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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE
PROVISIONAL VERBATIM RECORD OF THE FIFTY-SECOND MEETING

Held at Headquarters, New York,
on Saturday, 16 December 1967, at 10.30 a.m.

Chairman:

Mr. WALDHEIM

(Austria)

1. Adoption of the agenda
2. Statement by the Chairman
3. Draft agreement on the rescue of astronauts, the return of astronauts, and the return of objects launched into outer space
4. Adoption of the report of the Committee to the General Assembly

57-31080

ADOPTION OF THE AGENDA

The agenda was adopted.

STATEMENT BY THE CHAIRMAN

The CHAIRMAN: As the Committee knows, our Legal Sub-Committee was convened in special session earlier this week to consider the encouraging developments that had taken place with regard to the question of the rescue of astronauts, the return of astronauts, and the return of objects launched into outer space. This is as we all know a subject that has been before the Committee for many years; it is one of the two topics that the General Assembly requested the Committee to continue to study with a sense of urgency. It was therefore with great pleasure that members learned of the substantial and gratifying progress that had been made on the subject in the course of informal discussions among various interested members, including the two Powers engaged in manned space flight.

The text of a draft agreement on the rescue of astronauts, the return of astronauts, and the return of objects launched into outer space (A/AC.105/C.2/L.28) was submitted to the Legal Sub-Committee; after discussion and amendment during the session, and in the course of informal consultations, it was approved by the Legal Sub-Committee which has forwarded it to us in its report contained in document A/AC.105/L.43.

I shall not discuss the text of the draft agreement in detail since it is in the hands of all delegations. Instead, I wish to call upon the Chairman of the Legal Sub-Committee, Mr. Wyzner, the representative of Poland, to introduce the report and to comment directly on its provisions. But before doing that, I should like to express my deep gratitude to the Chairman and members of the Legal Sub-Committee for the excellent work they have done in such a short time. I deeply appreciate the efforts which were made by all members of the Legal Sub-Committee in day and night meetings in order to enable this parent Committee to deal with the subject before us.

DRAFT AGREEMENT ON THE RESCUE OF ASTRONAUTS, THE RETURN OF ASTRONAUTS, AND THE RETURN OF OBJECTS LAUNCHED INTO OUTER SPACE

The CHAIRMAN: I would suggest that after hearing Mr. Wyzner's introductory statement we should have a general discussion of the draft agreement.

I call upon the Chairman of the Legal Sub-Committee, Mr. Wyzner, to introduce the report of the Legal Sub-Committee.

Mr. WYZNER (Poland), Chairman of the Legal Sub-Committee: I am privileged to present to the Committee the report of the Legal Sub-Committee on the work of its special session which was held here on 14 and 15 December.

As you have noted, Mr. Chairman, the report contains the text of a draft agreement on the rescue of astronauts, the return of astronauts, and the return of objects launched into outer space which has been prepared by the Sub-Committee and which is now submitted to its parent Committee.

The text, which reflects a carefully designed balance between the legitimate interests of the party on whose territory the search and rescue operations are conducted and those of the launching authority, is indeed, I believe, a notable achievement. It embodies the result of persistent, collective efforts on the part of the members of the Sub-Committee, whose work over the years on this subject has been brought to fruition at the recently concluded special session.

The text of the draft agreement is before us and it no doubt speaks best for itself. For the guidance of the members of the Committee, I would add that article 1 provides for the duty of the contracting parties to notify both the launching authority and the Secretary-General of the United Nations in a case where the information is received that the personnel of a space craft have suffered accident or are experiencing conditions of distress or have made an emergency or unintended landing. Article 2 envisages assistance to astronauts in the territory of a party, whereas article 3 deals with the assistance outside that territory, for instance on the high seas or in any other place not under the jurisdiction of any State.

(Mr. Wyzner, Poland)

Article 4 foresees the duty to return the astronauts and article 5 deals with the return of space objects and their component parts. Article 6 contains the definition of the term "launching authority". Finally, articles 7 to 10 are final clauses of the Agreement.

