



Agenda item 28: International co-operation in the peaceful uses of outer space:*

- (a) Report of the Committee on the Peaceful Uses of Outer Space;
 (b) Report of the Economic and Social Council (chapter VII, section IV)

C O N T E N T S

Document No.	Title	Page
First Committee:		
A/5482	Letter dated 22 August 1963 from the Permanent Representatives of the Union of Soviet Socialist Republics and the United States of America to the United Nations, addressed to the Secretary-General	1
A/5549 and Add.1	Report of the Committee on the Peaceful Uses of Outer Space.....	6
Fifth Committee:		
A/C.5/1002	Financial implications of draft resolution II submitted by the First Committee in document A/5656: note by the Secretary-General	24
A/5648	Financial implications of draft resolution II submitted by the First Committee in document A/5656: report of the Advisory Committee on Administrative and Budgetary Questions..	25
Plenary meetings:		
A/5656	Report of the First Committee.....	25
A/5663	Financial implications of draft resolution II submitted by the First Committee in document A/5656: report of the Fifth Committee	26
Action taken by the General Assembly		27
Check list of documents		29

* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, First Committee*, 1342nd to 1346th meetings; *ibid.*, *Fifth Committee*, 1054th meeting; and *ibid.*, *Plenary Meetings*, 1280th meeting.

DOCUMENT A/5482

Letter dated 22 August 1963 from the Permanent Representatives of the Union of Soviet Socialist Republics and the United States of America to the United Nations, addressed to the Secretary-General

[Original text: English and Russian]
 [26 August 1963]

We have the honour to submit documents relating to the first memorandum of understanding to implement the bilateral space agreement of 8 June 1962,¹ for which circulation as a United Nations document was requested on 5 December 1962. The memorandum resulted from a series of meetings between Dr. Hugh Dryden of the National Aeronautics and Space Administration of the United States and Academician A. A. Blagonravov of the Academy of Sciences of the Union of Soviet Socialist Republics.

We request that the enclosed be circulated to all Members of the United Nations as an official United Nations document.

(Signed) N. FEDORENKO (Signed) A. STEVENSON
 Permanent Representative Permanent Representative
 of the Union of Soviet of the United States
 Socialist Republics of America to the
 to the United Nations United Nations

LETTER DATED 8 JULY 1963 FROM DR. HUGH L. DRYDEN, DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OF THE UNITED STATES, TO ACADEMICIAN A. A. BLAGONRAVOV OF THE ACADEMY OF SCIENCES OF THE UNION OF SOVIET SOCIALIST REPUBLICS

In my letter of 7 May 1963, I indicated that the National Aeronautics and Space Administration had no changes to propose concerning the text of the "First memorandum of understanding to implement the bilateral space agreement of 8 June 1962 between the Academy of Sciences of the USSR and the National Aeronautics and Space Administration of the United States", agreed to by us in Rome on 20 March of this year. It is now my pleasure to inform you similarly with regard to the text of the mutual understandings reached by us in Geneva on 24 May concerning the new section IV, "Magnetic field survey through the use of artificial satellites".

I propose, therefore, that the first memorandum of understanding, incorporating the new section IV, and the changes to section IV also agreed to by us in Geneva on 24 May, become effective as of the date of your

¹ *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 27, document A/C.1/880.

Appendix

EXCHANGE OF CONVENTIONAL METEOROLOGICAL DATA

*Types of conventional data*1. *Computer processed and checked upper air data*

(a) It is not anticipated that all conventional data would be processed and transmitted but rather the data for a few selected upper air levels that are particularly significant for analysis and forecasting. Criteria for the extent of this kind of data exchange would be based on the following:

- (i) It will be limited to those stations from which the original upper air reports are received within three to four hours at Moscow or Washington. (This amounts to a "Regional" collection.);
- (ii) Original reports will be subjected to rapid computer processing in order to eliminate and/or correct erroneous reports and to arrange the data in a convenient and systematic form for transmission;
- (iii) The upper air levels useful for numerical weather prediction are 1,000 mb, 850 mb, 700 mb, 500 mb, 300 mb, and 200 mb;
- (iv) At the levels indicated above, the following data will be transmitted: temperature, geopotential height, dew point and wind;
- (v) The areas and network of stations for which the data are to be transmitted will be determined later.

2. *Conventional weather charts*

Charts prepared by objective numerical techniques in graphical form should receive priority for exchange on the communications link. The types of charts that would contribute to improved world weather analyses and predictions are:

(a) Northern hemispheric analyses of the 1,000 mb and several upper air levels such as the 500 mb, 300 mb, and 200 mb levels;

(b) Northern hemispheric predictions for 24 hours with the possibility of extending the period of forecast to 72 hours in the future, for 500 mb, 300 mb, and 200 mb;

(c) It is desirable in the future to exchange extended period forecasts of five days or longer and a selection of the important working charts or diagrams that may be used in generating these forecasts;

(d) In order to co-ordinate satellite and conventional observations associated with important weather developments, available detailed analyses and satellite photographs for specific areas will be transmitted on request as soon as possible.

3. *Timing and frequency of exchanges*

To be of maximum operational value, all information should be submitted as early as practical. Suggested items are:

(a) Processed upper air data within 4-5 hours of observation (twice per day);

(b) Analyses within 6 hours of observation (twice per day);

(c) Prognoses within 6-9 hours of observation (twice per day).

4. *Map scales and projections*

(a) Polar stereographic projections will be used for all chart exchanges;

(b) Analysis and prognostic charts having a scale of 1:30,000,000 or 1:40,000,000 will be used;

(c) Special charts exchanged on request would be on scales most convenient for the transmitting country.

DOCUMENTS A/5549 AND ADD.1

Report of the Committee on the Peaceful Uses of Outer Space

DOCUMENT A/5549

[Original text: English]
[24 September 1963]

CONTENTS

<i>Chapter</i>	<i>Paragraphs</i>
I. INTRODUCTION	1-7
II. RECOMMENDATIONS BASED ON THE REPORT OF THE SCIENTIFIC AND TECHNICAL SUB-COMMITTEE AND THE REPORTS PREPARED BY THE INTERNATIONAL TELECOMMUNICATION UNION AND THE WORLD METEOROLOGICAL ORGANIZATION.....	8-18
Exchange of information	9-13
Encouragement of international programmes.....	14-15
International sounding rocket facilities.....	16
Education and training.....	17
Potentially harmful effects of space experiments.....	18
III. REPORT OF THE LEGAL SUB-COMMITTEE.....	19-20
IV. REGISTRATION	21

ANNEXES

	<i>Page</i>
I. Extract from the interim report of the Committee on the Peaceful Uses of Outer Space, circulated on 28 March 1963.....	9
II. Opening statement by the Chairman, made at the 20th meeting of the Committee, on 9 September 1963.....	10
III. Proposals submitted to the Legal Sub-Committee at its second session.....	11

I. INTRODUCTION

1. The third and fourth sessions of the Committee on the Peaceful Uses of Outer Space were held at United Nations Headquarters, New York, from 25 Feb-

ruary to 18 March 1963 and from 9 to 13 September 1963, respectively, under the chairmanship of Mr. Franz Matsch (Austria). Mr. Mihail Haseganu (Romania) served as Vice-Chairman and Mr. Geraldo de Carvalho Silos (Brazil) as Rapporteur.

2. At its third session, the Committee held three meetings, the records of which were circulated as documents A/AC.105/PV.17-19. An interim report on the work of the session was circulated on 28 March 1963 (A/AC.105/9). An extract from this report is reproduced in annex I below.

3. The second session of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space was held at United Nations Headquarters, New York, between 16 April and 3 May 1963 under the chairmanship of Mr. Manfred Lachs (Poland). The second session of the Scientific and Technical Sub-Committee was held at the European Office of the United Nations, Geneva, between 14 and 29 May 1963 under the chairmanship of Mr. D. F. Martyn (Australia).

4. At its fourth session, the Committee held four meetings, the records of which were circulated as documents A/AC.105/PV.20-23.

5. At the first meeting of the session the Committee adopted the following agenda:

- (1) Opening statement by the Chairman.²
- (2) General debate.
- (3) Report of the Scientific and Technical Sub-Committee on the work of its second session (A/AC.105/14) and the reports prepared by the World Meteorological Organization (E/3794 and Corr.1) and the International Telecommunication Union (E/3770).
- (4) Report of the Legal Sub-Committee on the work of its second session (A/AC.105/12 and Corr.1).
- (5) Report of the Committee to the General Assembly.

6. In the course of the general debate, statements were made by the representatives of Australia, Austria, Czechoslovakia, France, Hungary, India, Italy, Poland, Romania, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom and the United States of America. The statements, which contain a number of concrete suggestions concerning international co-operation in the peaceful uses of outer space, are reproduced in the records of the 20th, 21st and 22nd meetings. The Committee also heard statements by the Secretary-General of the International Telecommunication Union (ITU), by the representatives of the World Health Organization (WHO) and of the World Meteorological Organization (WMO), and by the representative of the Committee on Space Research (COSPAR) of the International Council of Scientific Unions, who attended the session as observers.

7. In considering the third and fourth items of its agenda, the Committee had before it, in addition to the reports of the two Sub-Committees and the reports of WMO and ITU, an informal working paper prepared by its officers to facilitate the discussion.

II. RECOMMENDATIONS BASED ON THE REPORT OF THE SCIENTIFIC AND TECHNICAL SUB-COMMITTEE AND THE REPORTS PREPARED BY THE INTERNATIONAL TELECOMMUNICATION UNION AND THE WORLD METEOROLOGICAL ORGANIZATION

8. At its 22nd meeting, on 13 September 1963, the Committee approved the recommendations set out below and presents them for consideration by the General Assembly.

² Reproduced as annex II.

Exchange of information

9. The Committee, in view of the mutual benefits they would derive from keeping each other informed about national space activities,

(a) Calls the attention of all Member States to the requests in General Assembly resolutions 1721 (XVI) and 1802 (XVII) for voluntary submission of information on national space programmes;

(b) Invites those Member States that have not yet done so to provide the Committee with information on their national activities in the peaceful exploration and uses of outer space, for circulation to all Member States.

10. The Committee notes:

(a) That at the present stage of space exploration and its peaceful uses, various reports submitted to COSPAR and the World Data Centres for Rockets and Satellites constitute another useful channel for the exchange of information about national space research programmes and the scientific results of space exploration;

(b) The importance of promoting, where appropriate, the exchange of scientific and technical information through those channels.

11. Because of the growing interest in benefits to be derived from international co-operation in the exploration and use of outer space, the Committee, in co-operation with the Secretary-General and making full use of the functions and resources of the Secretariat, will prepare a working paper on the activities and resources of the United Nations, of the specialized agencies, and of other competent international bodies relating to the peaceful uses of outer space.

12. The Committee, having considered the feasibility of preparing a summary of national and of co-operative international space activities on the basis of these reports and information available from other reliable sources, will prepare this summary for circulation to Member States after due approval and in co-operation with the Secretary-General and making full use of the functions and resources of the Secretariat.

13. In view of the value to Member States of being able to make rapid searches of the space literature so as to locate quickly all available information in a specific area of interest, the Committee, in co-operation with the Secretary-General and making full use of the functions and resources of the Secretariat, will prepare for circulation to Member States a list of the sources of available bibliographies and abstracting services covering the scientific and technical results and publications in space and space-related areas.

Encouragement of international programmes

Programme for international co-operation in the field of space communication

14. The Committee, noting with interest the second report of ITU (E/3770) on studies which it has conducted on telecommunications in the peaceful uses of outer space in the period from May 1962 to April 1963 in response to General Assembly resolutions 1721 (XVI) and 1802 (XVII),

(a) Draws the attention of Member States and specialized agencies to:

- (i) The successful achievements of ITU in the field of space communications; and

(ii) The necessity for a careful study of the various programmes and suggestions put forward in the second report of ITU;

(b) Reiterates that international space communications should be available for the use of all countries on a global non-discriminatory basis;

(c) Urges that due consideration should be given to the technical recommendations of ITU in the development of space communications;

(d) Recommends that all Member States, in accordance with the recommendations contained in the report of the Committee on the Peaceful Uses of Outer Space to the General Assembly at its seventeenth session (A/5181),³ take further appropriate steps, using to the fullest extent the possibilities offered by the technical co-operation programmes, to develop and extend terrestrial communication systems in various parts of the world so that all Member States, regardless of the level of their economic, scientific and technological development, will be able to benefit from international space communications;

(e) Invites the specialized agencies and other competent international organizations to assist in the development and extension of such terrestrial systems.

Programme of international co-operation in satellite meteorology

15. The Committee:

(a) Takes note of the arrangements made by the Fourth Congress of WMO for the preparation of detailed programmes on the research aspects of meteorological satellites, providing for research on a very wide range of subjects (E/3794 and Corr.1);

(b) Notes that in the programme on the research aspects of meteorological satellites, particular emphasis is placed on the need to establish a World Weather Watch, to develop meteorological observations from ground stations and to undertake research using information from meteorological satellites and conventional meteorological observations simultaneously;

(c) Recognizes that all countries of the world are interested in the establishment of the World Weather Watch, using information from meteorological satellites as well as conventional meteorological observations of all kinds;

(d) Urges Member States to facilitate the development of extensive international co-operation in the establishment of the World Weather Watch, with particular emphasis on comprehensive studies on improving the World Weather Watch system and on the need for improved facilities for the exchange of data from meteorological satellites and conventional meteorological observations.

