



COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

VERBATIM RECORD OF THE TWENTY-FOURTH MEETING

Held at Headquarters, New York,
on Friday, 22 November 1963, at 10.30 a.m.

Chairman:

Mr. MATSCH

(Austria)

1. Adoption of the agenda
2. Opening statement by the Chairman
3. Consideration of working paper "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space"
4. Additional Report of the Committee to the General Assembly

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AS THIS RECORD WAS DISTRIBUTED ON 23 NOVEMBER 1963, THE TIME-LIMIT FOR CORRECTIONS WILL BE 28 NOVEMBER 1963.

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 regular 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 among us the presence 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 on the Peaceful Uses of Outer Space 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 vehicles accidents, on 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 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

(Mr. Lachs, Poland)

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 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 activity of States in that area are subjected to the basic principles that outer space and 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 overall 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.

(Mr. Lachs, Poland)

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 Institut du Droit International at its last session held in Brussels this year unanimously adopted on 11 September a resolution concerning the legal regime 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

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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

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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 legal 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.

(Mr. Plimpton, United States)

First, it will be seen that the opening operative paragraphs of the Declaration -- paragraphs 1 through 4 -- 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 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 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 experim

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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 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 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:

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"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 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 Outer Space 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 governing the exploration and use of outer space before it is submitted to the General Assembly. For the very reason that the draft Declaration does not give

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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 Outer Space 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".

(Mr. Tremblay, Canada)

We note that States are 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 delegation 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 in 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, because of its situation in the Southern Hemisphere, and the very complete 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 ELDORADO, 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.

(Mr. Hay, Australia)

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

(Mr. Hay, Australia)

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 principle 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."

(Mr. Hay, Australia)

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 "damages" 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.

(Mr. Hay, Australia)

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 -- and 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,

(Mr. Hay, Australia)

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, and 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) (interpretation from French): The fact that the Committee on the Peaceful Uses of Outer Space is meeting to examine a draft Declaration on the principles governing the activities of States in the exploration and use of outer space is something which should not give rise to any surprise or call for any observations. But apparently since at one time there was some question as to whether this text should emerge from the remote and secluded quarters in which it had been conceived, negotiated and drafted, and should pass directly into the hall of the First Committee of the General Assembly, my delegation would like to express its gratification at seeing that it has made a stop-over with us for a few minutes. Let us all be quite reassured that we will not hold this text back too long.

As a matter of fact, we appreciate the spirit of compromise displayed by its authors, even though we would have preferred that the concern to maintain the balance of their construction should not have been carried so far as to make the fear that the addition or the deletion of the slightest word, or the removal or displacement of the least comma could lead to its disintegration.

Now in saying this, as everyone will understand, I am trying to pay a sincere tribute to the drafters of the text submitted to us, for that was tantamount to saying that the document was worthy of constituting a basis of discussion in our Committee and, I would even add, a good basis for discussion.

(Mr. Arnaud, France)

But things are as they are and sometimes it is the better course of wisdom to let well enough alone. And on the strength of these aphorisms, my delegation, for whom the draft Declaration of principles gives rise to no substantive objection, shall refrain from introducing as formal amendments the few suggestions that we might have been tempted to make in a desire to improve the text.

Accordingly, I shall confine myself today to making two remarks. The first relates to the principle formulated in paragraph 2 of the Declaration and, more specifically, to the last words namely "in accordance with international law". At first glance, this reference seems to be a self-evident statement. However, in our opinion it is fairly ambiguous. If it is a question of traditional international law, the principles which as to earthly maritime and air issues are well established, we would observe that it could not be applied as such to the field of space. Evidence of this, for example, is to be found in paragraph 3 of this same Declaration which proclaims the principle which is quite different from the rules applicable in other fields. If, on the contrary, the reference to international law appearing in paragraph 2 relates specifically to the law of outer space -- and this indeed is the interpretation that my delegation for its part gives to this term -- we would have felt that the rules of this law of outer space are still under study; they are still the subject of controversy, and in any event their enunciation is far from being completed.

In this connexion the Declaration of principles that we have before us, no matter how interesting the text is, could not constitute a decisive stage. To the extent that it will be only the subject of a resolution of the General Assembly and not of international agreements, it will in all reality represent only a declaration of intent. And as we were told a few minutes ago by Professor Lachs, "the principles as enumerated do not constitute a closed chapter".

(supra p)

I would equally willingly quote Mr. Plimpton who at the end of his interesting statement stated the following:

(continued in English)

"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". (Supra, p. 13)

(continued in French)

(Mr. Arnaud, France)

Therefore, let us say that international law, if one insists on making a reference to international law in the context of a certain paragraph, means all of the rules of law applicable to space and celestial bodies, as these items will one day be defined. My second comment concerns the principle formulated in paragraph 8 of the draft.

