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Although it remains for the time being a private association, CNRE is officially recognized by the Belgian Government from which it receives subsidies. There is no doubt that the Centre will grow considerably in years to come and will probably acquire the status of a national institution.

The Centre plans, in particular, to train young physicists for specialized work in the field of space research and would therefore be glad to participate in any international exchange of scientists. It constitutes the basis for a Belgian proposal for joint research within the framework of the member nations of OEEC.

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AD HOC COMMITTEE ON THE PEACEFUL  
USES OF OUTER SPACE  
Legal Committee

Working paper submitted by the delegation of Mexico

The delegation of Mexico submits the attached questionnaire for consideration by members of the Legal Committee, in the hope that it may assist the Committee in identifying the problems of a legal nature relating to outer space.

59-13556

IMMEDIATE PROBLEMS

I

LEGAL PRINCIPLES IMMEDIATELY APPLICABLE TO OUTER SPACE

1. Can existing jurisprudence be adapted to outer-space problems or is it necessary to devise wholly new international rules?
2. Should the United Nations Charter and the Statute of the International Court of Justice be regarded as applicable in outer space?
3. If the answer is in the affirmative, should it be the spirit or the letter of the Charter that is considered applicable?
4. If a new convention expressly covering outer space is not adopted, should ICAO amend the annexes to its basic Convention so as to include outer-space ships and vehicles?
5. Can it be assumed that air law is applicable to outer space?
6. Should a wholly new law relating to outer space be compiled?

II

DEFINITION OF OUTER SPACE

7. Is a definition of outer space immediately necessary?
8. Is it necessary, as a condition precedent to the application of a law of outer space, to determine the outer limits of the atmosphere and the beginning of outer space?

III

DETERMINATION OF THE RULES WHICH SHOULD FORTHWITH GOVERN OUTER SPACE

9. Who may be permitted to initiate a journey into outer space?
10. Does the launching of a satellite violate any customary or positive rules of international law?
11. If permits are to be required for outer-space flights, what authority is to be responsible for issuing them?
12. Should outer space be regarded as under a regime similar to that of the high seas?

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13. What legal regime should apply to the areas of outer-space flight covering the launching site of the satellite and its passage through the atmosphere?

IV

EXTENSION OF NATIONAL SOVEREIGNTY IN SPACE

14. Can it be said that there already exists some customary rules concerning the extension of national sovereignty in space?
15. Are there any limits to the principle of national sovereignty over the superadjacent space? If so why, and what are they?
16. Might it be possible, in dealing with outer space, to avoid the problem of national sovereignty altogether?

V

TOLERANCE OF OUTER-SPACE EXPERIMENTS AND THEIR CONTROL  
IN THE ATMOSPHERE

17. Up to what point can a sovereign State control the passage of space ships?
18. Having regard to the objectives sought - and assuming that these are not contrary to interests of national security - is space research of sufficient interest to mankind for other States to be permitted to engage in such research?
19. Does the preceding question imply the freedom of the State to engage in space research?

VI

JURIDICAL REGIME APPLICABLE TO EXISTING OUTER-SPACE VEHICLES

20. What are the purposes and objectives of outer-space vehicles? What is the common interest of sovereign States in the use of such vehicles?
21. What is the status of satellites under international law?
22. What legal consequences will be produced by the existence of a space satellite considered to be of a permanent nature - such as one used as a space station in flights to the moon?
23. Has any State a legal right to recover a space vehicle - or to retain it if it falls intact within its territory - or must it, on the contrary, return the vehicle to the country which launched it?

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24. In connexion with the launching of a satellite, assuming that the launching State is a party to the Chicago Convention, is the orbiting of the satellite to be governed by the rules contained in that instrument and its annexes?

#### VII

##### LEGAL STATUS OF SPACE VEHICLES

25. What is the legal status of a satellite?

26. Should space ships and artificial satellites be registered? If so, what rules should be applied?

27. Because of their inherent cost, satellites and space ships seem to imply efforts on the national level. In view of this fact, can they be said to enjoy privileges and immunities similar to those enjoyed by warships under the law of the sea?

28. What form of control should be exercised immediately over space flights?

#### VIII

##### STATE RESPONSIBILITY FOR OUTER-SPACE EXPERIMENTS

29. If space ships are registered by States, should the registering State be held responsible for any damage such ships may cause?

30. If so, what recourse is open to injured persons against the launching State?

31. Is the department responsible for launchings within each Government to assume sole responsibility, or should the State as a whole be held responsible for damage caused by space ships or vehicles?

32. If it is decided that the State is responsible, is that responsibility to be restricted to negotiations through the diplomatic channel?

33. Should the launching State be responsible for damage in all cases or only in cases where it is guilty of negligence?

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#### SECONDARY PROBLEMS

#### IX

##### LEGAL PRINCIPLES RELATING TO MAN IN SPACE

34. Can problems of nationality, domicile and related questions be said to arise beyond the earth?

35. Should consideration perhaps be given to the need for defining crimes against the earth or violations of the rules established by the international community which do not amount to crimes? (Space piracy would be an example of the former, smuggling of the latter.)

#### X

##### STATE RESPONSIBILITY FOR OUTER-SPACE VOYAGES

36. To what extent is the launching State responsible for any consequences of loss of reason suffered by space-ship crew members?

37. To what extent is the State which organizes outer-space voyages responsible for changes which may occur in human beings inhabiting celestial bodies other than the earth?

#### XI

##### SOVEREIGNTY OVER CELESTIAL BODIES

38. Should it be assumed that the principles of sovereignty or ownership are applicable to celestial bodies?

39. If so, to what extent is it possible to determine the conditions which must be satisfied in order that occupation by an individual or a State may be transformed into a legally valid occupation?

40. Is it, as a consequence, necessary to determine the validity of the discovery? Or may the mere deposit of scientific equipment on a celestial body constitute proof of lawful possession?

41. In the light of the foregoing, is it admissible that one or more countries should issue declarations of sovereignty, as if the celestial bodies were unoccupied territories?

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42. May the resources of celestial bodies be exploited by one or more States to the exclusion of the others?

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AD HOC COMMITTEE ON THE PEACEFUL USES  
OF OUTER SPACE  
Legal Committee

REPORT UNDER PARAGRAPH 1 (d) of GENERAL ASSEMBLY RESOLUTION 1348 (XIII)

(Working paper submitted by the delegation of the United States)

The following material is submitted by the delegation of the United States in connexion with the report of the United Nations ad hoc Committee on the Peaceful Uses of Outer Space under paragraph 1 (d) of General Assembly resolution 1348 (XIII).

A. MANDATE OF THE COMMITTEE UNDER PARAGRAPH 1 (d)

Paragraph 1 (d) of the General Assembly resolution of 13 December 1958, adopted at its 792nd plenary meeting, reads as follows:

"The General Assembly . . . 1. Establishes an ad hoc Committee on the Peaceful Uses of Outer Space . . . and requests it to report to the General Assembly at its fourteenth session on the following . . . (d) The nature of legal problems which may arise in the carrying out of programmes to explore outer space . . . ." A/RES/1348 (XIII)

The Committee considered that it could most usefully fulfil its terms of reference by (1) enumerating and defining problems that have arisen, or are likely to arise, in the carrying out of space programmes; (2) grouping these problems according to priority in the sense of their amenability to early treatment, but without, of course, trying to pass upon any question of relative importance among them; and (3) indicating, without definite recommendation, various means by which answers to such problems might be pursued.

The identification of legal problems entails, of necessity, some consideration of possible approaches to their solution, particularly with a view to presenting the best informed comment that can be made on the matter of priorities. Under