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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Seventeenth session

SUMMARY RECORD OF THE 285th MEETING

Held at the Palais des Nations, Geneva,  
on Tuesday, 14 March 1978, at 10.45 a.m.

Chairman: Mr. WYZNER (Poland)

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## DRAFT TREATY RELATING TO THE MOON (agenda item 4) (A/AC.105/196)

1. The CHAIRMAN invited the Sub-Committee to take up agenda item 4 and recalled that the General Assembly had requested that the subject should be accorded high priority. He drew the Sub-Committee's attention to the relevant sections of its report on the work of the sixteenth session (A/AC.105/196), namely, chapter I and annex I, which contained the report of the Chairman of Working Group I on the draft treaty relating to the moon.
2. At its eleventh session in 1972, the Sub-Committee had approved the text of a preamble and 21 articles of the draft treaty, including its final clauses (Appendix D to annex I). At its twelfth session the following year, the Sub-Committee had taken note of the text of six provisions approved by the Working Group (Appendix E to annex I). Notwithstanding those substantial achievements, the Sub-Committee had been unable to reach agreement on three main issues which still remained unresolved: the scope of the treaty; the information to be furnished on missions to the moon; and the natural resources of the moon.
3. In 1978, the Chairman of the Working Group on the draft treaty had informed the Sub-Committee that the Group had again decided to give priority to the question of the natural resources of the moon, which was generally regarded as the key issue, the solution of which could facilitate an agreement on the two other outstanding issues. Nevertheless, in spite of the efforts made by a great number of delegations, it had not proved possible to reach agreement on a text relating to natural resources.
4. Without underestimating the difficulties to be overcome, he hoped that the Sub-Committee would devise a reasonable solution acceptable to all on the outstanding issues. He was convinced that the Sub-Committee would succeed in elaborating the complete text of the draft treaty relating to the moon.

## GENERAL EXCHANGE OF VIEWS (continued)

5. Mrs. MIRONOVA (Union of Soviet Socialist Republics) welcomed the new members of the Sub-Committee which, in accordance with a General Assembly decision, now had 47 members, and noted that the keynote of the current session was the successes achieved in the exploration and peaceful uses of outer space. The Soviet Union was proud of its contribution to that noble activity. The flights of Salyut-6 type orbital stations which had taken place over a period of six years had made it possible to improve space technology, conduct scientific experiments and carry out medico-biological research which would pave the way for the forthcoming extended space flights. Current work programmes were also concerned with optimizing the work and rest schedules of crews, studying the vital processes of micro-organisms in conditions of weightlessness, etc. In their "space house", the cosmonauts enjoyed increasing comfort since they could take showers, see the film of their choice and receive mail from earth. The Salyut-6 orbital station had set a number of space records. The crew of the spaceship Soyuz-26 had set, on the orbital station, a new world record for remaining in space. Three times, during the flight of Salyut-6, a unique space complex composed of three docked space objects had been set.

6. At the beginning of the flight, the cosmonauts Romanenko and Grechko had been joined by two other cosmonauts, Dzhaniybekov and Makarov, who had arrived on board the spaceship Soyuz-27, and subsequently returned to earth on board Soyuz-26. The fact that four cosmonauts had worked simultaneously constituted an important step towards the establishment of huge heavily-manned space installations. The docking of Salyut-6 with a spaceship had proved that there were many options with regard to the replacement of personnel manning space stations, the delivery of new equipment and the dispatch to earth of the results of research conducted in space. Furthermore, it had been possible with the space vehicle Progress 1, which was the first of its type and was already being called a "space lorry", to provide Salyut-6 with the reserve supplies necessary for its operation and the items essential to the life of the crew and the conduct of research.
7. Very recently, the Soviet cosmonaut Gubarev and the Czechoslovak cosmonaut Remek, travelling on board Soyuz-28, had docked with the Salyut-6 orbital station. They had returned to earth on 10 March. Czechoslovakia had thus become the third country in the world to have its own cosmonaut, and she wished to extend her warm congratulations on the event to the Czechoslovak delegation. It was also a great success for all the socialist countries which were taking part in the "Intercosmos" joint research programme.
8. It was timely to stress the importance of the political and legal aspects of that historic exploit. New facts had emerged in the spatial domain: it was the first time that a citizen of one State had travelled on board a spaceship of another State; it was the first time that an international team had worked on board an orbital space station and it was the first time that a cosmonaut from one State had returned to earth on board a spaceship of another State. Those historic events also constituted legal facts of paramount importance. The flight of the Czechoslovak cosmonaut Remek had opened a new chapter in the history of international co-operation in the spatial domain. The work of the first international team had shown the inexhaustible possibilities of co-operation in the exploration and use of outer space. The flight also represented a great success for the international policy of the countries belonging to the socialist community. In that connexion, the Gagarin Centre, which was known as the "International Space Academy", was preparing citizens of other socialist countries for further international missions. Faithful to its principles, the Soviet Union had always favoured extensive co-operation in space activities on the basis of equality of rights.
9. She recalled that General Assembly resolution 32/195 relating to the tenth anniversary of the entry into force of the Treaty on Principles governing the Activity of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, had confirmed the great importance of international space law for the development of international co-operation and for developing the rule of law in the exploration of outer space. In that resolution, the General Assembly had expressed its belief that the participation in the Treaty of all States and the application of that international instrument by them could contribute to enhancing the effectiveness of international co-operation in the peaceful exploration and use of outer space. She stressed that the Treaty

defined the rights and duties of the States parties and not only of the so-called space Powers. States which did not adhere to the 1967 Treaty were depriving themselves of a number of rather important rights and should reflect on their possible participation in joint space programmes.

