

Article 20

Each Member retains the right to take all precautionary measures in the interests of its security.

Article 21

No Member is obliged to accord to its own nationals or permanent residents the privileges and immunities referred to in Articles 10, 11(b), (f), (g), 12 and 15(c).

Article 22

[Any Member may submit to [] referred to in Article 36 of the Convention, any dispute:

- (a) Arising out of damage or injury caused by the Organization.
- (b) Involving any other non-contractual responsibility of the Organization.
- (c) Involving the Director-General, a staff member or expert, and in which the person concerned can claim immunity from jurisdiction under Articles 11(a), 12 or 15(a), if this immunity is not waived in accordance with Article 17. In such disputes where the claim for immunity from jurisdiction arises under Article 11(a) or 15(a), the responsibility of the Organization shall be substituted for that of the individuals concerned.]

Note: A proposal to delete this Article was discussed, but it was concluded that it partly covers disputes which are not covered by Article 36 of the Convention as presently worded. It was felt that consideration should be given to either inserting in Article 22 a reference to a special arbitration procedure or else deleting Article 22 and/or broadening the scope of Article 36 of the Convention by deleting the words "relating to the interpretation or application of this Convention, including any regulations adopted by the Organization", in paragraph (1) and by making clear that "agreements", in paragraph (2) include contracts. In the latter case it should be considered to include in the Protocol the proposal of one delegation as follows;

"In disputes where the claim for immunity from jurisdiction arises under Article 11(a) or Article 15(a) and in which the person concerned can claim immunity from jurisdiction, the responsibility of the Organization shall be substituted for that of the individuals concerned."

Article 23

The Organization may, on decision by the Council, conclude complementary agreements with one or more Members to give effect to the provisions of this Protocol.



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COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE

REPORT OF THE LEGAL SUB-COMMITTEE ON THE WORK OF ITS
THIRTEENTH SESSION (6-31 MAY 1974)

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INTRODUCTION

Opening of the session

1. The Legal Sub-Committee opened its thirteenth session at the United Nations Office at Geneva on 6 May 1974 under the chairmanship of H.E. Mr. Eugeniusz Wyzner (Poland).
2. The Chairman in his opening statement welcomed the delegations of nine States who were attending the meetings of the Legal Sub-Committee for the first time.*
3. The Chairman drew the Sub-Committee's attention to General Assembly resolution 3182 (XXVIII), dated 18 December 1973, which requested that the Sub-Committee should give highest priority to the draft treaty relating to the moon and the draft convention on registration of space objects launched into outer space. The General Assembly had also requested the Sub-Committee to give high priority to the question of elaborating principles governing the use by States of artificial earth satellites for direct television broadcasting with a view to concluding an international agreement or agreements, and to devote part of the current session to the legal implications of the earth resources survey by remote sensing satellites. The Assembly had also agreed that the Sub-Committee should, as time permitted, consider matters relating to the definition and/or delimitation of outer space and outer space activities. The Chairman noted that the workload of the Sub-Committee at its present session was therefore a heavy one and he urged that every effort be made by the Sub-Committee to discharge its functions in a constructive manner and in the same spirit of understanding and co-operation as members of the Sub-Committee had shown in the past.
4. At its 209th meeting the Chairman welcomed to the Sub-Committee Mr. Erik Suy, the recently appointed Legal Counsel and Under-Secretary-General of the United Nations. Mr. Suy made a statement in which he referred to the various items to be considered by the Sub-Committee at its current session and emphasized the importance of this work.

Adoption of the agenda

5. At its opening meeting, the Sub-Committee adopted the following agenda for the session (A/AC.105/C.2/L.90):
 1. Statement by the Chairman
 2. Draft treaty relating to the moon

* Pursuant to General Assembly resolution 3182 (XXVIII) the following additional members were appointed to the Committee on the Peaceful Uses of Outer Space: Chile; German Democratic Republic; Germany, Federal Republic of; Indonesia; Kenya; Nigeria; Pakistan; Sudan and Venezuela.

