctic Treaty, he too thought that the draft treaty should explicitly guarantee free access to all areas of celestial bodies. However, if the Antarctic Treaty guaranteed free access to all parts of the continent in question, that provision concerned only the principle of free scientific research in the region considered and in no way barred claims to territorial sovereignty in the said region. For its part, Argentina claimed its legitimate rights over the Argentine sector of Antarctica and, in so doing, it did not consider itself to be in any way violating the Antarctic Treaty. In support of his argument, he quoted article IV, paragraph 1 (a), of the Treaty.

The Argentine Government did not accept the parallel which the United States representative had tried to establish between outer space and Antarctica; in the case of Antarctica, a number of States represented in the Sub-Committee, including Argentina, had claims to territorial sovereignty over certain parts of the continent.

The meeting rose at 3.40 p.m.

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