International sounding rocket launching facilities

16. The Committee, in reviewing action undertaken in connexion with this item:

(a) Approves the establishment, at the request of the Government of India, of a group of five scientists, drawn from States members of the Committee and familiar with space research activities and facilities, to visit the sounding rocket launching site at Thumba in November or the latter half of December 1963 and to advise the Committee on its eligibility for United Nations sponsorship in accordance with the basic prin-

³ Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 27.

ciples approved by the Committee in 1962, the scientists to be named, after consultation with the Scientific and Technical Sub-Committee and with COSPAR, by the officers of the Committee in agreement with the Committee members;

(b) Invites COSPAR to review the geographic distribution of sounding rocket launching facilities and their capabilities, from information about them given on a voluntary basis, and advise the Scientific and Technical Sub-Committee from time to time on desirable locations and important topics of research, taking into account the need to avoid duplication of effort;

(c) Urges that, where there is shown to be a need, Member States in appropriate locations, either singly or in co-operative groups, consider the establishment of such a launching facility following the basic principles approved by the Committee.

Education and training

17. The Committee,

Noting the value of international co-operation in the field of education training and assistance in space activities,

Recognizing the many successful international and bilateral co-operative activities already in being and taking into account General Assembly resolution 1721 (XVI), which stated that the exploration and use of outer space should be for the benefit of States, irrespective of the stage of their economic and scientific development,

Believing in the fundamental importance of education and training in achieving this objective,

Recalling the important role played by the Technical Assistance Board and the specialized agencies in this field,

In co-operation with the Secretary-General and making full use of the functions and resources of the Secretariat, will compile and organize in co-operation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), for circulation to Member States, reviews of information on facilities for education and training in basic subjects related to the peaceful uses of outer space in universities and other places of learning,

Invites attention to the importance of scholarships, fellowships and other means of technical assistance in appropriate fields related to the exploration and the various peaceful uses of outer space, and to the value of encouraging initiatives in this respect;

Invites Member States to give favourable consideration to requests of countries desirous of participating in the peaceful exploration of outer space, for appropriate training and technical assistance, on a bilateral basis or on any other basis they see fit;

Invites Member States to consider the possibility of using such international sounding rocket facilities as may be set up in the future, sponsored by the United Nations, for training in appropriate fields of peaceful exploration of outer space, at the discretion of the host country.

Potentially harmful effects of space experiments

18. The Committee,

Considering that certain experiments conducted in space may affect present or future scientific activities in this or other fields,

Considering that mankind, being concerned about potentially harmful effects of such experiments, seeks to be scientifically assured that such experiments will not adversely change the space environment or adversely affect other experiments in space,

Considering that international understanding and co-operation are important in the carrying out of such experiments,

Recognizing the need for careful preparation for, and conduct of, activities in the exploration and use of outer space in order to avoid potentially harmful interference with other such activities, and recognizing the scientific difficulty in and the competence required for, assessing properly the nature and possibilities of such interference,

Noting that the COSPAR Consultative Group on Potentially Harmful Effects of Space Experiments is composed of authoritative scientists and specialists on an international basis, and that their assistance is available to the members of COSPAR, the international scientific unions and bodies of the United Nations,

Encouraged by the successful conclusion in Moscow of the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water,

Recognizes the importance of the problem of preventing potentially harmful interference with peaceful uses of outer space.

III. REPORT OF THE LEGAL SUB-COMMITTEE

19. The Committee noted that at the second session of the Legal Sub-Committee a very useful and constructive exchange of views had taken place.⁴ The results could be summarized as follows:

- (1) On the question of general principles governing the activities of States relating to the exploration and use of outer space, agreement was reached that they should take the shape of a declaration. However, no agreement was reached as to the character of the document in which these principles were to be embodied, some delegations favouring a treaty-type document, others a General Assembly resolution.
- (2) As to the particular principles proposed for inclusion in the suggested declaration and the manner of their formulation, they could be divided into three groups:
 - (a) Those on which there were no differences of view;
 - (b) Those on which there had been a certain rapprochement of points of view;
 - (c) Those on which differences of view remained.
- (3) With regard to two specific issues—namely, rescue of astronauts and space vehicles making emergency landings, and liability for space vehicle accidents—a certain rapprochement and clarification of ideas was recorded and agreement was reached that the relevant instruments should take the shape of international agreements.

20. The Committee notes with gratification that as a result of the work of its Legal Sub-Committee and subsequent exchanges of views, there has been a narrowing of differences, which has been reflected in the Com-

mittee, and expresses the hope that a wider consensus may be achieved by the time this report is considered by the General Assembly during its eighteenth session. The Committee recommends that contacts and exchanges of views, which have been initiated, should continue for the purpose of reaching agreement on questions which have not yet been settled.

IV. REGISTRATION

21. In conformity with the provisions of paragraphs 1 and 2 of General Assembly resolution 1721 B (XVI), the Committee has continued to receive information from the USSR and from the United States concerning objects launched into outer space. The information has been placed in the public registry maintained by the Secretary-General in accordance with resolution 1721 B (XVI) and has been circulated in document A/AC.105/INF.17-44.

ANNEX I

Extract from the interim report of the Committee on the Peaceful Uses of Outer Space, circulated on 28 March 1963

...

3. At its 17th meeting, on 25 February 1963, the Committee approved the following agenda:

- (1) Organization of the work of the Committee in 1963.
- (2) Question of the establishment of an international equatorial sounding rocket facility (A/AC.105/8).
4. With regard to the first item on its agenda, the Committee agreed to instruct its Legal Sub-Committee to continue its consideration of legal questions connected with the peaceful uses of outer space, in the light of section I of General Assembly resolution 1802 (XVII) of 14 December 1962. The Committee agreed also that its Scientific and Technical Sub-Committee should continue its study of the scientific and technical aspects of international co-operation in the peaceful uses of outer space, in conformity with the resolutions of the General Assembly and the recommendations made by the Committee at its first and second sessions.

5. The Committee agreed that its Legal Sub-Committee would meet at United Nations Headquarters from 16 April to 3 May and that its Scientific and Technical Sub-Committee would meet at the European Office of the United Nations from 14 to 31 May. Having in mind General Assembly resolution 1851 (XVII), the Committee further agreed that the Sub-Committees would meet away from United Nations Headquarters during 1964.

6. The delegation of the Union of Soviet Socialist Republics stated that it did not object to the convening of the Legal Sub-Committee in New York in 1963 as an exception, and that this should not constitute a precedent for the future.

7. The representative of the United Arab Republic suggested that the Scientific and Technical Sub-Committee should undertake a study of the question of providing the developing countries with technical assistance in the field of the peaceful uses of outer space with particular emphasis on the training of nationals of the countries concerned. Statements on this point were made by the representatives of the United States, India, the Union of Soviet Socialist Republics and Australia. The Committee agreed to the suggestion of the Chairman that the records of the session be transmitted to the Scientific and Technical Sub-Committee so that the members of the Sub-Committee would be informed of the views expressed on the question of training facilities.

8. With regard to the second item on the Committee's agenda, the representative of India made a statement concerning the steps taken by his Government with a view to the establishment in India of an international equatorial sounding rocket facility. Statements were also made by the representa-

⁴ For the texts of the proposals submitted to the Legal Sub-Committee at its second session, see annex III below.

tives of the United States of America and the Union of Soviet Socialist Republics.

9. The Committee welcomed the initiative taken by the Government of India in offering to be the host Government for an international equatorial sounding rocket facility under United Nations sponsorship and took note of the memorandum of the Government of India (A/AC.105/8) concerning the establishment of such a facility. The Committee further agreed to endorse the procedure outlined in paragraph 5 of the memorandum, in which the Government of India states that it will take appropriate steps to request the Committee on the Peaceful Uses of Outer Space to review the arrangements made by the Government of India and assure itself of compliance with the principles set out by it, with a view to recommending to the General Assembly that the facility in question be given United Nations sponsorship. The facility would be available for use by other countries as appropriate, and complete information about it and experiments at the site would be available to scientists and technicians of all Member States.

10. In connexion with this item the Committee also noted the statement made by the representative of Italy at its meeting on 25 February 1963 regarding the development of the San Marco project, a preliminary description of which was circulated to the Committee in document A/AC.105/4 dated 23 May 1962. The facilities and the results of experiments conducted would be made available to the international scientific community.

...

ANNEX II

Opening statement by the Chairman, made at the 20th meeting of the Committee, on 9 September 1963

Since its third session, in March 1963, the Committee has received, besides information from the USSR and the United States containing registration data concerning objects launched into outer space, four reports: the second report of the Scientific and Technical Sub-Committee (A/AC.105/14), the second report of the Legal Sub-Committee (A/AC.105/12 and Corr.1), a second report by ITU (E/3770) and a second report by WMO (E/3794 and Corr.1).

The Scientific and Technical Sub-Committee, under the chairmanship of Mr. Martyn (Australia), has presented to our Committee a unanimously agreed report containing a number of substantial recommendations to lay the groundwork for increased international co-operation in outer space. These recommendations fall under the following five topics:

(a) *Exchange of information.* In view of the mutual benefits which Member States would derive from keeping each other voluntarily informed about national space activities, the Sub-Committee recommends ways and means for the exchange of information about national and co-operative international space research programmes and about the scientific results of space exploration. Thus greater co-ordination between programmes of international co-operation would be facilitated.

(b) *Encouragement of international programmes.* Having considered the second ITU report on studies conducted in the last year on telecommunications in the peaceful uses of outer space, in particular telecommunication satellites, and on the steps taken by ITU in compliance with General Assembly resolutions 1721 (XVI) and 1802 (XVII), the Sub-Committee recommends that the attention of all Member States be called to these ITU actions and especially that all Member States be urged to participate in the Extraordinary Administrative Radio Conference to allocate frequency bands for outer space radio communication purposes convened for 7 October 1963 at Geneva. The Economic and Social Council has endorsed these recommendations and commended the ITU report in section I of resolution 980 C (XXXVI) of 1 August 1963. The Sub-Committee recommends also that all Member States take further steps to develop and extend communications systems in various parts of the world so that all Member States, regardless of the level of their development, will be able to benefit from international space communications. The Sub-Committee, after having been informed by a representative of WMO of the

progressive steps taken by that agency in pursuance of General Assembly resolution 1802 (XVII)—these progress details were later published in the second WMO report—recommends that our Committee take note of the arrangements made by the Fourth Congress of WMO for the preparation of programmes on the research aspects of meteorological satellites and urges Member States to co-operate in establishing the World Weather Watch system outlined in the first WMO report.

(c) *International sounding rocket launching facilities.* At its spring session the Committee welcomed the offer of the Indian Government to be host Government for an international equatorial sounding rocket facility under United Nations sponsorship. The Indian Government submitted two informative memoranda concerning this space facility. The Committee is invited by the Sub-Committee to establish a group of space scientists to be named by the Scientific Sub-Committee to visit the Indian station and advise our Committee on the acceptance of United Nations sponsorship.

(d) *Training.* The Sub-Committee recommends that our Committee, in co-operation with the Secretary-General and making full use of the Secretariat, compile and organize in co-operation with UNESCO, for circulation to Member States, reviews of information on facilities for education and training in basic subjects related to the peaceful uses of outer space in universities and other places of learning. In addition, initiatives in establishing relevant scholarships, fellowships and other means of technical assistance are recommended. The Sub-Committee recalls that requests by countries to participate in space exploration, requests for training and requests for technical assistance could be met on a bilateral basis also; in the future, international sounding rocket facilities sponsored by the United Nations would be made available for training of space scientists at the discretion of the host country.

(e) *Potentially harmful effects of space experiments.* The Sub-Committee recognized the need for careful preparation for, and conduct of, activities in the exploration and use of outer space in order to avoid potentially harmful interference with other such activities and recognized the scientific difficulty in, and the competence required for, assessing properly the nature and possibilities of such interference. The Sub-Committee noted that the assistance of a special co-operative consultative group of authoritative scientists is available to the members of COSPAR, the international scientific unions and bodies of the United Nations. Therefore, the Sub-Committee invited the attention of our Committee to the urgency and the importance of the problem of preventing potentially harmful interference with peaceful uses of outer space. Since the Sub-Committee met in May one important aspect of harmful space interference, namely by nuclear weapon tests in outer space, was brought closer to a solution when the USSR, the United Kingdom and the United States agreed on a treaty to ban such test explosions in outer space.

In order to facilitate our work, the officers of the Committee have submitted a working paper containing these unanimously agreed recommendations of the Scientific and Technical Sub-Committee, for discussion when agenda item 3 is taken up.