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3. Draft convention on registration of objects launched into outer space for the exploration or use of outer space
4. The various implications of space communications: report of the Working Group on Direct Broadcast Satellites
5. Matters relating to the activities carried out through remote sensing satellite surveys of earth resources
6. Matters relating to the definition and/or delimitation of outer space and outer space activities

Organization of work

6. The Sub-Committee at its opening meeting decided that it would begin its work with a brief exchange of views on the items before it. The Sub-Committee also decided to re-establish its two working groups of the whole, to consider the provisions of the draft treaty relating to the moon (Working Group I) and the draft convention on registration (Working Group II). The Sub-Committee also decided to establish a third working group on direct broadcast satellites (Working Group III). It was decided that Working Groups I and II would meet during the first two weeks of the session and that Working Group III would meet in the third week. The Sub-Committee agreed that it would take up the question of remote sensing at the beginning of its fourth week and devote appropriate time to it taking into account the progress reached on the other items.
7. Working Group I was presided over by the representative of Hungary, Working Group II by the representative of Austria and Working Group III by the representative of India.
8. There were eight meetings of Working Group I and nine meetings of Working Group II. Working Group III at its first meeting established a drafting group which held six meetings and Working Group III itself held three meetings.
9. The Chairmen of Working Groups I and II reported to the Sub-Committee at its 222nd meeting on 28 May and the Chairman of Working Group III reported to the Sub-Committee at its 223rd meeting on 29 May.
10. The Sub-Committee, as agreed, considered item 5 of the agenda concerning remote sensing satellite surveys of earth resources at its 220th to 223rd meetings on 27, 28 and 29 May.
11. The Sub-Committee considered the question regarding the venue of its future sessions. In this connexion, some delegations proposed to recommend to the parent Committee to change the system of rotation of the sessions of the Legal Sub-Committee between New York and Geneva and to hold all sessions in Geneva. Upon the request of these delegations, the Secretariat submitted to the Sub-Committee a document on financial implications of convening the Legal Sub-Committee at Geneva or New York in 1975 (A/AC.105/C.2/L.100). According to this document, costs

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for holding meetings at Geneva outside the peak load periods might in certain circumstances be slightly lower than in New York. Certain other delegations said that they had no instructions that would permit changing the agreed system of alternating sessions between New York and Geneva, and noted that they had not had a sufficient opportunity to study the cost data contained in document A/AC.105/C.2/L.100 which had been circulated on the day before the session concluded. These delegations believed that any decision to alter the agreed rotation system would have to await consideration of the question in the Outer Space Committee. The Sub-Committee was of the opinion that in establishing the 1975 time-table of meetings of United Nations bodies dealing with questions pertaining to outer space, it would be appropriate for the Committee to take this document into account (the document is reproduced as annex V of the present report).

12. The Sub-Committee held a total of 18 meetings. The views expressed in the Sub-Committee are summarized in documents A/AC.105/C.2/SR.208-225.

13. The Sub-Committee concluded its work on 31 May 1974 by adopting the present report unanimously. A list of the representatives of States members of the Sub-Committee attending the session, of the observers for specialized agencies and of the secretariat of the Sub-Committee, is to be found in document A/AC.105/C.2/INF.6.

I. DRAFT TREATY RELATING TO THE MOON

14. At the 209th meeting of the Sub-Committee, on 7 May, the Chairman made an introductory statement on the draft treaty relating to the moon (agenda item 2) in which he outlined the work previously undertaken in the preparation of the draft treaty.

15. The Sub-Committee had before it the following texts: a preamble and 21 articles including final clauses which the Sub-Committee approved at its eleventh session in 1972 and on the basis of which the Sub-Committee decided to pursue its work (A/AC.105/101, para. 21); the text of six provisions formulated by its Working Group and taken note of by the Sub-Committee at its twelfth session in 1973 (A/AC.105/115, para. 17); the text relating to article X contained in annex I of the 1973 report of the Legal Sub-Committee (A/AC.105/115, annex I (c)); an informal proposal referred to in paragraph 25 of the report of the Committee on the Peaceful Uses of Outer Space (A/9020); and the report of the Chairman of the informal working group established by the Committee on the Peaceful Uses of Outer Space at its sixteenth session in 1973 (A/9020, annex II).