(Mr. Arnaud, France)

My delegation would have hoped to see some provision made there for a distribution of responsibility between international organizations and States members of these organizations, but it will interpret this paragraph in the light of the principle laid down in paragraph 5, and we consider that the absence of any reference in paragraph 8 to international organizations in no way relieves the latter of responsibility in the case of damage. Moreover, I am happy to note that other speakers who have taken the floor before me have given the same interpretation of this text.

Finally, my delegation reserves the right to make comments of a more general nature in the course of the debate 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.

(Miss Gutteridge, United Kingdom)

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 will, in any case, consider that there is nothing in the declaration which should be regarded as prejudicing in any way the position 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 Geneva Convention on the High Seas 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".

(Miss Gutteridge, United Kingdom)

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.

(Miss Gutteridge, United Kingdom)

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 done 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 Subcommittee, 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 Subcommittee and again, and in particular, during the meeting of the Outer Space Committee in September, to call attention to the fact that the 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.

(Mr. Marschik, Austria)

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 the facets of this aspect, as of many others, has not yet been achieved to an extent which would permit the 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)

(Mr. Marschik, Austria)

At that same time, we said:

"We do hope, however, that the necessity of possibly prolonged negotiations on this aspect will not necessarily delay agreement on other issues where such agreement would otherwise be possible."

(Ibid., page 7-10)

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 consideration 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.

(Mr. Attolico, Italy)

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 Outer Space Committee and its sub-committee 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 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 internationally 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. That 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 regime, so that the welfare of man will 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 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 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 that, 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. That is very clearly demonstrated in the statements of every preceding speaker.

With that 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.

(Mr. Matsui, Japan)

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.

(Mr. Matsui, Japan)

"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."

(Mr. Matsui, Japan)

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 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."

(A/AC.105/PV.24, page 12)

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.

(Mr. de Carvalho Silos, Brazil)

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 for the betterment of mankind and for the benefit of States irrespective of their degree of economic or scientific development" -- should belong in operative 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 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 consultations provided for in operative 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 disputed points between the space Powers have been cleared 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.

(Mr. Chakravarty, India)

We are happy to find that the agreement also reflects some of the suggestions made in the earlier meetings of the Committee, 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 resolution 1884 (XVIII) and some reference to peaceful uses of outer space 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." (Ibid, page 13)

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 with 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

(Mr. Chakravarty, India)

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. 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 the 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 declaration so far as they go and is prepared to vote for the declaration. 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 the 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 pleased 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 a 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. 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 and practicable.

(Mr. Hakim, Lebanon)

We recognize that agreement to this principle is not possible at this stage but we would have welcomed a better formulation of principle number one 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 number one 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 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) (interpretation 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 is to be presented for approval by the General Assembly on behalf of our Committee.

After what has been said here on this subject by the representatives of many delegations which took part in the debate, in particular after the brilliant presentation of the material which we are now examining by the representative of Poland, who is also Chairman of the Legal Sub-Committee, I truly have very little to add.

(Mr. Morozov, USSR)

The question of the formulation of legal principles governing the activities of States in outer space, as was appropriately pointed out here in this Committee and in the Legal Sub-Committee, has been dealt with at considerable length and with much attention. This is quite natural, for without a formulation and the observance of such principles, international co-operation in the peaceful exploration and use of outer space would be made considerably more difficult and could not normally develop. That is why the importance and need of a solution of this question was expressed in particular in the resolution which was unanimously adopted by the General Assembly, resolution 1802 (XVII). That resolution: "Notes with regret that the Committee on the Peaceful Uses of Outer Space has not yet made recommendations on legal questions connected with the peaceful uses of outer space". The resolution went on to appeal to all Member States to co-operate in the further development of legal standards for outer space.

In view of the mandate of the Committee on the Peaceful Uses of Outer Space at its autumn session this year which called for a continuation of contacts and exchanges of opinion with a view to achieving agreement on outstanding issues, a number of delegations, including the delegations of the Soviet Union and the United States, held talks on the text of a draft declaration which could be presented to the General Assembly and which is now before the Committee in the form of this draft.

(Mr. Morozov, USSR)

The draft declaration on legal principles governing the activities of States in the exploration and use of outer space is, therefore, not only the fruit of difficult and lengthy talks among the parties concerned, it also constitutes a balance sheet of the work carried out in this field by the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee. It is no accident, therefore, that account is taken in the draft of some of the proposals formally presented by members of the Committee as well as of certain wishes expressed in the course of the numerous discussions on this subject. It would be difficult now to ascertain which part of the draft belongs to whom, but it could be pointed out that the draft, in particular, reflects some considerations that were advanced by the delegations of the United Arab Republic, Austria, the United Kingdom, Canada, and some other States.