With regard to the second session of the Legal Sub-Committee, the Sub-Committee's Chairman, Mr. Lachs, stated in his résumé that the Sub-Committee's deliberations had been useful and constructive. As to general principles governing the outer space activities of States, agreement was reached that they should take the shape of a declaration. However, it was not agreed whether to embody these principles in a treaty or in a General Assembly resolution.

As to the particular principles proposed, Mr. Lachs stated that there were principles with no differences of view, those as to which a certain rapprochement emerged and those as to which differences remained.

The fact that some of the legal issues under discussion also contain military aspects makes it more difficult to reach agreement on such principles. Nevertheless, the Committee should continue its efforts to find solutions in the legal field in order to match the continuous scientific and technological progress in outer space.

In two specific issues discussed by the Sub-Committee, namely, the question of the rescue of astronauts and space vehicles making emergency landings and the question of liability for space vehicle accidents, a certain clarification of ideas was recorded and agreement reached that the relevant instruments should take the shape of international agreements.

The second ITU report submitted to our Committee in response to General Assembly resolution 1802 (XVII) is a progress report on the activities undertaken by ITU in the field of outer space. I have already referred to this report in so far as the Scientific and Technical Sub-Committee has submitted certain relevant recommendations. The ITU Administrative Council, at its spring session, completed the agenda for the Extraordinary Administrative Radio Conference, and substantial progress emerged in preparing technical bases on which tentative plans for frequency allocations may be established. The second ITU report mentions a new branch of astronomy, namely radio astronomy, which has already broadened our knowledge of the universe and which shares many problems of communication satellites systems in that the receiving stations on earth are called upon to receive extremely weak signals coming from points far out in space, such as space probes or even the sun itself. Thirty-eight recommendations on this subject will be submitted to the Extraordinary Administrative Radio Conference in October 1963. In list of these texts is contained in annex 2 of the ITU report.

This list shows that there were many important problems connected with space communication systems which have to be investigated and solved before a world-wide space telecommunication system as envisaged by General Assembly resolution 1721 (XVI) could be established.

In general, it can be seen with satisfaction from the report that ITU is tackling all technical aspects of space communications until step by step, over a period of years, space telecommunications will be fully developed.

According to the second WMO report, the Fourth World Meteorological Congress (April 1963) has established the general policy of the organization in satellite meteorology for the next four years. The concept of an over-all world weather service involving the use of conventional and satellite data and the establishment of national, regional and world centres has been endorsed. Advanced satellite technology now makes it possible for any country to receive certain meteorological data directly from satellites.

The WMO report refers also to the considerable progress made by continued bilateral discussions between the United States and the USSR this year in the co-ordination of meteorological satellite programmes and exchange of data obtained therefrom, and to the fact that interested countries may obtain the data from a special communications link for meteorological purposes between Moscow and Washington.

The WMO report demonstrates that the agency has taken appropriate organizational and financial steps to meet the responsibilities assigned to WMO under General Assembly resolutions 1721 (XVI) and 1802 (XVII). The Economic and Social Council has already expressed its appreciation of WMO's activities in section II of resolution 980 C (XXXVI) of 1 August 1963. Since the WMO report was distributed, the United States of America and the Soviet Union have circulated the text of this year's bilateral agreement (A/5482) on the implementation of the co-ordinated meteorological satellite programme, on the world magnetic survey using satellites, on a passive communication satellite experiment and on future bilateral discussions by scientists of both countries of scientific results obtained from deep space probes towards Mars and Venus.

This résumé would not be complete without mentioning the fact that since the Committee's last session in March, great progress has been achieved in the penetration of outer space and in the exploration of its mysteries. Among other achievements, the orbits of Major Cooper, the team space flight of Miss Tereshkova and Colonel Bykovsky and the launching of Luna IV and Syncom II are undoubtedly outstanding results.

The Committee welcomes the presence of the Secretary-

General. I should also like to welcome and introduce to the Committee the new Under-Secretary for Political and Security Council Affairs, Mr. Vladimir Suslov, who is in charge of outer space matters in the Secretariat.

ANNEX III

Proposals submitted to the Legal Sub-Committee at its second session

A

UNION OF SOVIET SOCIALIST REPUBLICS: DRAFT DECLARATION OF THE BASIC PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE

The Governments of the States whose representatives have signed this Declaration,

Inspired by the great prospects opening up before mankind as a result of penetration into outer space,

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes,

Believing that the exploration and use of outer space should be for the betterment of mankind and for the benefit of States irrespective of their degree of economic or scientific development,

Desiring to promote broad international co-operation in the exploration and use of outer space for peaceful purposes,

Believing that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations between nations and peoples,

Taking into consideration General Assembly resolutions 1721 (XVI) and 1802 (XVII), approved unanimously by all the States Members of the United Nations,

Noting the interrelationship of the technical and legal aspects of the activities of States in outer space,

Solemnly declare that in the exploration and use of outer space they will be guided by the following principles:

1. The exploration and use of outer space shall be carried out for the benefit and in the interests of the whole of mankind.

2. Outer space and celestial bodies are free for exploration and use by all States; sovereignty over outer space or celestial bodies cannot be acquired by use or occupation or in any other way.

3. All States have equal rights to explore and use outer space.

4. The activities of States pertaining to the conquest of outer space shall be carried out in accordance with the principles of the United Nations Charter and with other generally recognized principles of international law in the interests of developing friendly relations among nations and of maintaining international peace and security.

5. The use of outer space for propagating war, national or racial hatred or enmity between nations shall be prohibited.

6. Co-operation and mutual assistance in the conquest of outer space shall be a duty incumbent upon all States; the implementation of any measures that might in any way hinder the exploration or use of outer space for peaceful purposes by other countries shall be permitted only after prior discussion of and agreement upon such measures between the countries concerned.

7. All activities of any kind pertaining to the exploration and use of outer space shall be carried out solely by States. If States undertake activities in outer space collectively, either through international organizations or otherwise, each State participating in such activities has a responsibility to comply with the principles set forth in this Declaration.

8. States shall retain their sovereign rights over objects they launch into outer space. Rights of ownership in respect of objects launched into outer space and their components remain unaffected while they are in outer space and upon their return to the earth.

9. The use of artificial satellites for the collection of intelligence information in the territory of a foreign State is

incompatible with the objectives of mankind in its conquest of outer space.

10. States shall regard cosmonauts as envoys of mankind in outer space and shall render all possible assistance to space ships and their crews which may make an emergency landing on the territory of a foreign State or on the high seas; space ships, satellites or capsules found beyond the limits of the launching State shall be returned to that State.

11. A State undertaking activities in outer space bears international responsibility for damage done to a foreign State or to its physical or juridical persons as a result of such activities.

The Governments of the States signatories to this Declaration call upon all the States of the world to accede to it.

B

UNION OF SOVIET SOCIALIST REPUBLICS: DRAFT INTERNATIONAL AGREEMENT ON THE RESCUE OF ASTRONAUTS AND SPACE SHIPS MAKING EMERGENCY LANDINGS

[For the text, see Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 27, document A/5181, annex III, B.]

C

UNITED STATES OF AMERICA: DRAFT PROPOSAL ON ASSISTANCE TO AND RETURN OF SPACE VEHICLES AND PERSONNEL

[For the text, see Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 27, document A/5181, annex III, C.]

D

UNITED STATES OF AMERICA: DRAFT PROPOSAL ON LIABILITY FOR SPACE VEHICLE ACCIDENTS

[For the text, see Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 27, document A/5181, annex III, D.]

E

UNITED ARAB REPUBLIC: DRAFT CODE FOR INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF OUTER SPACE

[For the text, see Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 27, document A/5181, annex III, E.]

F

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND: DRAFT DECLARATION OF BASIC PRINCIPLES GOVERNING THE ACTIVITIES OF STATES PERTAINING TO THE EXPLORATION AND USE OF OUTER SPACE

[For the text of the draft declaration, see Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 27, document A/C.1/879.]

G

UNITED STATES OF AMERICA: DRAFT DECLARATION OF PRINCIPLES RELATING TO THE EXPLORATION AND USE OF OUTER SPACE

The General Assembly,

Recalling its resolution 1721 (XVI) of 20 December 1961,

Recognizing the common interest of all mankind in furthering the peaceful exploration and use of outer space,

Believing that the exploration and use of outer space should be for the betterment of mankind and to the benefit of States irrespective of the stage of their economic or scientific development,

Considering the great importance of international co-operation in this field of human activity,

Believing that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations among nations and peoples,

Commends to States for their guidance in the exploration and use of outer space the following declaration of principles:

1. Outer space and celestial bodies are free for exploration and use by all States, on the basis of equal rights, in conformity with international law.

2. In the exploration and use of outer space and celestial bodies, States are bound by the relevant rules of international law and the relevant provisions of international treaties and agreements including the Charter of the United Nations.

3. Outer space and celestial bodies are not subject to national appropriation.

4. States shall render all possible assistance to the personnel of space vehicles who may be the subject of accident or experience conditions of distress, or may land by reason of accident, distress or mistake. Space vehicle personnel who make such a landing shall be safely and promptly returned to the launching authority.

5. States shall return to the launching authority any space vehicle or part that has landed by reason of accident, distress or mistake. Upon request, the launching authority shall furnish identifying data prior to return.

6. A State or international organization from whose territory or with whose assistance or permission a space vehicle is launched bears international responsibility for the launching, and is internationally liable for personal injury, loss of life or property damage caused by such vehicle on the earth or in air space.

7. Jurisdiction over a space vehicle while it is in outer space shall be retained by the State or international organization which had jurisdiction at the time of launching. Ownership and property rights in a space vehicle and its components remain unaffected in outer space or upon return to the earth.

H

BELGIUM: WORKING PAPER ON THE UNIFICATION OF CERTAIN RULES GOVERNING LIABILITY FOR DAMAGE CAUSED BY SPACE VEHICLES

Article 1. Field of application

(a) The following provisions shall apply to compensation for damage caused to persons or property by one or more space vehicles except where much damage is caused on the territory of the State where the launching of the vehicle or vehicles takes place, the State whose flag the vehicle or vehicles fly or the State or States claiming ownership or co-ownership of the vehicle or vehicles.

(b) By "damage" shall be understood any loss for which compensation may be claimed under the national law of the injured person, including judicial and legal costs and interest.

By "person" shall be understood any natural or legal person in public or private law.

By "property" shall be understood any movable or immovable property.

By "territory of a State" shall be understood its land areas, its territorial and adjacent waters, ships flying its flag and aircraft registered by it.

By "space vehicle" shall be understood any device which is intended to move in space, remaining there by means other than the reaction of the air.

Article 2. States which are liable

The following shall be held liable for damage within the meaning of article 1 at the choice of the plaintiff, there being no joint liability or solidarity:

The State on whose territory the space vehicle was launched;

The State whose flag the space vehicle flies; or

The State or States claiming ownership or co-ownership of the space vehicle.

By "plaintiff" shall be understood the State which has been injured or whose nationals or residents have been injured.

Article 3. Nature of the liability

The occurrence of the event causing the damage shall entail an obligation to give compensation once proof has been given that there is a relationship of cause and effect between the damage, on the one hand, and the launching, motion or descent of all or part of the space vehicle, on the other hand.

The presence or absence of a relationship of cause and effect shall be determined in accordance with the national law of the person injured.

Article 4. Extent of liability

The extent of the obligation to give compensation shall be determined in accordance with the provisions of the ordinary law of the country of the person injured.

Article 5. Procedure for bringing action for liability

(a) Within twelve months of the occurrence of the damage, the plaintiff State shall submit, through the diplomatic channel, to the State considered liable under article 1 all claims for compensation relating to the State itself or to its nationals or residents.

If the State which is liable does not take a decision considered satisfactory by the plaintiff State within six months, the latter shall be entitled to take the claims for compensation before the International Court of Justice. The plaintiff State must act within six months of being notified of the decision in question.

The States ratifying or acceding to these articles undertake to comply with the judgement given by the International Court of Justice within three months of being notified thereof.

(b) There may be no interruption or suspension of the periods specified in paragraph (a) above.

(c) There shall be joinder of actions when there is more than one plaintiff in respect of damage due to one and the same event or when more than one State is liable if more than one space vehicle was responsible for the damage.

Article 6

These articles shall enter into force between the Contracting States on the date of the deposit of the instruments of ratification or accession at United Nations Headquarters, irrespective of the number of States which have ratified them or acceded to them.

DOCUMENT A/5549/ADD.1**Additional report**

[Original text: English]
[27 November 1963]

1. The fifth session of the Committee on the Peaceful Uses of Outer Space was convened at United Nations Headquarters, New York, on 22 November 1963, under the chairmanship of Mr. Franz Matsch (Austria). Mr. Mihail Haseganu (Romania) served as Vice-Chairman and Mr. Geraldo de Carvalho Silos (Brazil) as Rapporteur.

2. The Committee held one meeting, the record of which was circulated as document A/AC.105/PV.24 and is annexed to the present report.

3. At the outset of the session the Committee adopted the following agenda:

- (1) Opening statement by the Chairman.
- (2) Consideration of working paper, "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space".
- (3) Additional report of the Committee to the General Assembly.