16. As indicated in paragraph 6 above, the Sub-Committee on 6 May re-established Working Group I with respect to agenda item 2. In the course of the discussions in the Sub-Committee and the Working Group, the following working papers were submitted:

Working paper by the United States proposing a rearrangement of the articles of the draft treaty (A/AC.105/C.2/L.91 and Corr.1).

Working paper by Bulgaria which contained the text of a draft treaty consisting of a preamble and 21 articles, based on the text formulated by the Sub-Committee at its previous sessions, together with certain changes and amendments (A/AC.105/C.2/L.93).

Working paper by India and co-sponsored by Egypt amending article V, para. 1 (A/AC.105/C.2/L.95).

Working paper by India amending article I, para. 1 (ii) (A/AC.105/C.2/L.96).

Joint working paper by India and Nigeria and co-sponsored by Egypt relating to article X (A/AC.105/C.2/L.97).

Working paper by Mongolia relating to article X (A/AC.105/C.2/L.98/Rev.1).

17. At the 222nd meeting of the Sub-Committee on 28 May, the Chairman of Working Group I reported on the work of that Group. The Sub-Committee took note with appreciation of the report and of the work done by Working Group I. In accordance with the decision taken by the Sub-Committee at the same meeting, the report of the Chairman of Working Group I is reproduced in annex I (A) of the present report. The working papers referred to in paragraph 15 above are reproduced in annex I (B).

18. The Legal Sub-Committee considered that it should continue work on the draft treaty relating to the moon at its next session as a priority item on its agenda.

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II. DRAFT CONVENTION ON REGISTRATION OF OBJECTS LAUNCHED INTO OUTER SPACE FOR THE EXPLORATION OR USE OF OUTER SPACE

19. At the 210th meeting of the Sub-Committee on 8 May, the Chairman made an introductory statement on the draft convention on registration of space objects (agenda item 3) in which he summarized previous consideration of the draft convention.

20. The Sub-Committee had before it the text of a preamble and 10 articles formulated by its Working Group, which had been taken note of by the Sub-Committee at its twelfth session in 1973 (A/AC.105/115, para. 24); and the report of the Chairman of the informal working group established by the Committee on the Peaceful Uses of Outer Space at its sixteenth session in 1973 (A/9020, annex II).

21. As indicated in paragraph 6 above, the Sub-Committee on 6 May re-established Working Group II with respect to agenda item 3. In the course of the discussions in the Sub-Committee and the Working Group, two working papers concerning marking of space objects were submitted: one by Canada (A/AC.105/C.2/L.92) and the other jointly by Argentina, Brazil, India, Mexico, Nigeria and Sudan (A/AC.105/C.2/L.94).

22. The Working Group, following consideration of the texts before it and after substantial informal consultations, completed the preparation of the text of a draft convention on registration of objects launched into outer space and approved on 27 May this text which was subsequently given final examination by a drafting group.

23. At the 222nd meeting of the Sub-Committee on 28 May, the Chairman of Working Group II reported on the work of the Group and submitted the text of the draft convention on registration of objects launched into outer space (PUOS/C.2(XIII)/WG.II/1) for approval by the Sub-Committee. The Sub-Committee took note with appreciation of the report and of the work done by Working Group II. In accordance with the decision taken by the Sub-Committee at the same meeting, the report of the Chairman of Working Group II is reproduced in annex II (A) of the present report. The working papers referred to in paragraph 19 above are reproduced in annex II (B).

24. At the same meeting, the Sub-Committee adopted the text of the draft convention which was issued in document A/AC.105/C.2/13 and is reproduced below:

Draft convention on registration of objects
launched into outer space

The States Parties to this Convention

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

Recalling that the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, affirms that States shall bear international responsibility for their national activities in outer space and refers to the State on whose registry an object launched into outer space is carried,

Recalling also that the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space provides that a launching authority shall, upon request, furnish identifying data prior to the return of an object it has launched into outer space found beyond the territorial limits of the launching authority,

Recalling further that the Convention on International Liability for Damage Caused by Space Objects establishes international rules and procedures concerning the liability of launching States for damage caused by their space objects.