10. She had pleasure in announcing that at the beginning of 1978, the Soviet Government had lodged with the Secretary-General an instrument of ratification confirming its participation in the Convention on Registration of Objects Launched into Outer Space. The Soviet Union was thus a party to all the multilateral treaties of a universal character governing the relationships of States in outer space.

11. Space research bore witness to the ever-increasing range of activities by Governments in that sphere and to their growing economic importance. Thus, crews on Soviet orbital stations had undertaken photographic and photometric work on to the earth's surface with fixed and portable equipment. Vast expanses of Soviet territory had been photographed. The results of such work had been used in the management of the national economy. During the second expedition of the Salyut-4 station 5.5 million square kilometres of Soviet territory had been photographed at a cost of 50 million roubles. At the end of its flight in August 1977, the Salyut-5 station had brought back photographs of 65 million square kilometres situated in the regions of the Southern Urals, the Sea of Aral, and the Altai, Pamir and Tien Shan Mountains, and on the surface of the Atlantic, Pacific and Indian Oceans.

12. That new practical trend in modern astronautics raised complex problems for jurists: the study of earth's natural resources from space, the question of space telecommunications and space navigation. The work of harmonizing the legal principles governing those activities should not be held up. Any delay in that respect would involve risks of misunderstandings and inefficient use of resources.

13. The essential objective of space research was to acquire knowledge of and to explore the limitless space of the universe in the interests of all inhabitants of Earth and all States on the planet in the name of peace and progress on Earth. That was why the Soviet Union was making every effort to strengthen extensive and mutually advantageous international co-operation in that sphere. That idea was reflected in the new Soviet Constitution adopted on 7 October 1977. The text had taken account of the profound and historic changes which had taken place in the life of the Soviet people, and had opened new horizons for the construction of a socialist society. It was particularly symbolic that the opening of the session of the Supreme Soviet of the USSR at which the new Constitution had been adopted had coincided with the twentieth anniversary of the launching of the first Soviet satellite. Those two events were linked by the logic of history and were the result of the great Socialist October Revolution. The new Constitution included a chapter devoted to foreign policy which, among other principles, set out that of the fulfilment of obligations stemming from universally-recognized principles, rules of international law and international treaties. That principle also applied to the obligations of the Soviet Union under the international treaties applicable to the space activities of States.

14. With regard to the current session, she believed that the Sub-Committee would make some progress in the development of international space law. The end of the work on the elaboration of draft principles governing the use by States of artificial earth satellites for direct television broadcasting appeared to be in sight. In order to complete that important task, a constructive effort was required, to which her delegation was ready to contribute. In her view, it would also be possible to complete consideration of the draft treaty relating to the moon. There were a large number of compromise proposals on the subject: the problem was to select the most acceptable to all the delegations concerned. With regard to the legal implications of remote sensing of the earth from space, she was optimistic that a final text of the relevant draft principles would be agreed upon.

15. Mr. JAY (Canada) recalled that the previous month in New York his delegation had provided the Scientific and Technical Sub-Committee with technical facts concerning the re-entry and impact in Canada of component parts of the Soviet satellite Cosmos-954. Canada had expressed its concern over that matter and had requested the Committee and its Sub-Committees to consider the question of the use of nuclear power sources in space with a view to establishing a special régime of international co-operation designed to ensure the safety and integrity of the environment. He would therefore confine his remarks to these aspects of the incident which related to international law and to the use of spacecraft carrying hazardous substances. A review of the issue by the Legal Sub-Committee, in conjunction with the work of the Scientific and Technical Sub-Committee, should enable the Committee to take further action at its June session.

16. In accordance with article 5, paragraph 1, of the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space, Canada had formally notified the Secretary-General of the United Nations and the Government of the Soviet Union of the incident on 8 February 1978 (A/AC.105/214 and Corr.1) and on 3 March 1978 (A/AC.105/217). Canada had also notified the USSR Government that it would subsequently submit to it a claim for damages, including search and recovery costs, in accordance with the Convention on International Liability for Damage Caused by Space Objects, to which both Canada and the USSR were parties.