4. The Chairman recalled that section of the Committee's earlier report (A/5549) which pertained to the report of the Legal Sub-Committee, and in particular, the expression of the hope, in paragraph 20, "that a wider consensus may be achieved by the time this report is considered by the General Assembly during its eighteenth session", and the Committee's recommendation, "that contacts and exchanges of views, which have been initiated, should continue for the purpose of reaching agreement on questions which have not yet been settled". He noted that as a result of consultations between members of the Committee a working paper had been prepared for circulation and consideration by the Committee. The Chairman, in consultation with members of the Committee, had convened the Committee for the purpose of considering the draft declaration of legal principles.

5. In the course of the general debate statements were made by the representatives of Poland, the United States, Canada, Australia, France, the United Kingdom, Austria, Italy, Japan, Brazil, India, Lebanon and the Union of Soviet Socialist Republics. The verbatim text of these statements, including the reservations and viewpoints of several delegations, is reproduced in the annex to the present report.

6. At its 24th meeting, on 22 November 1963, the Committee unanimously decided to submit to the General Assembly the following draft declaration of legal principles governing the activities of States in the exploration and use of outer space, recognizing that the draft declaration represents the maximum area of agreement possible at this time:

Draft declaration of legal principles governing the activities of States in the exploration and use of outer space

The General Assembly,

Inspired by the great prospects opening up before mankind as a result of man's entry into outer space,

Recognizing the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes,

Believing that the exploration and use of outer space should be carried on for the betterment of mankind and for the benefit of States irrespective of their degree of economic or scientific development,

Desiring to contribute to broad international co-operation in the scientific as well as in the legal aspects of exploration and use of outer space for peaceful purposes,

Believing that such co-operation will contribute to the development of mutual understanding and to the strengthening of friendly relations between nations and peoples,

Recalling its resolution 110 (II) of 3 November 1947, which condemned propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression, and considering that the aforementioned resolution is applicable to outer space,

Taking into consideration its resolutions 1721 (XVI) of 20 December 1961 and 1802 (XVII) of 14 December 1962, adopted unanimously by the States Members of the United Nations,

Solemnly declares that in the exploration and use of outer space States should be guided by the following principles:

1. The exploration and use of outer space shall be carried on for the benefit and in the interests of all mankind,

2. Outer space and celestial bodies are free for exploration and use by all States on a basis of equality and in accordance with international law.

3. Outer space and celestial bodies are not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means.

4. The activities of States in the exploration and use of outer space shall be carried on in accordance with international law including the Charter of the United Nations, in the interest of maintaining international peace and security and promoting international co-operation and understanding.

5. States bear international responsibility for national activities in outer space, whether carried on by governmental agencies or by non-governmental entities, and for assuring that national activities are carried on in conformity with the principles set forth in the present Declaration. The activities of non-governmental entities in outer space shall require authorization and continuing supervision by the State concerned. When activities are carried on in outer space by an international organization, responsibility for compliance with the principles set forth in this Declaration shall be borne by the international organization and by the States participating in it.

6. In the exploration and use of outer space, States shall be guided by the principle of co-operation and mutual assistance and shall conduct all their activities in outer space with due regard for the corresponding interests of other States. If a State has reason to believe that an outer space activity or experiment planned by it or its nationals would cause potentially harmful interference with activities of other States in the peaceful exploration and use of outer space, it shall undertake appropriate international consultations before proceeding with any such activity or experiment. A State which has reason to believe that an outer space activity or experiment planned by another State would cause potentially harmful interference with activities in the peaceful exploration and use of outer space may request consultation concerning the activity or experiment.

7. The State on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and any personnel thereon while in outer space. Ownership of objects launched into outer space, and of their component parts, is not affected by their passage through outer space or by their return to the earth. Such objects or component parts found beyond the limits of the State of registry shall be returned to that State, which shall furnish identifying data upon request prior to return.

8. Each State which launches or procures the launching of an object into outer space, and each State from whose territory or facility an object is launched, is internationally liable for damage done to a foreign State or to its natural or juridical persons by such object or its component parts on the earth, in air space, or in outer space.

9. States shall regard astronauts as envoys of mankind in outer space, and shall render to them all possible assistance in the event of accident, distress, or emergency landing on the territory of a foreign State

or on the high seas. Astronauts who make such a landing shall be safely and promptly returned to the State of registry of their space vehicle.

ANNEX

Verbatim record of the 24th meeting of the Committee, held on 22 November 1963^a

ADOPTION OF THE AGENDA

The agenda was adopted.

OPENING STATEMENT BY THE CHAIRMAN

The CHAIRMAN: The Committee will recall that when we discussed the report of the Legal Sub-Committee at our last meeting in September, the Committee noted with gratification that, as a result of the Legal Sub-Committee's work and the subsequent exchange of views, there had been a narrowing of differences, and this has been reflected in the Committee. However, the Committee expressed the hope that a wider consensus might be achieved by the time this report would be considered by the General Assembly during its eighteenth session. The Committee therefore recommended that contacts and the exchange of views should continue for the purpose of reaching agreement on questions which have not yet been settled. I understand that such contacts and exchange of views have taken place recently.

I notice the presence among us of the Chairman of the Legal Sub-Committee, Mr. Lachs. I would therefore now invite the representative of Poland, Mr. Lachs, to take the floor as the first speaker in our debate.

CONSIDERATION OF WORKING PAPER "DECLARATION OF LEGAL PRINCIPLES GOVERNING THE ACTIVITIES OF STATES IN THE EXPLORATION AND USE OF OUTER SPACE"

Mr. LACHS (Poland): Members of this Committee will recall the continuous efforts made in the Legal Sub-Committee in order to reach agreement on the basic legal principles governing the activities of States in the exploration and use of outer space and on two specific issues—namely, the liability for space vehicle accidents, and assistance to and return of astronauts and space vehicles—as well as on other legal problems involved.

At the last meeting of the Sub-Committee, we had a very thorough and interesting discussion. Yet all we could agree upon was the conclusion that with regard to the principles involved there were some on which there was no difference of views, some as to which there has been a certain rapprochement of points of view and others as to which differences of views remain. A certain rapprochement and clarification of ideas was recorded with regard to the two specific issues involved. This did not carry us very much forward in the work we were called upon to perform, and no one regretted it more than I did, being a servant of the Legal Sub-Committee.

Members will also recall that in the last report of the Sub-Committee, covering the second session, the delegations taking part in its work recommended "that contacts and exchanges of views should continue, on which further action by the Committee and the Sub-Committee will depend".

Mr. Chairman, the Committee, which met afterwards, under your chairmanship, did not produce any substantial results either. As all members know, some further negotiations did take place and, as a result of them, we face today a new situation. We have before us a draft declaration of legal principles governing the activities of States in the exploration and use of outer space.

The preamble to this document contains a series of noteworthy elements. It confirms what I feel is the belief of

^a The provisional verbatim record of the 24th meeting was issued as document A/AC.105/PV.24; the text reproduced here is the final record, containing the corrections submitted by delegations.

all of us—the great prospects opening up before mankind as a result of man's entry into outer space. It recognizes the common interest of all mankind in the progress of the exploration and use of outer space for peaceful purposes. It links the exploration and use of outer space with the great cause of the betterment of mankind, and indicates that it should be carried out "for the benefit of States irrespective of their degree of economic or scientific development". It stresses further the need for co-operation in the scientific as well as the legal aspects of the exploration and use of outer space for peaceful purposes. It emphasizes their importance for mutual understanding, as well as the need for strengthening friendly relations between nations and peoples.

By doing so the draft declaration confirms General Assembly resolutions 1721 (XVI) and 1802 (XVII). It may be worth recalling that the first of them stressed the common interest of mankind in furthering the peaceful use of outer space. Both of them are mentioned in the new draft. The preamble also recalls General Assembly resolution 110 (II) concerning propaganda designed or likely to provoke or encourage any threat to the peace, breach of the peace or act of aggression, and considers that this very resolution is applicable to outer space. It thus extends the peaceful use of outer space to human action in this field.

Turning to the operative part, we find a series of principles the importance of which in the elaboration of what we visualize as the law of outer space cannot be underestimated. I would hardly attempt to submit to the Committee a detailed and thorough analysis of this document here and now. What I wish to do, however, is to confine myself to stressing some of the important issues involved. The first four paragraphs of the draft make it clear that the exploration and use of outer space shall be carried on for the benefit and in the interest of all mankind; that the activities of States in that area are subjected to the basic principles that outer space celestial bodies will be free for exploration and use by all States; that they will therefore be barred from appropriating or claiming sovereignty to outer space and celestial bodies on whatever legal title it may be. It contains further the all-embracing clause that States will be guided in this sphere by international law, including the Charter of the United Nations. The over-all objective is international peace and security and the promotion of international co-operation and understanding.

As I said, one cannot underestimate the value of these principles once they are adopted in a solemn declaration by the General Assembly of the United Nations.

They obviously constitute a framework which will have to be filled in by detailed stipulations. The remaining provisions refer to specific issues with which members of this Committee are very familiar. They include State responsibility for national activities in outer space, by whomever they may be conducted.

In paragraph 6, account is taken of a conclusion reached by the Scientific and Technical Sub-Committee at its last session, when it invited the attention of the Committee on the Peaceful Uses of Outer Space to the urgency and the importance of the problem of preventing potentially harmful interference with the peaceful uses of outer space.

The draft deals further with the problem of jurisdiction and control over objects in outer space, and their return, deals with the question of responsibility for damage caused by them, and, finally, deals with the issue of assistance to and return of astronauts in the event of accident or emergency. Thus the draft as a whole takes into account the many useful and constructive proposals made by the members of the Legal Sub-Committee during its deliberations. May I stress how valuable some of these suggestions were. Some of them are reflected in annex I of the Sub-Committee's last report. One can therefore state that the work of the Sub-Committee carried on during the last two years, though to many of us it may have looked disappointing at first sight, has produced its rewards.

It is worth mentioning that the Institute of International Law, at its last session held in Brussels this year, unanimously adopted on 11 September a resolution concerning the legal régime of outer space which contains a series of principles,

some of which are reflected in the draft declaration presented to us. All this, I submit, is gratifying, and our efforts have produced some results which will be of great importance for the future work of the legal Sub-Committee.

Outer space cannot be a legal vacuum. That is why it is so essential that rules and principles of international law binding States of earthly dimensions be recognized wherever applicable to the domain of outer space. We are entering a process similar to that which established legal principles for air navigation and finally resulted in a network of treaties and conventions binding States in that area. From this point of view, the draft declaration is an important measure and a good augury for our work in the future. Many of the principles involved will have to be elaborated upon, and some of the detailed issues will have to be translated into the language of treaties and conventions.

In saying this, I wish to stress that the draft declaration does not reflect all the proposals and suggestions made on the subject. In this and in a wider context, I think it ought to be made clear that the principles as enumerated do not constitute a closed chapter. After this declaration has been adopted, some of the proposals and suggestions which have been made, and some others which may be made in the future, will require further consideration and negotiations in the future. But I humbly submit that we have to bear in mind that law-making is a long and painstaking process. It is a continuous process in which the lawmakers must remain watchful, facing the existing and changing requirements of life.

We have to welcome what has been achieved and strive for further agreement. The law of outer space is in its formative stage only. We must proceed with prudence and care, take full benefit from the agreements reached, work on them, extend them, make them a living reality, and continue with our efforts for further agreement.

This is how I look upon the draft declaration which has been submitted today for our consideration. The draft, once adopted by the General Assembly, could and should become a guiding document of basic importance for our future efforts to facilitate international co-operation, to regulate and offer the protection of law to the great achievement of man's genius in outer space for the benefit of our generation and those who will succeed us.

The CHAIRMAN: The Chair understands that a working paper has been distributed containing the draft declaration of legal principles governing the activities of States in the exploration and use of outer space, which represents the results of consultations among members of the Committee.

Mr. PLIMPTON (United States of America): Two years ago the General Assembly made a definite beginning in conscious international efforts to shape and develop law for outer space. The Assembly's resolution 1721 (XVI) is a United Nations landmark in the history of outer space law. In that resolution the General Assembly commended to States for their guidance legal principles on the freedom of outer space and celestial bodies and on the applicability of international law, including the United Nations Charter, to activities in outer space.

In the same resolution the General Assembly asked the Committee on the Peaceful Uses of Outer Space to study legal questions arising in the exploration of space. In the ensuing two years, this Committee and our Legal Sub-Committee have held extended and thorough discussions in pursuance of the Assembly's mandate.

From an early stage in those discussions, it was recognized that any attempt at a comprehensive codification of legal rules for outer space would not at this stage be appropriate. The world's experience in exploring outer space has been entirely too brief to make any such codification possible yet. Instead, attention was focused on proposals for a study of specific topics, such as liability for space vehicle accidents, and rescue and return of astronauts and space vehicles. At the same time, there were proposals for setting down a statement of broad general principles, on which a consensus might be obtained, designed to govern the activities of States in outer space.