Taking note of the treaty relating to the Moon /and other celestial bodies/, concerning an international legal régime for the exploration and use of the Moon /and other celestial bodies/,*

Desiring, in the light of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies to make provision for the national registration by launching States of space objects launched into outer space,

Desiring further that a central register of objects launched into outer space be established and maintained on a mandatory basis, by the Secretary-General of the United Nations,

Desiring also to provide for States Parties additional means and procedures to assist in the identification of space objects,

Believing that a mandatory system of registering objects launched into outer space would, in particular, assist in their identification and would contribute to the application and development of international law governing the exploration and use of outer space,

Have agreed as follows:

Article I

For the purpose of this Convention:

(a) The term "launching State" means:

(i) A State which launches or procures the launching of a space object;

* A decision on whether or not to delete this preambular paragraph before referring this draft convention to the General Assembly will have to be taken by the Committee on the Peaceful Uses of Outer Space.

(ii) A State from whose territory or facility a space object is launched;

(b) The term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof;

(c) The term "State of registry" means a launching State on whose registry a space object is carried in accordance with article II.

Article II

1. When a space object is launched into earth orbit or beyond, the launching State shall register the space object by means of an entry in an appropriate registry which it shall maintain. Each launching State shall inform the Secretary-General of the United Nations of the establishment of such a registry.

2. Where there are two or more launching States in respect of any such space object, they shall jointly determine which one of them shall register the object in accordance with paragraph 1 of this article, bearing in mind the provisions of article VIII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, and without prejudice to appropriate agreements concluded or to be concluded among the launching States on jurisdiction and control over the space object and over any personnel thereof.

3. The contents of each registry and the conditions under which it is maintained shall be determined by the State of registry concerned.

Article III

1. The Secretary-General of the United Nations shall maintain a Register in which the information furnished in accordance with article IV shall be recorded.

2. There shall be full and open access to the information in this Register.

Article IV

1. Each State of registry shall furnish to the Secretary-General of the United Nations, as soon as practicable, the following information concerning each space object carried on its registry:

(a) Name of launching State or States;

(b) An appropriate designator of the space object or its registration number;

(c) Date and territory or location of launch;

(d) Basic orbital parameters, including:

(i) Nodal period,

(ii) Inclination,

(iii) Apogee, and

(iv) Perigee;

(e) General function of the space object.

2. Each State of registry may, from time to time, provide the Secretary-General of the United Nations with additional information concerning a space object carried on its registry.

3. Each State of registry shall notify the Secretary-General of the United Nations, to the greatest extent feasible and as soon as practicable, of space objects concerning which it has previously transmitted information, and which have been but no longer are in earth orbit.

Article V

Whenever a space object launched into earth orbit or beyond is marked with the designator or registration number referred to in article IV (1) (b), or both, the State of registry shall notify the Secretary-General of this fact when submitting the information regarding the space object in accordance with article IV. In such case, the Secretary-General of the United Nations shall record this notification in the Register.

Article VI

Where the application of the provisions of this Convention has not enabled a State Party to identify a space object which has caused damage to it or to any of its natural or juridical persons, or which may be of a hazardous or deleterious nature, other States Parties, including in particular States possessing space monitoring and tracking facilities, shall respond to the greatest extent feasible to a request by that State Party, or transmitted through the Secretary-General on its behalf, for assistance under equitable and reasonable conditions in the identification of the object. A State Party making such a request shall, to the greatest extent feasible, submit information as to the time, nature and circumstances of the events giving rise to the request. Arrangements under which such assistance shall be rendered shall be the object of agreement between the parties concerned.

Article VII

1. In this Convention, with the exception of articles VIII to XII inclusive references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are States Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

2. States members of any such organization which are States Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the preceding paragraph.

Article VIII

1. This Convention shall be open for signature by all States at United Nations Headquarters in New York. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force among the States which have deposited instruments of ratification on the deposit of the fifth such instrument with the Secretary-General of the United Nations.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Secretary-General shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.

Article IX

Any State Party to this Convention may propose amendments to this Convention. Amendments shall enter into force for each State Party to the Convention accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party to the Convention on the date of acceptance by it.