17. The technical and legal complexities of the issue made it difficult at the current stage to achieve a definitive solution; his delegation considered, however, that the special hazards posed by the use of nuclear power sources in space called for a review of existing international instruments previously adopted by the Committee, in order to determine whether there was a need for the elaboration of an additional instrument governing such use. One important question that would require study was the adequacy of international procedures for notification regarding satellites using nuclear power sources. Under the Convention on the Registration of Objects Launched into Outer Space, the launching State was already obliged to inform the Secretary-General of the launching and taking out of service of space objects, but consideration should be given to the elaboration of more stringent notification requirements at each of four stages in the life of satellites.

18. The first stage was that of the initial launching of the satellite, in respect of which the State of registry was required to furnish certain types of

information under article IV of the Registration Convention. His delegation considered, however, that the Sub-Committee should request launching States to provide additional information on a voluntary basis, under article IV, paragraph 2, of the Convention, in respect of the use of nuclear power sources. The second stage was reached when the satellite's orbit had decayed to the extent that there was a possibility of its re-entry into the atmosphere. Consideration should perhaps be given to the need at that stage for international co-operation in tracking or monitoring the path of the disabled satellite, a question which, because of its technical and legal implications, should be examined by the Committee at its June session. The third stage occurred immediately prior to impact, when it was possible to predict the probable time and place of the re-entry of the satellite into the earth's atmosphere and of its impact on the ground. In that connexion, the Committee was to discuss certain proposals that the technical aspects of such prediction should be studied by the proposed technical working group on the use of nuclear power sources in outer space. In any event, launching States should be aware of their responsibilities and co-operate to the greatest possible extent in notifying the Government or Governments concerned. The representative of the Soviet Union in the Scientific and Technical Sub-Committee had acknowledged on 14 February that the launching State had an obligation to notify the country of probable impact. That obligation should be spelt out in the clearest possible terms in a comprehensive legal régime governing the use of nuclear power sources in outer space. The Sub-Committee should examine the scope of that obligation as well as the question whether only one country or all countries should be informed of the presence of hazardous substances on board a spacecraft and whether the launching State should give private notice to the State or States of probable impact in order to avoid unnecessary alarm in the countries situated in the orbital path of the space object. It would then be for the Governments concerned to decide what action should be taken.

19. The fourth stage at which notification would be required was after impact had occurred; the launching country would then have the primary obligation to notify the country of impact of the possible return of hazardous material to its territory. That was a principle of international law recognized, for example, in the context of the law of the sea (article 199 of the informal composite negotiating text drafted at the sixth session of the Conference on the Law of the Sea). The Sub-Committee should examine the legal principles governing the integrity of the environment and its protection against harmful contamination (article 9 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). The preservation of the integrity of the environment from the discharge of toxic or other substances which might damage ecological systems was also the subject of principles 6 and 7 of the 1972 Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration).

20. On the basis of those international legal precedents and in close co-operation with the Scientific and Technical Sub-Committee, the Legal Sub-Committee should begin to develop a series of strict and fully effective standards, safeguards and restrictions on the use of nuclear power sources in space, on the pattern of the legal framework relating to the use of nuclear materials on earth. His delegation looked forward to hearing the views of other delegations so that the Legal Sub-Committee could take early follow-up action with respect to the use of nuclear power sources in outer space.

21. Mr. OGISO (Japan) said that the incident of the nuclear-reactor equipped Soviet satellite Cosmos-954, which had fallen to earth in Canada on 24 January 1978, had caused deep concern among the people of his country. The fact that both Houses of the Japanese Diet had unanimously adopted resolutions urging the Japanese Government to take specific measures, through international co-operation, to ensure the safety of satellites equipped with nuclear power sources showed clearly the extent to which Japan was concerned about the matter. It was necessary to call for international co-operation in order to give comprehensive consideration to the question of safety in the use of outer space, especially with regard to the launching of satellites using nuclear power sources.

22. He recalled that, at the recent meetings of the Scientific and Technical Sub-Committee, his Government had proposed that the matter should initially be examined from the scientific and technical standpoint and that an ad hoc working group of the Scientific and Technical Sub-Committee should be established for that purpose. His delegation had also stated that it would be desirable to examine appropriate legal measures to ensure the safety of satellites using nuclear power sources in the Legal Sub-Committee, and on the basis of such a scientific and technical examination. He therefore requested the members of the Sub-Committee to examine all the relevant legal aspects of the matter and the necessary legal measures to ensure and enhance the safety of such satellites on the basis of the discussions of the Scientific and Technical Sub-Committee, the parent Committee and the ad hoc working group if it was established.

23. To that end, the Japanese delegation proposed that the Sub-Committee should consider the following measures: various legal controls to be applied to satellites, especially those equipped with nuclear power sources, including strengthened safety standards and the possibility of prohibiting the launching of satellites designed for use as destructive weapons; a system of obligatory notification to the Secretary-General of the United Nations prior to the launching of satellites, especially those equipped with nuclear power sources; and international arrangements for emergency notification in case of abnormal flight of satellites and for search, rescue or recovery activities in case of the return of a satellite to earth.

24. His delegation appealed to the members of the Sub-Committee to support the Japanese Government's position and to co-operate in international efforts in that sphere, as it itself was prepared to do.

The meeting rose at 11.45 a.m.