We are now at the point of recording progress in the field of outer space law. We have before us a draft declaration of legal principles. This declaration is the outcome of a long process of international debate and inter-governmental consultation. During previous meetings, drafts of general principles were presented by several delegations. These drafts were extensively debated. Numerous positions were set forth, clarified and modified. Areas of agreement were identified, and as time went on differences of view on other matters were narrowed.

This fall, in pursuance of recommendations included both in the report of the Legal Sub-Committee and in the report made by this Committee in September, further consultations were held among delegations in order to produce a text which could be generally agreed and supported. These efforts were, we believe, crowned with success, and the agreed paper which emerged is now before us in the form of a proposed "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space." The United States delegation would like to offer a few comments on the proposal.

First, it will be seen that paragraphs 1 through 4 of the draft declaration are drawn from General Assembly resolution 1721 (XVI) of two years ago. They state broad principles which by now have become familiar in the international community. The first is that the exploration and use of outer space shall be carried on for the benefit and in the interests of all mankind. The second principle states the freedom of outer space and celestial bodies for exploration and use by all States, on the basis of equality and in accordance with international law. The third principle asserts the proposition that outer space and celestial bodies are not subject to national appropriation in any form or by any means. The fourth principle proclaims that the activities of States in outer space shall be carried on in accordance with international law, including the Charter of the United Nations.

Paragraph 5 of the draft declaration asserts the principle that States are internationally responsible for all national activities in outer space, whether these are carried on by agencies of government or by non-governmental entities. In the case of private enterprise in outer space, government authorization and continuing governmental supervision are required. This part of the declaration also recognizes that States may sometimes conduct activities in outer space through an international organization. When they do so, both the participating States and the international organization itself bear responsibility for the activities undertaken. The principle of State responsibility applies also where outer space activities are carried on by two or more States co-operatively, even if they do not act through a formally established international organization.

The next part of the draft declaration—paragraph 6—deals with the use of international consultation to guard against any outer space activities or experiments that would cause potentially harmful interference with the activities of other States in the peaceful exploration and use of outer space. The provisions of paragraph 6 are twofold. First, if a State has reason to believe that one of its own outer space activities or experiments would cause potentially harmful interference with the activities of other States, the first State shall undertake appropriate international consultations before proceeding with the activity or experiment. Second, if a State has reason to believe that an activity or experiment planned by another State would cause potentially harmful interference, the first State may request consultation. Paragraph 6 is a statement of principle; it does not specify the manner in which consultations are to be held. As the United States has indicated in the past, we regard the Consultative Group of COSPAR as an appropriate forum for consultation. But in a statement of general principles it would be inappropriate to specify one particular mode exclusively and for all time.

Paragraph 7 of the draft declaration deals with the status of objects launched into outer space. First, the paragraph provides that jurisdiction and control over such objects, and any personnel thereon, are retained by the State of registry while an object is in outer space. This provision parallels some precedents that are familiar in the fields of maritime and aviation law. Paragraph 7 next provides that ownership of objects launched

into outer space is not affected by their transit through space or by return to the earth. The paragraph concludes with a statement that space objects, or component parts of such objects, which are found outside the State of registry shall be returned to that State, upon the furnishing of identifying data prior to return, if such data are requested.

I should emphasize here that paragraph 7, like the other parts of the draft, is a broad statement of general principles. It does not seek to cover every conceivable situation, and it does not contain details for precise application. Such matters will need to be given further study, and elaboration will be required in subsequent instruments.

Paragraph 8 states the principle of international liability for damage done in a space vehicle accident. The principle is broadly framed. It covers personal injury, loss of life and property damage. It covers accidents occurring on the earth, in air space or in outer space.

The draft declaration recognizes the liability of international organizations, as well as of the States participating in them, for damage caused by space activities in which international organizations engage. This is made clear by the last sentence of paragraph 5, which sets forth the following broad principle, covering liability along with other matters:

"When activities are carried on in outer space by an international organization, responsibility for compliance with the principles set forth in this Declaration shall be borne by the international organization and by the States participating in it."

It is thus clear that both the international organization itself and the members participating in it may be called upon to bear liability.

Details of the application of paragraph 8 and the last sentence of paragraph 5, relating to liability, will need to be spelled out in an appropriate international agreement.

The concluding paragraph of the draft declaration sets forth the humanitarian principle of assistance to astronauts in the event of accident, distress or emergency landing—whether on the territory of a foreign State or on the high seas. Astronauts who make such landings are to be safely and promptly returned to the State of registry of their space vehicle.

In our view, by taking favourable action on this draft declaration we shall not be completing but only beginning our work in the development of law for outer space. The declaration of legal principles is not the last word: it is one of the first. In the future, the United Nations may wish to formulate additional principles, as experience accumulates. We believe also that work should be undertaken in the immediate future to enlarge upon two of the individual principles so that they may be given practical application and effect in the form of detailed international agreements. We think there is wide agreement that the Committee should next take up as a matter of first priority in the legal area the task of preparing international agreements on the subjects of, first, international liability for space vehicle accidents and, second, assistance to and return of astronauts and space vehicles.

We believe, moreover, that we should arrange our work programme when we next meet in accordance with this priority.

Mr. TREMBLAY (Canada): My delegation is pleased that the Committee on the Peaceful Uses of Outer Space is meeting to consider the draft declaration of legal principles governing the exploration and use of outer space before it is submitted to the General. For the very reason that the draft declaration does not give complete satisfaction to any one point of view, we regard it as important that we should have this opportunity to express our opinions on it within this body, which played such a significant role in setting the stage for the most recent consultations which led to the elaboration of the draft declaration. My delegation considers that the statements made today, attached to the report of the Committee to the General Assembly, will serve as a valuable commentary on this declaration.

We meet today with our hopes of last summer largely realized. At that time, during the meetings of the Legal Sub-Committee, my delegation, along with other members of the Committee, spoke of the desirability of recording agreement on those legal

principles governing the exploration and use of outer space on which there was general accord, leaving for future development those principles on which differences of opinion existed.

The elaboration of a draft declaration of legal principles has been made possible because all members of our Committee have now accepted the view that progress in harmonizing different interests and points of view can be achieved only through compromise. It is in this spirit that my delegation approaches the draft declaration of legal principles which is before us this morning. I am sure that all of us consider it to be deficient in one respect or another. We may believe that it omits principles which we should wish to see included in such a declaration of principles, or we may believe that some of the principles included in the draft declaration are too general and do not provide for every possible situation. But my delegation does not think that such deficiencies provide a sufficient basis for not supporting the declaration in its present form. Only if the declaration included unacceptable principles should we consider opposing it.

For that reason, and in spite of two specific deficiencies which I shall explain, my delegation supports the draft declaration.

The Canadian delegation wishes to draw the Committee's attention to two principles where we should have preferred a more elaborate draft. I deal first with principle 6, concerning experiments in outer space. Under that principle the States accept an obligation to undertake appropriate international consultation if "an outer space activity or experiment planned by it or its nationals would cause potentially harmful interference with activities of other States in the peaceful exploration and use of outer space". We note that a State is not specifically asked to undertake consultation if an experiment planned by it or its nationals might involve a risk of modifying the natural environment of the earth in a manner likely to be prejudicial to the well-being of human life or the interests of another State. I am confident that any State considering an experiment which could have these consequences would spontaneously undertake consultation. Moreover, I understand that it is considered that any experiment which would affect the earth's environment would also interfere with activities of other States in outer space, so that States planning an experiment would for this latter reason be under an obligation to consult internationally. While the principle as drafted seems therefore to be sufficient, it could surely have been improved if it had also specified that States had an obligation to consult in the event an experiment were being planned which might have the effect of influencing the earth's environment. We trust that when it proves possible to elaborate this principle, this important omission might be rectified.

I wish now to comment on principle 5, which refers to the international responsibility of States for national activities in outer space. It refers to the responsibility of international organizations for outer space activities. It does not, however, refer specifically to joint responsibility for co-operative activities by States. Having conducted joint space activities with the United States, we in Canada are undoubtedly especially interested in this point. We recognize that joint responsibility is an accepted legal concept. Nevertheless, Canada would have preferred that joint responsibility for space activities had been specifically provided for in this principle.

In spite of these small deficiencies in the draft declaration, my delegation is gratified by the important fact that it has proved possible to draft a declaration of principles which represents the maximum area of agreement now possible. My delegation, accordingly, supports the draft declaration and urges the Committee to recommend its adoption by the General Assembly.

Mr. HAY (Australia): Australia warmly welcomes the tabling of the draft declaration of legal principles governing the activities of States in the exploration and use of outer space which is now before us. It is the result of the "contacts and exchanges of views" which this Committee urged on its members two months ago, and it embodies that "wider consensus" all of us were seeking.

The Australian delegation has three particular reasons for welcoming the appearance of this draft declaration. First, from the outset of the consideration of the question—in the Legal Sub-Committee in Geneva in May 1962—the Australian delega-

tion was among those who agreed that it would be desirable to formulate a declaration of basic legal principles applicable to the activities of States in the exploration and use of outer space. We expressed the view at that time, however, as we have done since and do now, that the task of preparing such a declaration needed to be approached both with a proper idea of the bounds of this Committee's competence and also with caution, since the usefulness of the declaration would depend largely on its prospects of securing general adoption. This attitude led us to urge in the succeeding eighteen months that this Committee accept the fact of certain disagreements but adopt a text embodying the elements on which agreement did exist.

That approach, which we shared with many around this table, has now I think been accepted by all, and it is the second of our particular reasons for welcoming the draft before us: for without such an approach there would be no draft, and without its continued acceptance there will be no unanimously adopted Declaration.

The third reason is that Australia is actively engaged in the exploration and use of outer space. What we are doing is, of course, only a very small part of the total international effort. Nevertheless, largely because of its situation in the Southern hemisphere, and the very extensive range facilities that have been built up at Woomera, in Australia, Australia's role is an important one. Australia is itself a launching State, which has designed and built its own sounding rockets. The Woomera range also launches rockets on behalf of the United Kingdom and of the United States. Finally, Australia is to be the "launching State" for the European Launcher Development Organization (ELDO), which is building a three-stage, satellite-orbiting rocket, the first stage of which is already at Woomera and is to undergo preliminary trials next year.

Precisely because legal principles applicable to the activities of States in outer space have a special practical significance to Australia, we have taken a close interest in the subject and have concerned ourselves particularly with the draft which is now before us. Our attention has naturally been directed largely to the way in which the draft declaration has dealt with the matter of international liability for damage done by objects launched into outer space. It will not, I trust, be charged against us that we are introducing a "note of dissonance" if I comment shortly on principles 5 and 8 of the draft.

The Australian delegation accepts, in the first place, that each State which launches or procures the launching of an object into outer space is internationally liable for damage done by such object. That seems to us as it should be; and I spend no more time on it. But it is not so obvious to us that a State which has simply lent its territory or facility for the launching of an object by another State should bear international liability. In such a case—which we take to be the second of the cases dealt with in principle 8—we feel that there are arguments for the "lending" State's not bearing any international responsibility for subsequent damage. The Australian delegation is nevertheless prepared to accept the proposition that some liability may properly rest with the "lending" State, though in that case the primary responsibility would be on the State or States launching or procuring the launching of the object. We would have preferred that this position be spelled out in the declaration. But we can accept principle 8 as it stands because it does not preclude that position, and because it does not prejudice the right of a "lending" State to enter into agreements with the "launching" or "procuring" States on the division of liability.

Another point which is not spelled out as clearly as the Australian delegation would have liked relates to the liability of international organizations, such as ELDO. We would much have preferred that the declaration recognize expressly that when an international organization is involved in launching an object which causes international damage, then the international organization itself bears liability—as, of course, do its constituent States. This the declaration does not in terms do. Nevertheless, we agree entirely with what the United States representative has just said—that it is clear enough from the final sentence of principle 5, when read together with prin-

ciple 8, that the declaration does recognize that an international organization is itself liable, just as are the States participating in it. The final sentence of principle 5 reads:

"When activities are carried on in outer space by an international organization, responsibility for compliance with the principles set forth in this Declaration shall be borne by the international organization and by the States participating in it."

It is apparent from its very terms that this sentence is in no way limited in its operation to principle 5, but is rather related to all the principles set forth in the declaration. That sentence is thus something in the nature of an interpretative clause applying to the whole of the declaration. When, therefore, principle 8 talks of States being liable, it must be taken to mean, in the light of the final sentence of principle 5, that international organizations as well as their constituent States are liable.

It is on these understandings, then, that the Australian delegation accepts the principles dealing with liability. We are the more prepared to do so because we realize that this declaration is a broad statement of general legal principles and that we cannot expect such an instrument to include or to treat in detail everything that all of us would like it to do. The Australian delegation recognizes that many matters will need to be given further close study and that details of the application of the declaration's principles on liability will need to be articulated in an appropriate international agreement—without, of course, prejudicing the right of States to make in the meantime specific bilateral or multilateral indemnity agreements if that should be thought necessary.