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Article X

Ten years after the entry into force of this Convention, the question of the review of this Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention, whether it requires revision. However, at any time after the Convention has been in force for five years, at the request of one third of the States Parties to the Convention, and with the concurrence of the majority of the States Parties, a conference of the States Parties shall be convened to review this Convention. Such review shall take into account in particular any relevant technological developments, including those relating to the identification of space objects.

Article XI

Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XII

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations who shall send certified copies thereof to all signatory and acceding States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at New York on

Presentation of the draft convention to the Committee

25. At its 224th meeting on 30 May, the Sub-Committee took note with appreciation of the telegram from the Chairman of the Committee on the Peaceful Uses of Outer Space congratulating the Chairman and members of the Legal Sub-Committee on their adoption of the draft convention. The Sub-Committee decided to request its Chairman or, if he is unable to do so, the Chairman of Working Group II, to attend the forthcoming session of the Committee on the Peaceful Uses of Outer Space in order to present the draft convention to the Committee and to provide such information relating to the draft convention as might be required.

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III. THE VARIOUS IMPLICATIONS OF SPACE COMMUNICATIONS:
REPORT OF THE WORKING GROUP ON DIRECT BROADCAST
SATELLITES

26. At the 213th meeting of the Sub-Committee on 13 May 1974, the Chairman made an introductory statement on agenda item 4 relating to direct broadcast satellites in which he outlined the background of this item. At the 216th meeting on 17 May 1974, a statement on this item was made by Mr. Abdel Ghani, Chief of the Outer Space Affairs Division. There was a general exchange of views in the Sub-Committee at the 217th, 218th and 219th meetings on 20, 22 and 24 May 1974.

27. As the Chairman noted in his introductory statement, the General Assembly had, in its resolution 3182 (XXVIII) of 18 December 1973, endorsed the decision of the Outer Space Committee that the Working Group on Direct Broadcast Satellites should be convened before the present session of the Legal Sub-Committee in order that the Working Group on Direct Broadcast Satellites might consider and discuss principles on the use by States of artificial earth satellites for direct television broadcasting in accordance with General Assembly resolution 2916 (XXVII) of 9 November 1972, with a view to making specific recommendations for the work of the Legal Sub-Committee in this field. The Working Group on Direct Broadcast Satellites accordingly met, in its fifth session, in March this year and its report (A/AC.105/127) was before the Sub-Committee.

28. The report of the Working Group on Direct Broadcast Satellites contained the following proposals:

A proposal by the Union of Soviet Socialist Republics on principles governing the use by States of artificial earth satellites for direct television broadcasting, being elaborated pursuant to General Assembly resolution 2916 (XXVII) with a view to the conclusion of an international agreement or agreements (A/AC.105/127, annex II);

A proposal by Canada and Sweden on draft principles governing direct broadcasting by Satellite (A/AC.105/127, annex III);

A proposal by the United States on draft principles on direct broadcast satellites (A/AC.105/127, annex IV);

A proposal by Argentina on direct broadcasting by satellites (A/AC.105/127, annex V).

The results of the discussion in the Working Group on draft principles governing direct television broadcasting by satellites were contained in paragraphs 31 to 63 of that report.

29. As indicated in paragraph 6 above, the Sub-Committee on 6 May 1974 established Working Group III with respect to agenda item 4. The Working Group decided to commence with the formulation of draft principles with respect to the five

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following subjects: applicability of international law; rights and benefits of States; international co-operation; State responsibility; and the peaceful settlement of disputes. To consider these subjects, the Working Group established a drafting group open to all members.

30. The drafting group, following consideration of the relevant provisions of the proposals referred to above, as well as of informal papers submitted to it, formulated the texts of five principles each of which included certain elements on which agreement was not achieved and which therefore were enclosed in square brackets. The texts were subsequently endorsed by the Working Group on 28 May (PUOS/C.2(XIII)/WG.III/1/Rev.1).

31. At the 223rd meeting of the Sub-Committee on 29 May 1974, the Chairman of Working Group III reported on the work of that Group. In accordance with the request of Working Group III, and the decision taken by the Sub-Committee on 28 May, the report of the Chairman of that Working Group and the text of the five principles endorsed by the Working Group are included in this report as annex III(A). A document submitted by Argentina, Austria, Belgium, Germany, Federal Republic of, Indonesia and Italy (Conference room paper PUOS/C.2(XIII)/WG.III/DG/CRP.1) is reproduced as annex III(B).