The draft includes the most important basic legal principles which, one way or another, were touched upon in the course of the work of our Committee and of the Legal Sub-Committee. That is why, as has been stated here, the draft presented for the attention of the members of the Committee, and also for the attention of the General Assembly, will, we hope, meet the interests of all the Member States of the United Nations, both large and small, of all the countries in the vanguard of development in scientific achievements in this field, as well as the countries now actually laying the foundations for activities in this field. We consider that this draft declaration, if it is adopted by the General Assembly as we are convinced it will, is a further step towards the development of international co-operation in the peaceful exploration and use of outer space.

We are, of course, well aware that this is but a first step which may, and indeed should, be followed by further steps. In particular, and this is no secret to anyone, in its present form the draft declaration does not include certain provisions which the Soviet Union deemed it necessary to include. We cannot close our eyes to the fact that there are still certain unsettled aspects with regard to the activities of States in outer space which are likely to have a negative effect upon relations between the States. In this connexion, we would point out that in an endeavour to obtain a reasonable compromise it was naturally necessary to exclude from the draft declaration certain provisions which, while supported by certain representatives, were unacceptable to others. This cannot be lost sight of in the determination of our attitude towards the document before us.

(Mr. Morozov, USSR)

In saying this, I must note with gratification that the majority of the members of the Committee who took part in the discussion did not dispute the provisions included in the draft declaration and, therefore, one may assume that they are acceptable to all the members of the Committee. That is why, in paying due tribute to all the comments made here, it seems to me that we should proceed -- and this is how the persons making these comments proceeded -- from the principle that in the area of legal settlement it is not possible to compel the various Governments to adopt various provisions if such provisions are not yet clearly formulated or if the States are not yet prepared to comply with them for various reasons. If this is applicable to the process of international law itself as a whole, it is even more applicable to this new area of law, and it is therefore necessary that we should be all the more conscious of this fact. This was also quite appropriately stressed in the course of our discussion on this draft declaration.

On behalf of the Soviet delegation, I would also like to stress the fact, which was also referred to by almost all, if not all, the speakers, that no one here views this draft declaration as a document that exhausts the whole subject or that covers the whole subject. With regard to many of the provisions in question it is possible, indeed necessary, to work further on them with a view to obtaining appropriate decisions and solutions, including the preparation and possible conclusion of international agreements.

(Mr. Morozov, USSR)

It should be pointed out that the discussion of this matter in the Committee this morning has shown that there is a broad understanding of that circumstance by members of the Committee. As a result of this endeavour to reach a compromise, we ultimately include in the draft Declaration that which could unite, and not disunite, the Member States of the United Nations at the present stage of our discussion of this question.

The Soviet delegation realizes also that in spite of certain shortcomings in substance and in form the draft declaration after all constitutes an unquestionable step forward.

I would now wish to refer to some of the comments which have been made here by the delegations of Canada, Australia, France, the United Kingdom, Austria, Italy, Japan, Brazil, India and the Lebanon. I am thinking of certain comments made and wishes expressed with regard to the possibility of making additions to the text of the draft declaration.

First of all, I would point out that we have every understanding for these comments. However, we cannot fail to observe that one group of the comments was directed towards prejudging the solution of certain problems falling within the ambit of outer space which can and should be solved within the framework of the problem of general and complete disarmament. As we have pointed out on numerous occasions, the Soviet Union is prepared positively to solve these matters as well, but it cannot permit of their being divorced from the solution of other matters connected with them and related to disarmament. That is our position, and that is how it stands at present.

Certain other comments dealt with problems which, as can clearly be seen from a reference to the text of the Soviet and United States draft declarations which were used as working documents by the Committee, have already been dealt with in the course of the discussions in the Committee and in the Legal Sub-Committee, and, I should also point out, subsequently in the course of those preliminary talks which resulted in the document now before the Committee. However, it was not possible to obtain the full and desired agreement on them.

The third group of wishes that were expressed perhaps goes beyond the framework of legal principles and, therefore, can and should be discussed separately.

BC/jr

(Mr. Morozov, USSR)

However, I would repeat that, in our opinion, this does not decrease the value of the provisions on which it is possible at present to achieve general agreement, and therefore does not decrease the value of the recognition of those principles as the guidelines for action of States in the area to which this Declaration applies. This, in our view, constitutes, perhaps not the most essential, but doubtless a very favourable step towards a further relaxation of international tension.

That is why the Soviet delegation expresses the hope -- and I shall conclude on this note -- that the draft Declaration in the form in which it has been presented to 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 annex A 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. PLUMPTON (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.

The first two paragraphs, as usual, describe the composition of the Committee. The third paragraph reproduces the agenda. The fourth paragraph summarizes the statement made by our Chairman this morning. The fifth paragraph reads as follows:

(Mr. de Carvalho Silos, Brazil)

"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 as annex A. At its meeting on 22 November 1963 the Committee unanimously decided to transmit to the General Assembly the following draft Declaration of legal principles governing the activities of the States in the exploration and use of outer space, recognizing that the draft 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 entitled "International co-operation in the peaceful uses of outer space: report of the Committee on 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.