Australia would hope to be able to contribute to the drafting of such an international liability agreement, which we think should receive a top priority from the Legal Sub-Committee. In that drafting many matters referred to in the declaration in general terms will need to be given sharper definition, and other matters not here covered, or only impliedly covered, will need to be brought in. We think, for example, in addition to the points I have already raised, of questions such as the extent and nature of liability. Should it be without fault? Should damages be limited in size? What does the word "damage" in principle 8 cover? Presumably personal injury, loss of life, and property damage; but this will need to be clarified. When, for example, Woomera, staffed and entirely controlled by Australian scientists, is used for the launching of the ELDO rocket, is Australia the "launching" State, one of the "procuring" States, or simply the "lending" State? Or is it all three? Since these categories may well bear different degrees of liability, the answer may be of very practical significance.

Nor are the principles dealing with liability the only principles which may need to be looked at more closely. What is the relationship, for example, between principles 1 and 4? Both deal with the way in which "the exploration and use of outer space shall be carried on". Is there good reason for not combining them into one principle? If there is good reason for having two principles dealing with what seems to be much the same subject, is there a purpose in separating them, as is done here, by two other, quite unrelated principles? Then again there is the point that the intention and the effect of some of the principles are not altogether clear. Some of them—principles 1 and 4 again, for example—are very general in their scope and expressed in rather broad language. These too may need to be refined in some future instrument.

For all these reasons, and particularly because some of these principles are not clearly and precisely formulated, and because they are not all suitable for application or enforcement by legal procedures, it is in the view of the Australian delegation appropriate that these principles are being set out, not in convention form or its equivalent, but in a General Assembly resolution, in the solemn and emphatic form of a declaration. I should stress here, as other Australian representatives have done before me, that while in our view a General Assembly declaration of legal principles cannot itself be creative of legal duties, it is equally not the Australian delegation's view that such a General Assembly declaration can have no part in the development or creation of international law. It is our view

that a declaration of legal principles by the General Assembly, especially if universally adopted and adhered to in practice, may be valuable evidence of international custom, which in turn is a most important source of law. And having said that, I must also emphasize that Australia for its part will continue to conduct its activities in outer space in accordance with these principles; and indeed we hope—I am sure with all others here—that the conduct enjoined in these principles will become the unvarying practice of all States.

Finally, may I say again that Australia welcomes the appearance of this draft declaration and pays tribute to the spirit of compromise and mutual accommodation by the members of this Committee which made its tabling possible. It is in no cavilling spirit that I say that probably for none of us is it a perfect instrument, either in its drafting or its coverage. All of us might like to see points added: some, perhaps, deleted; and many made clearer. But this draft, with perhaps one or two additions, appears to be the best we can get at this time. It could be that at a later stage we may be able to add to these principles, for the declaration is so to say "open-ended", as Professor Lachs, Mr. Plimpton, and other speakers have already testified. It might also be that these principles, or some of them, could be developed in full legal form later, as experience warrants or necessity dictates. But this declaration is in itself a considerable achievement and will I am sure be considered as such by the members of this Committee, by the Member States of this Organization, and by the international community in general. It is in this spirit that the Australian delegation supports the draft declaration and hopes that it will secure the unanimous acceptance of this Committee and subsequently of the General Assembly.

Mr. ARNAUD (France) (*translated from French*): That the Committee on the Peaceful Uses of Outer Space should meet to consider a draft declaration of legal principles governing the activities of States in the exploration and use of outer space is something which ought not to cause any surprise or comment. Since, however, it was apparently suggested at one point that this text should go from the secluded places in which it was negotiated and drafted straight into the conference room of the First Committee of the General Assembly, my delegation would like to express its pleasure at seeing it make a stop in our midst. I shall set everybody's mind at ease—we shall not detain it long.

We appreciate the spirit of compromise demonstrated by its authors, though we would have preferred that their concern for preserving the equilibrium of their edifice did not go so far as to make them fear that the insertion or deletion of a single word or the moving of a single comma might lead to its collapse.

In saying this I meant—as everybody must have understood—to pay a sincere tribute to those who drafted the text submitted to us, for it amounted to saying that this document can provide a worthy basis for discussion in our Committee and, I may add, a good basis at that.

Life, however, is what it is, and a bird in the hand is worth two in the bush. Fortified by these adages my delegation, which entertains no objections of substance to the draft declaration of principles, will refrain from submitting as formal amendments the few suggestions it might have ventured to make in its desire to improve the text.

I shall therefore confine myself today to making two observations.

The first relates to the principle enunciated in paragraph 2 of the draft declaration and, more specifically, to its last words, namely "in accordance with international law". At first glance this reference would seem to be self-explanatory. In our opinion, however, it is somewhat ambiguous. If what is meant is traditional international law whose principles in matters relating to land, sea and air are well established, we would observe that that law could not be applied as it stands in regard to outer space. This is borne out, for example, by paragraph 3 of the declaration itself, which enunciates a principle altogether at variance with the norms valid in other fields. If, on the other hand, the reference to "international law" in paragraph 2 relates specifically to the law of outer space—and this

is the interpretation given by the French delegation to that term—we would observe that the provisions of such a law are still the subject of study and of argument and that, in any event, their enunciation is far from complete. Seen in that light, the declaration of principles before us, regardless of its intrinsic merit, could not constitute a landmark. Inasmuch as it will only be the subject of a General Assembly resolution and not of international agreements, it will, in point of fact, merely represent a declaration of intent and, moreover, as the Polish representative has just told us, it does not “constitute a closed chapter”. I shall quote with no less approval the Australian representative who said the following towards the end of his interesting statement:

“...by taking favourable action on this draft declaration we shall not be completing but only beginning our work in the development of law for outer space.”

Let us say, therefore, that “international law”—if a reference to it must be made within the context of paragraph 2 of the declaration of principles—is the body of legal provisions such as they will be defined one day applicable to outer space and to celestial bodies.

My second observation relates to the principle enunciated in paragraph 8 of the draft. The French delegation would have preferred it to provide for the apportionment of liability as between international organizations and the States participating in them. However, it interprets this paragraph in the light of the principle enunciated in paragraph 5 and will consider that the absence of any reference to international organizations in paragraph 8 does not in any way absolve them from liability for damage. Incidentally, I am glad to note that other speakers before me have given the same interpretation to this text.

Lastly, it goes without saying that my delegation reserves the right to make comments of a more general nature during the discussion in the First Committee.

Miss GUTTERIDGE (United Kingdom): My delegation is very glad to note that the further discussions which have taken place since the last meeting of this Committee on a draft declaration of legal principles governing activities of States in the exploration and use of outer space have now produced fruitful results. We are particularly glad to find that the rapprochement between different points of view, of which there were signs here in the Legal Sub-Committee last spring, and which developed during the last meeting of our Committee, has now been carried several stages further, and that the result is a draft resolution containing a declaration upon which all members of this Committee should, we believe, now be able to agree.

These principles are, of course, basic principles for the guidance of States in the use and exploration of outer space. In contrast to other areas in which there already exist well recognized principles of a legal nature, outer space is a field in which there is a real need for the development of new legal principles on which further developments in the law of outer space can be based.

We were glad to note, at the last meeting of this Committee, that agreement in principle had been reached on the question of drafting international agreements on assistance to and return of space vehicles and the question of liability for space vehicle accidents. We believe that when these agreements come to be drafted, questions which are only briefly referred to in the draft declaration of principles now before us will need to be considered in much further detail. There is in the first place the question of the application of these principles to international organizations which take part in activities in outer space. This is referred to in paragraph 5 of the draft declaration; but the position of international organizations is also, of course, one that arises in connexion with other paragraphs of the draft declaration. We would concur with the representatives of the United States and Australia when they express the view that this sentence in paragraph 5 is not limited in its operation to that principle, but is rather related to all the principles set forth in the draft declaration. My Government would, in any case, consider that there is nothing in the declaration which should be regarded as prejudicing in any way the question of international organizations engaged in space activities. We

would, indeed, have been glad to see the declaration completed by a paragraph on the lines of article 7 of the 1958 Convention on the High Seas^b which, it will be recalled, provides that:

“The provisions of the preceding articles do not prejudice the question of ships employed on the official service of an inter-governmental organization flying the flag of the organization.”

It is, for example, obvious that when the agreement on liability comes to be drafted, there will need to be further and more detailed provisions relating to the liability of international organizations, particularly for the purpose of confirming what is already implicit in the draft declaration, namely, that international organizations as well as their constituent States can be internationally liable for damage of the kind referred to in paragraph 8 of the draft declaration.

As I have already said, the draft declaration which is now before us is a declaration of principles and cannot, therefore, by definition, go into all the details of the subject. As we have previously indicated both in the Legal Sub-Committee and in this Committee, there is no doubt that the legal problems concerning liability for damage and questions of jurisdiction are extremely complicated and will subsequently need to be considered in much more detail. For example, paragraph 7 of the present draft declaration refers to the “State on whose registry an object launched into outer space is carried”. The draft declaration itself does not make any provision for registration. Similarly, paragraph 8 of the draft declaration, which deals with the question of liability, is, as I have already indicated, in very broad terms and will need considerable amplification when a detailed agreement concerning liability for space vehicle accidents comes to be drafted.

At the present time, this paragraph provides that:

“Each State which launches or procures the launching of an object into outer space, and each State from whose territory or facility an object is launched, is internationally liable for damage to a foreign State or to its natural or juridical persons...”

The application of this principle might well give rise to certain difficulties unless, as we are certain is intended, it is in due course implemented by other bilateral and multilateral agreements.

I have made the foregoing observations because I consider it to be important to stress that the draft declaration of principles which is now before us is but a starting-point for the development of the law of outer space. As such, it is welcome to my Government and, subject to the need for the further development and amplification of some of the principles contained in it as further experience is gained, it is gladly accepted by my Government as recording the measure of agreement that it is now possible to reach on the basic legal principles which should govern the use and exploration of outer space.

Mr. MARSCHIK (Austria): We note with much pleasure the progress which has been achieved on important aspects of the work of the Legal Sub-Committee, progress which is reflected now in the working paper before us. My delegation is encouraged by these results. We should also like to say that we are not surprised that it has been possible to achieve these results.

We have had the opportunity during the discussions in the Legal Sub-Committee and again, and in particular, during the meeting of the Committee in September, to call attention to the fact that significant areas of agreement appeared to exist on several of the problems under discussion and that, in our opinion, it would be possible to arrive at agreed solutions on these aspects without much further delay. Such agreement, as a matter of fact, had appeared possible on several of the general principles proposed for inclusion in a declaration of general principles and, on other principles, acceptable compromises seemed possible. My delegation was among those that had endeavoured to show where perhaps such compromises might be found.

^b United Nations, *Treaty Series*, vol. 450 (1963), No. 6465.

We are gratified indeed that the further consultations which have taken place among members of the Committee over the past weeks have led to the elaboration of the working paper which is now before us.

The proposed draft declaration, as we see it, would comprise all those general principles governing the activities of States in the exploration and use of outer space on which agreement can at this moment be reached. We realize, of course, that the proposed declaration does not yet cover all aspects of the problem. Thus, for instance, my own delegation, in the recent discussion in the First Committee on a draft resolution designed to preclude the placing in orbit of weapons of mass destruction, stated:

"This draft resolution is entirely in harmony with the work undertaken by the Committee on the Peaceful Uses of Outer Space, and its contents should certainly be taken into account in the elaboration of the legal principles presently under study by that Committee...". (A/C.1/PV.1311, page 11.)

We regret therefore that a provision to this effect is not contained in the draft declaration before us. Yet, we do realize that universal agreement on all facets of this aspect, as of many others, has not yet been achieved to an extent which would permit its inclusion in a declaration of general principles at this moment—a fact which we regret, but which will not prevent us from accepting the draft declaration in its present form or from commending it for adoption by this Committee and, we hope, by the General Assembly. We believe that this draft declaration records the maximum agreement which can be recorded at this moment. We do not consider it as a final document, and nearly every speaker who has preceded me here has insisted on this fact. We do not consider it a final document or that it would close the door to the elaboration of further principles governing the activities of States in outer space.

As we stated in the Committee on the Peaceful Uses of Outer Space on 12 September of this year:

"It appears to us a matter of course, that, as international co-operation in the exploration and use of outer space will expand, the proposed declaration of basic principles will be supplemented by a number of further principles on which agreement will eventually have been reached." (A/AC.105/PV.21, page 11.)

At that same time, we said that we did hope, however, that the necessity of possibly prolonged negotiations on some aspects would not necessarily delay agreement on other issues where such agreement would otherwise be possible.

This position, which we urged then and which we urge now, leads the Austrian delegation to express its support for the draft declaration of legal principles contained in the working paper before us. We would hope that in the same spirit the Committee would be able to agree on the draft declaration and will recommend it for adoption by the General Assembly.