I need hardly draw the attention of the Committee to the significance which an agreement on assistance and return would have to those who are, to use the words of the Space Treaty, "the envoys of mankind in outer space". As has been repeatedly stressed in this Committee and, indeed, in other United Nations forums, the prompt rescue of and all possible assistance to astronauts suffering accidents or experiencing other unfavourable conditions specified under the draft agreement is a major pre-occupation of all nations not only from the point of view of humanity but also because man's space endeavour serves the interests of all. It is, at the same time, a debt to those gallant men who frequently risk their lives, as unfortunate and tragic accidents of this year have demonstrated. May I express the conviction that the draft agreement stands also as a new element in the elaboration of the lofty principles laid down in the Treaty Governing the Activities of States in the Exploration of Outer Space, including the Moon and Other Celestial Bodies, which has opened up new vistas for international co-operation in conquering outer space.

The agreement is, undoubtedly, also to be welcomed as another stage in the process of the gradual development of the law of outer space. It would represent, on the other hand, a part of a larger system of the norms of international law, which secure the assistance and make possible safety to men in other, not always friendly, environments, such as the seas or the air space.

(Mr. Wyzner, Poland)

Moreover, now that the Legal Sub-Committee's work on the draft agreement on assistance and return is complete, it is, of course, with a sense of encouragement and renewed zeal that the Sub-Committee will devote its attention to the other important aspects of the development of a corpus juris spatialis, which the General Assembly, in its recently adopted resolution 2260 (XXII), requested the Committee on the Peaceful Uses of Outer Space to pursue. I refer, of course, to the subject of the preparation at an early date of an agreement on liability for damage caused by the launching of objects into outer space, and questions relating to the definition of outer space and the utilization of outer space and celestial bodies, including the various implications of space communications. To those tasks I am confident that all members of the Sub-Committee will bring the same spirit of understanding and co-operation which they have shown in their work on the draft agreement which is now before you.

In concluding these brief remarks, I wish to express my deep appreciation, and indeed the appreciation of the Legal Sub-Committee as a whole, to you, Sir, for your guidance and valuable role in the consultations which preceded the convening of the Legal Sub-Committee and in the course of the special session. May I also express my deep gratitude to all the members of the Legal Sub-Committee whose untiring efforts over the period of the last five years, most of them under the leadership of my distinguished predecessor, Professor Iachs, made possible the successful conclusion of our labours. Our deep thanks also go to the team of devoted and highly competent members of the Secretariat headed by the Legal Counsel, Mr. Stavropoulos.

The CHAIRMAN: I thank the Chairman of the Legal Sub-Committee for his highly interesting report.

We shall now open the general debate. The first speaker on my list is the representative of the United States.

Mr. GOLDBERG (United States of America): I consider it a personal privilege and a very high honour once again to join with my colleagues in a meeting of the Committee on the Peaceful Uses of Outer Space. I have the very profound conviction that history will record that the record of this Committee is unexcelled in the history of the United Nations, and indeed of international diplomacy, for we meet on an occasion of high significance and real accomplishment. For today we have before us the consensus text of an Agreement on Assistance to and Return of Astronauts and Space Vehicles.

This Treaty instrument represents a considerable effort by all to reach agreement on implementing that famous phrase from the Outer Space Treaty -- that astronauts are "envoys of mankind". We want today to pay tribute to all who have offered their co-operation, to you, Mr. Chairman, who have given this Committee such able and exceptional leadership, to Dr. Wyzner who, following in the pattern of his illustrious predecessor, Dr. Lachs, has patiently and with skill presided over the Sub-Committee, to all of the members of this Committee, and in particular to those Members of the United Nations who do not now conduct activities in space. It was only appropriate that the last and most difficult of the problems that lay in the way of this Agreement was resolved last evening with treaty language giving due recognition to the sovereignty of all countries. So it is a very happy ending for all.