32. Having regard to the degree of consensus already achieved and the amount of work yet to be done in the elaboration of principles in the field of direct broadcasting by means of satellite in accordance with General Assembly resolution 3182 (XXVIII), the Sub-Committee was of the opinion that it should continue this work as a priority item at its next session.

IV. MATTERS RELATING TO THE ACTIVITIES
CARRIED OUT THROUGH REMOTE SENSING
SATELLITE SURVEYS OF EARTH RESOURCES

33. At the 219th meeting of the Sub-Committee on 24 May 1974, the Chairman made an introductory statement on matters relating to the activities carried out through remote sensing satellite surveys of earth resources (agenda item 5). A statement on this item was also made by Mr. Abdel-Ghani, Chief of the Outer Space Affairs Division, at the 220th meeting on 27 May. There was a general exchange of views in the Sub-Committee at its meetings (220th-223rd) held on 27, 28 and 29 May 1974.

34. As the Chairman noted in his introductory statement, the General Assembly in its resolution 3182 (XXVIII) of 8 December 1973 recommended "that the Legal Sub-Committee, at its next session, should respond to the request for its views by the Working Group on Remote Sensing of the Earth by Satellite, on the legal implications of the earth resources survey by remote sensing satellites, devoting part of that session to this purpose."

35. The Sub-Committee had before it the report of the Working Group on Remote Sensing of the Earth by Satellites on the work of its third session (A/AC.105/125). The Sub-Committee had also before it the text of the following proposals:

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Argentina: draft international agreement on activities carried out through remote-sensing satellite surveys of earth resources (A/AC.105/C.2/L.73).

Brazil: treaty on remote sensing of natural resources by satellites - draft basic articles (A/AC.105/122).

France: draft principles governing remote sensing of earth resources from outer space (A/AC.105/L.69).

Union of Soviet Socialist Republics: model draft principles governing the use of space technology by States for the study of earth resources (A/AC.105/C.2/L.88).

In the course of the discussions in the Sub-Committee, a working paper was submitted jointly by France and the USSR containing draft principles governing the activities of States in the field of remote sensing of earth resources by means of space technology (A/AC.105/C.2/L.99). Those proposals are reproduced in annex IV of the present report.

36. In view of the organization of its work as reflected in paragraph 6 above, the Sub-Committee did not have time to formulate a response to the request of the Working Group for its views on the legal implications of remote sensing, as recommended by the General Assembly in resolution 3182 (XXVIII), and was unable to give full consideration to the proposals before it under this item. The Sub-Committee, therefore, considered that at its next session it should continue work on this question as a priority item on its agenda.

V. MATTERS RELATING TO THE DEFINITION AND/OR DELIMITATION OF OUTER SPACE AND OUTER SPACE ACTIVITIES

37. The Sub-Committee because of lack of time was not able to consider agenda item 6. However, some delegations recorded their views on this item in the general exchange of views.

Annex I

DOCUMENTS RELATING TO AGENDA ITEM 2

(DRAFT TREATY RELATING TO THE MOON)

(A) Report of the Chairman of Working Group I

The Sub-Committee at its 208th meeting held on 6 May 1974, decided to re-establish Working Group I to continue its consideration of the draft treaty relating to the moon. The Working Group held eight meetings between the 6th and 17th of May.

The Working Group had before it a draft consisting of a preamble and 21 articles approved by the Sub-Committee in the course of its eleventh session and on the basis of which the Sub-Committee decided to pursue its work at its twelfth session. The Working Group had further before it the text of six provisions formulated by the Working Group and taken note of by the Sub-Committee at its twelfth session in 1973; the text relating to article X originally worked out in informal consultations and contained in document A/AC.105/115, an informal proposal relating to article X referred to in paragraph 25 of the report of the Committee on the Peaceful Uses of Outer Space; and the report of the Chairman of the informal Working Group established by the Committee on the Peaceful Uses of Outer Space at its sixteenth session in 1973.