Mr. ATTOLICO (Italy): The draft declaration of legal principles governing the activities of States in the exploration and use of outer space, which is contained in the working paper before us, accurately reflects, in our view, the trend of opinion which has developed in the deliberations of the Committee on the Peaceful Uses of Outer Space during the past two years, a trend which it proved possible to crystallize in a draft only after protracted and difficult negotiations, especially between the two Powers most advanced in space science and techniques, were successfully concluded. We, on our part, are indeed gratified and appreciative that the United States and the Soviet Union should have overcome their differences, thus indicating an awareness of the general expectations that a comprehensive legal and political framework would be worked out to regulate activities in outer space. The declaration is merely a beginning, an initial step, in this direction. It incorporates the broad criteria which are to be the guiding lines for activities in outer space. These eventually will be developed further. The general principles contained in the declaration are expressed in a broad formula, intended to encompass problems and situations which surely require further detailed considera-

tion and the conclusion of international agreements, intended to cover organically and in depth specific aspects of activities in outer space. Among these are the problems of liability for damage caused by space vehicles and of assistance to and return of space vehicles and their personnel in cases of forced landing or distress. These subjects indeed require detailed regulation already in the present phase of space technology, and the consensus of opinion in this Committee has been that draft agreements should be elaborated to deal with them. Further developments in outer space activities which will be brought about by progress in science and technology will undoubtedly point to several other legal problems which will require detailed regulation.

Outer space is a new field of endeavour, subject to continued change. It will be essential to keep under constant review the realities of this development in order to ensure that, in the spirit of the draft declaration before us, the exploration and use of outer space will take place in the common interest and to the benefit of all mankind, thus contributing to mutual understanding and to the strengthening of friendly relations among all the peoples of the world. This in essence is the political objective of the declaration: that outer space serve as a forceful catalyst for international harmony and interdependence. The future task of the Committee and its subcommittee in respect of legal problems will be to pursue precisely that goal.

We are satisfied with the positive tenor of the text of the declaration. The emphasis is most appropriately placed on the peaceful character which must be the fundamental element in any activity in outer space. I will not review here in detail the principles set forth in the declaration, nor will I comment on their formulation. Suffice it for me to say that this text represents the first positive break-through in our attempts in the United Nations to work out a general basic framework for man's peaceful conquest of the cosmos and for the orderly exploration in the common interest of the practical possibilities afforded by the entry of man and man-made devices into outer space.

Therefore it is the earnest hope of my delegation that the draft declaration will be adopted and will be submitted to the General Assembly. If the General Assembly will in turn sanction it, the declaration will constitute a generally accepted set of international legal principles which could not be disregarded. My country for one would be scrupulously guided by it in any undertaking in outer space. Furthermore, the declaration, when it is approved by the General Assembly, will be a clear and unequivocal basis for the development of international binding regulations for activities in outer space.

Mr. MATSUI (Japan): For a number of years the Japanese delegation has stressed the need to establish certain basic principles which would regulate the activities of mankind in outer space and would ensure that such activities would be conducted peacefully and openly and in an orderly manner for the benefit of all mankind. This conviction of ours is based upon the fact that outer space is a fairly new area of human activity in which, fortunately, no nation as yet has established vested interests; on the other hand, outer space activities are developing day by day with great rapidity. Accordingly, before undesirable *faits accomplis* can accumulate, we must take the fullest possible advantage of the present situation and strive hard to ensure that the exploration and use of outer space will take place in accordance with law and order and under a peaceful régime, so that the welfare of man would be the prime objective of all outer space activities.

After two years of hard effort, frustrating as it has been for most of the time, our Committee on the Peaceful Uses of Outer Space now has before it a draft of a set of legal principles to guide the space activities of nations, as the first fruit born of all our past efforts.

My delegation pays tribute to all the countries concerned for their statesmanship and willingness to meet the need to develop basic principles. We welcome this achievement as a first step towards our goal, a first step embodying a set of principles that can be agreed upon by all, including the so-called space Powers, to the extent that is practicable at this

stage. However, in offering our sincere congratulations to those concerned, I think I should mention at the same time our view that the set of principles before us is not comprehensive, final and complete. We feel that these principles should in the future be expanded or supplemented and, where necessary, elaborated or revised. No one has cast any doubt on this, and we are gratified to note that our view is generally shared by Committee members, including the delegations which have been directly involved in the production of the draft declaration containing the proposed principles. This is very clearly demonstrated in the statements of all the preceding speakers.

With this general understanding, my delegation now wishes to make two specific reservations on the draft declaration. We should like them to be put clearly on record, leaving more detailed comments on these and other points to appropriate later opportunities.

Our first reservation concerns the position we have always taken—and I should like to reiterate it now—that the use and exploration of outer space should be limited to peaceful purposes only. As I mentioned at the outset of my statement, outer space is a fairly new area of human activity, and therefore we feel it essential that agreement should be reached at an early stage limiting the use and exploration of outer space to peaceful purposes. We are constrained to state very clearly our reservation that the adoption by this Committee at this time of the proposed set of principles, which contains no explicit mention of this aspect, should not prejudice the future position of my delegation in this regard.

Our second reservation concerns the provisions in principle 7 of the draft declaration, which deals with the return of objects launched into outer space. Members of the Committee may recall that I raised a question in this regard at the meeting of the Legal Sub-Committee held on 24 April 1963. With your permission, I should like to read a part of the statement I made at that meeting:

“Would it be reasonable and appropriate to expect a non-launching State, within whose territory a space vehicle or its parts might land, to return such objects without having been given in advance any knowledge about what sort of vehicles would be in transit or in orbit that might come down suddenly and without warning on its territory? Would it be proper to place upon sovereign States an obligation to return objects which fall within their national boundaries, without giving them at the same time the right to know what such objects might be?”

“Surely, in our view, any principle concerning the return of space vehicles should cover both points, namely, the obligation of launching States to provide adequate information in advance, as well as the corresponding obligation of non-launching States to return space vehicles. These two points should be conditional upon each other.

“The Japanese delegation, for its part, believes that the launching of an object into space should be made known by the launching State either in advance or as soon as possible after the launching—certainly, well before the object might possibly land on the territory of other States. The information to be supplied should be broad enough to cover the purpose of launching and the contents of the object.

“The questions I have raised could perhaps appropriately be answered by providing for the furnishing of information through bilateral channels or by improving the system of registration with the United Nations under General Assembly resolution 1721 (XVI), in terms both of the timing and of the content of registration, or by other appropriate means.”

To sum up what I said last April, our position is that an object launched into outer space, or its components, that land on the territory of a non-launching State, might reasonably be returned if a prior registration or notification had been given on the launching of that object, together with adequate information about it. We wish to reserve this position and to have it clearly placed on record.

In this regard we were pleased to note the statement of the United States representative made this morning on paragraph 7 of the draft declaration:

“I should emphasize here that paragraph 7, like the other parts of the draft, is a broad statement of general principles. It does not seek to cover every conceivable situation, and it does not contain details for precise application. Such matters will need to be given further study, and elaboration will be required in subsequent instruments.”

I have set forth the understanding and the reservations that my delegation holds with regard to the proposed declaration of legal principles and to the adoption of the Committee's report which is to be presented to the General Assembly. I have done so in our sincere desire to see that the set of principles now to be recommended for approval by the General Assembly will in due course be improved upon by being, as I stated earlier, expanded, supplemented, elaborated or revised, and in our earnest hope that outer space and its use and exploration will truly be ensured for the benefit and in the interests of all mankind.

With the above understanding and reservations, my delegation is happy to support adoption of the report of the Committee which would recommend to the General Assembly approval of the proposed declaration of legal principles.

Mr. DE CARVALHO SILOS (Brazil): On behalf of the Brazilian delegation I should like to state briefly the position of my Government on the draft resolution before us. This draft embodies a declaration of principles designed to govern the activities of States in outer space.

My delegation would be prepared to vote for the draft resolution, but it could not be a co-sponsor since the draft declaration has not incorporated some principles that we consider to be essential in order to provide the exploration of outer space with a meaningful legal framework.

The delegation of Brazil would like to make the following reservations concerning the draft declaration. First, the idea contained in the third paragraph of the preamble—namely, that “the exploration and use of outer space should be carried on for the betterment of mankind and for the benefit of States irrespective of their degree of economic or scientific development”—should belong in paragraph 1. Secondly, the declaration should incorporate the principle that outer space will be used only for peaceful purposes, thus completing the task already begun by General Assembly resolution 1884 (XVIII). Thirdly, the declaration should also incorporate a ban on the utilization of a communication system based on satellites for purposes of encouraging national, racial or class rivalries and a reference to some international scrutiny of global satellite communication. Fourthly, the system of consultation provided for in paragraph 6 should be made more binding and more precise. Brazil has also some doubts as to the unqualified extension to outer space of the United Nations Charter and of international law.

As a member of the Committee on the Peaceful Uses of Outer Space, Brazil has repeatedly stressed the importance of incorporating these principles in a declaration of principles. We shall continue to strive for these principles in this Committee and in its Legal Sub-Committee.

Finally, I wish to congratulate the Soviet Union and the United States for having agreed on the draft declaration before us. We consider this draft, in spite of its shortcomings, to be a constructive step. Moreover, the Brazilian delegation understands this text as being a dynamic set of principles, as a document that will be revised and completed by future decisions of the General Assembly.

Mr. CHAKRAVARTY (India): The agreed legal principles contained in the working paper represent a major advance towards the formulation of a space code. Many of the points in dispute between the space Powers have been cleared up and an agreed paper is now before us.

There is also agreement in regard to the form which the legal principles should take. They are first to be formulated as a declaration in a General Assembly resolution, and then in the future, as appropriate, to be translated into international agreements.

We are happy to find that the agreement also reflects some of the suggestions made in the earlier meetings of the Com-

mittee, and my delegation would like to congratulate the space Powers for the spirit of compromise which they have shown in presenting this agreed paper.

The draft declaration would have been much more welcome to my delegation if a paragraph had been added to the preamble welcoming General Assembly resolution 1884 (XVIII) and if some reference to peaceful uses of outer space had been made in the first principle of the declaration. There is, no doubt, a reference to the use of outer space for peaceful purposes in the preamble, but all such reference has been omitted from the draft declaration of legal principles.

We have always held the view that legal principles concerning outer space cannot be formulated at one sitting and that these must evolve step by step. We therefore note with satisfaction the statement made this morning by the representative of the United States:

"The declaration of legal principles is not the last word: it is one of the first. In the future, the United Nations may wish to formulate additional principles, as experience accumulates."

From the working paper it is, however, clear that a legal principle which would declare unambiguously that outer space should be reserved for peaceful purposes only is unacceptable at present. But our view is that, in any document which the Committee on the Peaceful Uses of Outer Space submits to the General Assembly, we should not give the impression that we have dropped our insistence on a legal principle that would reserve outer space for peaceful purposes only. We cannot accept the view that this Committee is not competent to discuss such a principle or that such a discussion would have an adverse effect on the disarmament negotiations.

The Committee will recall that in resolution 1884 (XVIII), adopted earlier during this session by acclamation, it was agreed that States would not place any objects carrying nuclear weapons or any other kind of weapons carrying weapons of mass destruction in outer space, including celestial bodies. We feel that it should have been possible to accept a corresponding legal principle in the document before us. While we can appreciate the reluctance of the space Powers immediately to accept a general principle outlawing military uses of outer space, we cannot understand why they could not accept a limited principle which, in substance, would not have gone beyond what they have already agreed to. While, therefore, we welcome the agreement that has so far been reached, we regret that references to the peaceful uses of outer space and to resolution 1884 (XVIII) have been left out of the draft declaration of legal principles now under consideration. We reserve our right to press for this and other legal principles during future deliberations in the Committee, in the light of future developments in the exploration of outer space.

Mr. HAKIM (Lebanon): I would like to put on record the position of the delegation of Lebanon with regard to the proposed declaration of legal principles governing the activities of States in the exploration and use of outer space as contained in the working paper before the Committee.

I would like first to express my congratulations to the authors of this document for their spirit of compromise. The delegation of Lebanon considers this declaration as an important step forward in the formulation of international law for the peaceful uses of outer space. My delegation approves the provisions of the draft declaration so far as they go and is prepared to vote for it.

However, it is our view that this declaration is not complete and could be improved upon. We believe that there are other important legal principles which should govern the activities of States in the exploration and use of outer space. This position of Lebanon in this regard was defined in the statement which I made at the last session of the Legal Sub-Committee. In particular, I wish to emphasize our view that international co-operation should promote the peaceful uses of outer space. We would like to stress our position that a basic principle should be developed that outer space should be used for peaceful purposes only. We do not deny that this principle is related to the question of general and complete disarmament. We are

therefore particularly gratified that the General Assembly recently unanimously adopted resolution 1884 (XVIII) of 17 October 1963, in which it solemnly calls on all States:

"To refrain from placing in orbit around the earth any objects carrying nuclear weapons or any other kinds of weapons of mass destruction, installing such weapons on celestial bodies, or stationing such weapons in outer space in any other manner;"

However, it is our view that the United Nations should strive to establish the general principle of the limitation of the use of outer space to peaceful purposes only so as to prevent the extension to this new field of man's endeavour of the military activities of Governments. We have in mind military activities of Governments undertaken in outer space which, in our view, should be prohibited. The establishment of a legal principle excluding non-peaceful activities of States from outer space is, in our view, essential in order to prevent the use of outer space for military purposes before such use becomes technically possible or practicable.