The members of the Working Group agreed to concentrate their efforts on the three main unresolved issues, i.e. the scope of the treaty (article I of the draft), the information to be furnished on missions to the moon (article IV) and the question of the natural resources of the moon (article X). Of these three problems only the first (scope of the treaty) and the third (natural resources of the moon) have been discussed in a detailed manner in the meetings of Working Group I.

In the course of the discussions in the Sub-Committee and the Working Group, the following working papers relating to the moon treaty were submitted.

A working paper (A/AC.105/C.2/L.91 and Corr.1) by the United States concerning the rearrangement of the draft articles.

A working paper by Bulgaria (A/AC.105/C.2/L.93) which contained the text of a draft treaty based on the text of the working paper submitted by the same delegation in the course of the previous session of the Sub-Committee, and on the provisions approved by the Working Group during the twelfth session of the Sub-Committee, together with certain changes and amendments.

A working paper submitted by India and co-sponsored by Egypt (A/AC.105/C.2/L.95) concerning the freedom of scientific investigation on the moon.

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Egypt, India and Nigeria: working paper
(Document A/AC.105/C.2/L.97 of 13 May 1974)

Draft treaty relating to the moon

Proposed amendment to article X

Add a final paragraph 8 to the text worked out in informal consultations and considered by Working Group I at the twelfth session of the Legal Sub-Committee (annex I(c) of A/AC.105/115):

The State Parties may engage in exploration for experimental purposes of the moon and other celestial bodies on the following terms and conditions:

(1) States Parties planning such exploration of the moon and other celestial bodies shall notify the Secretary-General of the United Nations, in advance, about the details of their mission, namely, the areas of the moon and other celestial bodies to be explored, the experiments to be conducted,

(2) In carrying out such exploration, States Parties may collect on and remove from the moon and other celestial bodies samples of minerals and other substances. Property in such samples shall vest in the United Nations.

(3) States Parties shall permit participation of other States in each mission to the moon and other celestial bodies for such exploration.

(4) States Parties shall deposit with the Secretary-General of the United Nations all information about the samples and other data and their analysis thereof.

(5) States Parties shall disseminate to all requesting States as well as other organizations, the samples and the data received from the exploration of the moon and other celestial bodies, including information regarding the techniques of analysis of such samples and data.

(6) The Secretary-General of the United Nations shall make an annual report to the General Assembly about such activities.

Mongolia: working paper
(Document A/AC.105/C.2/L.98/Rev.1 of 20 May 1974)

Draft treaty relating to the moon

As a compromise, article X, paragraph 4 of the draft treaty relating to the Moon prepared by the Sub-Committee, or article X-bis of the draft treaty submitted by the delegation of Bulgaria might be replaced by the following article:

"In establishing a régime for the exploitation of the natural resources of the moon, the States Parties to the Treaty shall base themselves on the principle declaring the exploration and use of the moon to be the province of all mankind and shall give appropriate attention to enabling all States to enjoy the benefits resulting from exploitation of the natural resources of the moon."

Annex II

DOCUMENTS RELATING TO AGENDA ITEM 3

(DRAFT CONVENTION ON REGISTRATION OF OBJECTS LAUNCHED INTO SPACE FOR THE EXPLORATION OR USE OF OUTER SPACE)

(A) Report of the Chairman of Working Group II

Working Group II entrusted with the task of elaborating a draft convention on registration of objects launched into outer space was re-established by the Sub-Committee on 6 May 1974 and held a total of nine meetings.

The Working Group based itself on the text of a draft convention on registration contained in appendix B of the report of the Committee on the Peaceful Uses of Outer Space (Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 20 (A/9020)); this text consisted of a preamble and 10 articles as well as the title of a draft convention - approved by Working Group II during the twelfth session of the Legal Sub-Committee in 1973 and taken note of by the Sub-Committee at that session - and a review clause approved by an informal Working Group set up by the Committee on the Peaceful Uses of Outer Space at its Sixteenth Session held in 1973 as well as a provision on marking of space objects which had been worked out at that time in informal consultations and submitted to member Governments for consideration, but on which no agreement had been reached.

The discussions in Working Group II during the present session of the Legal Sub-Committee focused mainly on the marking provision contained in article III (bis) on page 40 of the report of the Committee on the Peaceful Uses of Outer Space. After various proposals on this question had been submitted by a number of delegations a compromise article on marking was finally agreed upon in the course of informal consultations which states that whenever a space object launched into earth orbit or beyond is marked with an appropriate designator or registration number (or both), the State of registry shall notify the Secretary-General of this fact when submitting information regarding the space object in accordance with the relevant provision of the convention. In such case, the Secretary-General shall record this notification in the register. As this provision provides for voluntary marking and a substantial number of delegations had been of the opinion that a convention on registration should contain a provision on mandatory marking, a further compromise was reached during the aforementioned informal consultations to amend the review clause contained in article VIII (bis) on page 42 of the report of the Committee on the Peaceful Uses of Outer Space in a way that this article now expressly states that an eventual review of the convention on registration shall take into account, inter alia, relevant technological developments relating to the identification of space objects.

After further informal consultations, Working Group II was able to approve the entire text of a draft convention on registration of objects launched into outer space on 27 May 1974. In the course of these informal consultations the desire was

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also expressed to entrust the Secretary-General of the United Nations with the function of depositary of the registration convention; in this connexion it was understood that the precedent established by the General Assembly on 14 December 1973 in relation to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents would be followed. The final clauses were thus changed accordingly and the revised final clauses were endorsed by the Working Group. After having approved the text of a draft convention on registration, Working Group II set up an open-ended drafting group in order to make the necessary adjustments in all the authentic texts of the draft convention.

I should now like to draw the attention of the distinguished members of this Sub-Committee to the text of the draft convention on registration as revised by the aforementioned drafting group (document PUOS/C.2(XIII)/WG.II/1). In this connexion I should like to refer to the foot-note relating to the fifth preambular paragraph - containing a reference to the moon treaty - which states that a decision on whether or not to delete this preambular paragraph before referring this convention to the General Assembly will have to be taken by the Committee on the Peaceful Uses of Outer Space. The feeling was expressed in Working Group II that a decision on this matter should be left to the parent committee. The drafting group decided to change the expression originally contained in article III, paragraphs 1 and 2, "space object launched into earth orbit or beyond", to "space object carried on its registry" as it was felt that such a change was preferable from the point of view of logic and to avoid unintentional ambiguity. Furthermore, it was decided to invert the order of articles III and IV and to change the references in these articles as well as in article V - which contains the provision on marking - accordingly. Finally, the drafting group decided to delete the reference to the time-limit for signature contained in article VIII, paragraph 1, in order to make the final clauses follow more closely the Outer Space Treaty, and to make a number of other small drafting changes in various articles.

In my capacity as Chairman of Working Group II, I now submit with great pleasure the draft convention on registration of objects launched into outer space - as contained in document PUOS/C.2(XIII)/WG.II/1 - to the Sub-Committee for approval.

(B) Proposals

Canada: proposal
(Document A/AC.105/C.2/L.92 of 7 May 1974)

Draft convention on registration of objects launched into outer space

On the basis of intersessional consultations, the Canadian delegation proposes the following draft article on the marking of space objects which modifies and is intended to replace bracketed article III bis, (appendix "B", report of the Committee on the Peaceful Uses of Outer Space on its 1973 session; (Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 20 (A/9020))) of the draft convention as elaborated so far.

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Article III bis

In any case when a space object launched into earth orbit or beyond is marked with the appropriate international designator or registration number referred to in article III (1) (b), the State of registry shall inform the Secretary-General of this fact. In such case, the Secretary-General shall record this information in the central register together with information regarding the space object furnished in accordance with article III.

Argentina, Brazil, India, Mexico, Nigeria and Sudan: proposal
(Document A/AC.105/C.2/L.94 of 10 May 1974)

Draft convention on registration of objects launched into outer space

Article III bis

1. Each space object launched into earth orbit or beyond shall be marked, in the most appropriate way, with the international designator and registration number referred to in article III (1) (b), if technically practicable and economically feasible.

2. The State of registry that launches a space object into earth orbit or beyond and marks it with the appropriate international designator and registration number shall so inform the Secretary-General when submitting the information regarding the space object in accordance with article III. In such case, the Secretary-General shall record this information in the central register.

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