We recognize that agreement to this principle is not possible at this stage, but we would have welcomed a better formulation of principle 1 which would have pointed in the direction of the future adoption of the basic principle that outer space should be used for peaceful purposes only. Principle 1 states that the use of outer space shall be carried on for the benefit and in the interests of all mankind. We believe that only the use of outer space for peaceful purposes is for the benefit and in the interests of all mankind. We believe, therefore, that military activities in outer space are not in the interests of mankind. However, this is not enough, and a straightforward principle limiting the use of outer space to peaceful purposes should in due course be established.

We would reserve the right to pursue this aim for the establishment of such a principle, and would have liked to see the first principle formulated in such a way as to make it easier for such an aim to be achieved in the future.

There are other areas in which the present proposed declaration could be improved or expanded, but we shall not at this stage suggest such improvements or expansions.

We shall give our support to the draft declaration with the hope that further elaboration of legal principles in the future will enable the United Nations to make progress in this most important field of law with a view to ensuring that outer space will be used in the true interests of all mankind.

Mr. MOROZOV (Union of Soviet Socialist Republics) (*translated from Russian*): We have before us a draft declaration of legal principles governing the activities of States in the exploration and use of outer space, which it is proposed to submit on behalf of our Committee to the General Assembly for its approval.

After the statements on this subject by the many delegations that have taken part in the discussion, and particularly after the masterly presentation of the material we are now considering by the distinguished representative of Poland, who is also the Chairman of the Legal Sub-Committee of the Committee, there is indeed very little left for me to add.

As correctly noted in the Committee and in its Legal Sub-Committee, lengthy consideration has been given to the question of the elaboration of legal principles governing the activities of States in outer space. This is perfectly natural. If such principles were not developed and observed, international co-operation in the peaceful exploration and use of outer space would be considerably impeded and could not develop normally. Accordingly, the solution of this question was declared to be important and necessary, specifically in resolution 1802 (XVII) which the General Assembly adopted unanimously at its seventeenth session.

In that resolution the Assembly noted with regret that the Committee "has not yet made recommendations on legal questions". The resolution then called upon all States "to co-operate in the further development of law for outer space".

In view of the fact that the Committee at its last session in the autumn of 1963 called for continued contacts and exchanges of views for the purpose of reaching agreement on questions

which had not yet been settled, a number of delegations, including those of the Soviet Union and the United States of America, engaged in conversations concerning the text of a draft resolution for submission to the General Assembly; this is now presented in the draft which you have before you.

The draft declaration of legal principles governing the activities of States in outer space is thus not only the outcome of difficult and lengthy negotiations between the parties. As has been rightly remarked here, it represents in its way the result of almost two years of work by the Committee and its Legal Sub-Committee in this field.

Consequently, and this is not at all fortuitous, the draft took into consideration some proposals formally submitted by members of the Committee as well as certain wishes expressed during the repeated discussion of this question.

By this time it is difficult to attribute the authorship of any part of the draft to any of the delegations present in the Committee, but it may be noted that the draft reflects, specifically, certain points made by the delegations of the United Arab Republic, Austria, the United Kingdom, Canada and others.

The draft includes very important basic legal principles, which were touched upon in one form or another during the proceedings of the Committee and in the sessions of the Legal Sub-Committee. Therefore, as has already been said, the draft resolution for the General Assembly now brought to the Committee's attention will, we hope, coincide with the interests of all the States Members of the United Nations, large and small, the countries in the vanguard of scientific and technological development in this field and the countries which are laying the foundation for activity in this area.

We regard this declaration—if it is adopted by the General Assembly (and we are confident that it will be)—as another step towards the development of international co-operation in the peaceful exploration and use of outer space. We realize, of course, that this is only the very first step, which can and must be followed by other steps. In particular, the draft resolution in its present form—and this everybody knows—does not include some propositions which the Soviet Union thought it essential to include. It is impossible to overlook the fact that some aspects of the activities of States in outer space are still unregulated; this cannot but have an adverse effect on relations among States.

In this connexion, it should be noted that in the effort to reach a reasonable compromise naturally some propositions favoured by some but unacceptable to others simply could not be included in the draft declaration. This cannot be disregarded in determining one's attitude towards the documents under discussion. It must be said that the tenor of the discussion on this question in the Committee today showed a broad understanding of this factor on the part of the members of the Committee.

To continue, as a result the draft submitted was made to include, in the final analysis, whatever was calculated to unite rather than divide the Members of the United Nations at the present time and at the present stage of the discussion of this question.

The Soviet delegation realizes that, notwithstanding some shortcomings both in substance and in form, the draft declaration nevertheless represents a definite step forward.

I should now like to turn to some remarks which have been made here by the delegations of Canada, Australia, France, the United Kingdom, Austria, Italy, Japan, Brazil, India and Lebanon—certain observations and requests for additions to the text of the draft declaration.

First of all, it should be said that we quite understand these remarks. It is evident, however, that the aim of one group of observations is to anticipate decisions on certain problems which are related to outer space but which can and must be decided within the framework of the problem of general and complete disarmament.

The Soviet Union, as we have repeatedly declared, is prepared to resolve these questions affirmatively, but it cannot permit them to be divorced from the decision on other questions

of disarmament bound up with them. That has been our position, and is still our position at the present time.

Other observations concerned problems which—as will be seen if, for example, reference is made to the texts of the Soviet and United States draft declarations used as working documents and suggestions for the Committee—had already been touched upon during the discussion of the question both in the Committee and the Legal Sub-Committee, and later, I should point out, during the preliminary conversations whose outcome is the document submitted today to the Committee. We did not succeed completely, however, in reaching the desired agreement on those matters.

Lastly, a third group of wishes expressed perhaps falls outside the scope of legal principles and accordingly should and can be considered separately in due course.

That being said, I must remark with great satisfaction that the majority of the members of the Committee who took part in the debate did not challenge the propositions included in the draft declaration, and consequently it may be assumed that they are acceptable to all the members of the Committee. Therefore, giving all the remarks made here their due, I think we must assume—indeed, those who made the remarks proceeded on this assumption—that in the matter of international legal regulation it is impossible to compel any State to accept a particular proposition, if for any reason it is still not prepared to do so.

If this is true as to the formation of international law as a whole, then our action ought to be still more correct and judicious in such a new field of law as that covered by the draft declaration we are now considering—this also was properly stressed in the discussions.

On behalf of the Soviet delegation, I wish to stress the fact, which almost all, if not all, the speakers have noted that nobody here views this draft declaration as exhausting the whole topic. Additional work can and must be done on many of the propositions and questions that have been mentioned, with a view to reaching an appropriate solution, including the groundwork for the possible conclusion of international agreements.

We repeat, however, that, from our point of view, the value of the propositions on which general agreement can now be obtained is not diminished by that fact; consequently we do not depreciate the adoption of those propositions as a guide to action for States in the field to which the provisions of the draft declaration refer. This represents, in our opinion, if not the most essential measure, undoubtedly a positive step towards the further reduction of tension in international relations.

Therefore, the Soviet delegation—and I shall conclude on this note—expresses the hope that the draft declaration, in the form in which it has been submitted to the members of the Committee, will be unanimously recommended to the General Assembly for adoption.

ADDITIONAL REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY

The CHAIRMAN: On the basis of the statements which have been heard during this meeting I feel that there is a consensus in the Committee on the draft declaration of legal principles governing the activities of States in the exploration and use of outer space, as contained in the working paper, and also that there is a consensus that this draft declaration should be transmitted to the General Assembly in the form of an additional report.

I propose that the comments and reservations made by delegations during this meeting should be reproduced *in extenso* as an annex to our report. Therefore, it is suggested that the verbatim record of this meeting should be reproduced as an annex to the additional report.

It was so decided.

The CHAIRMAN: I am sure that the Rapporteur will do his utmost so that the draft of an additional report—a short, factual report—by this Committee to the General Assembly may be circulated to members of the Committee as early as this afternoon.

If no objections to the report are communicated to the Secretariat within two or three days, the additional report will be distributed to all Members of the General Assembly. By this method we should avoid another meeting to discuss the report. This method has been applied in several instances.

Mr. FAHMY (United Arab Republic): From the Chairman's statement, I take it that he does not intend to convene the Committee to approve the report, or even to listen to the report read out by the Rapporteur.

Before I proceed any further, I should like to be clear about whether that is really the Chairman's and the Committee's intention.

The CHAIRMAN: I am in the hands of the Committee. My only thought was that we had in the past adopted this procedure to avoid another meeting and that it could be followed this time as well. However, the Committee has heard the remarks of the representative of the United Arab Republic, from which I gather that he would prefer that the Committee should have another meeting in order to discuss the report.

Mr. PLIMPTON (United States of America): I would assume that since our proceedings today have been fairly brief the Rapporteur has a rather clear idea of what a short, factual report should contain. I wonder if he would be prepared to give us at least a rough sketch, verbally, of what the report would contain. That might save another meeting and circulation of a draft report.

The CHAIRMAN: I now call on the Rapporteur.

Mr. DE CARVALHO SILOS (Brazil), Rapporteur: My intention as Rapporteur is to make a very factual, objective report.

In the first two paragraphs the date of our meeting and the names of the officers of the Committee would be given. The third paragraph would reproduce the agenda. The fourth paragraph would summarize the statement made by our Chairman this morning. The fifth and sixth paragraphs would read as follows:

"In the course of the general debate, statements were made by the representatives of . . . [and here we shall list the names of the delegations which took part in the debate]."

"The verbatim text of these statements, including the reservations of several delegations, is reproduced in the annex to the present report."

"At its 24th meeting, on 22 November 1963, the Committee unanimously decided to submit to the General Assembly the following draft declaration of legal principles governing the activities of States in the exploration and use of outer space, recognizing that the draft declaration represents the maximum area of agreement possible at this time."

That is the report which I have the intention of submitting to the General Assembly.

The CHAIRMAN: The Committee has heard the statement of the Rapporteur. If I hear no objections, I shall take it that the proposed text of the report is acceptable to the Committee.

Mr. FAHMY (United Arab Republic): I have no objection to the form in which the Rapporteur proposes to draft the report of the Committee. However, before this meeting is adjourned, I should like to make the following reservation.

The silence of the delegation of the United Arab Republic should not be construed as acquiescence, but, rather, as a full reservation concerning the contents of the draft report which the Rapporteur will submit to the General Assembly and on which my delegation will make the position of its Government clear when the report is taken up in the General Assembly under the item relating to international co-operation in the peaceful uses of outer space.

The CHAIRMAN: This reservation made by the representative of the United Arab Republic will be included in the verbatim record and will therefore be part of the report of the Committee to the General Assembly.

Mr. COOK (Australia): I have a comment in relation to the proposed paragraph 5, the second sentence of which, I think, the Rapporteur read out, as follows: "The verbatim text of these statements, including the reservations of several delegations . . .". I am not sure if that is meant to include what the Australian delegation said. If it is, I think we would prefer something like: "The verbatim text of these statements setting out the viewpoints of several delegations is reproduced in the annex . . .".

The CHAIRMAN: The representative of Australia has made a suggestion. I wonder whether the Rapporteur could accept this change of the word "reservations" to be replaced by the word "viewpoints".

Mr. DE CARVALHO SILOS (Brazil), Rapporteur: I do not think I would be in a position to accept this proposal because the inclusion of this word "reservations" reflects actually what happened. But I think I could make a compromise, and add the words "and viewpoints of several delegations".

The CHAIRMAN: Is this acceptable to the representative of Australia? I see that he accepts it.

If the Chair does not hear any further comments, I will take it that the Committee has accepted the procedure as to how we shall produce the additional report to the Assembly. I repeat, if the Secretariat does not receive any objections to the text—because only the last paragraph was read out, the four other paragraphs have not been read out—within two or three days, this additional report will be considered as agreed, and circulated to the General Assembly.

The meeting rose at 12.55 p.m.

DOCUMENT A/C.5/1002

Financial implications of draft resolution II submitted by the First Committee in document A/5656

Note by the Secretary-General

[Original text: English]
[6 December 1963]

1. Under the terms of operative paragraph 1 of section II of draft resolution II submitted by the First Committee in its report (A/5656, para. 9), the General Assembly would endorse the recommendations in chapter II of the report of the Committee on the Peaceful Uses of Outer Space (A/5549), and in operative paragraph 2 (e) would welcome the establishment, at the request of the Government of India, of a group of six scientists to visit the sounding rocket launching facility at Thumba and to advise the Committee on its

eligibility for United Nations sponsorship in accordance with the basic principles endorsed by the General Assembly in resolution 1802 (XVII).

2. The First Committee was informed, in accordance with rule 154 of the rules of procedure of the General Assembly, that the adoption of the draft resolution by the General Assembly would give rise to additional expenditure estimated at \$12,800 for the travel and related expenses of the six scientists from the capitals of their home countries (Argentina, Brazil,