The Assistance and Return Agreement carries forward the great -- and ancient -- humanitarian tradition of saving of life at sea. The gales of the oceans -- so common and familiar a part of our common heritage in memory, literature and music -- have their analogy in even greater measure in the dangers encountered by new mariners in space. We do not yet know as much as we need about these dangers, and it is greatly reassuring to think that the members of the international community have agreed to do what they can to rescue those new mariners who may meet with accident.

I also wish to pay tribute to my colleagues from the delegation of the Soviet Union, a great space-Power, for their spirit of compromise and conciliation which has entered so largely into the perfecting of this Agreement, and also to other delegations, like the delegation of France, which have contributed to this solution, as well as to other delegations which have participated in space work.

We are very happy to participate in this special session. We know how difficult it is for delegations to prepare for a special meeting so late during the course of the twenty-second session of the General Assembly, and it is therefore appropriate that we not only thank you, Mr. Chairman, for your kindness in calling us together, but also express appreciation to all Members who are participating today.

We have listened with very keen interest to the statement just made by the Chairman of the Legal Sub-Committee, Mr. Wyzner, in introducing the draft Agreement on the rescue of astronauts, the return of astronauts, and the return of objects launched into outer space. I have already made reference to him, but perhaps not adequately enough because he has devoted himself unstintingly to a cause very dear to my heart, the furthering of the development of a mutually beneficial rule of law for the conduct of activities in the peaceful exploration and use of outer space. In a very great sense this is what the United Nations is all about. What we are attempting to do -- not always successfully -- is to advance the rule of law in the world and to substitute the rule of law for other methods of resolving political and other problems.

I want to state our agreement with one point particularly stressed by Mr. Wyzner; that is the fact that so many members of our Legal Sub-Committee have worked hard to make possible a consensus on a satisfactory Assistance and Return Agreement. I am sure that every member of this Committee well knows that the proposals originally advanced by a few delegations were not unreservedly acceptable to the Sub-Committee. A large number of suggestions for the revision of those proposals were put forward by a number of members, and a considerable number were accepted in one form or another -- and indeed this is the way it ought to be. In the end, agreement on the particularly critical provision in Article 2, on measures of assistance within the territory of a contracting party, was brought about as the result of the efforts of many and a real spirit of conciliation which prevailed in the desire to bring about an agreement.

I should like to emphasize that time is of the essence here and that the work of the Committee recognizes this. We would have been derelict in our duties in light of the advances in space technology to have omitted from urgent and prior action a necessary humanitarian measure such as we have been discussing and such as is represented in the draft Treaty before us.

(Mr. Goldberg, United States)

My delegation touched especially on one aspect of the third sentence of Article 2 in a statement we made before the Sub-Committee on 14 December. A number of delegations later referred to this statement, stated their agreement with it, and asked that we repeat here what we earlier said.

(Mr. Goldberg, United States)

So, Mr. Chairman, if you will forgive my quoting our earlier statement, I would note that we said:

"We think it clearly correct to expect that the views of the territorial party will coincide on the question whether, in a particular case, launching authority assistance would -- in the words of article 2 -- 'help to effect a prompt rescue or would contribute substantially to the effectiveness of search and rescue operations'. In the unlikely event they do not agree, the territorial party would of course have the final say in this matter."

My delegation would like also to draw the attention of members to article 7, which names the United States, the United Kingdom and the Soviet Union as depositary Governments and specifies that the Agreement shall be open to all States for signature and ratification. The United States supports this accession clause, as we did a similar one in the outer space treaty because of the special and exceptional character of this Agreement. The General Assembly, in the outer space Treaty and in prior declarations, has characterized astronauts as "envoys of mankind". An agreement for the rescue of astronauts is thus an exceptional instrument of a special character. The fact that the "all States" clause has been employed in this instance does not indicate that it is suitable in other circumstances.

Adoption of this accession clause -- urged because of exceptional circumstances favouring a very broad geographical coverage for the assistance and return Agreement -- does not, of course, affect the recognition or status of an unrecognized régime or entity which may elect to file an instrument of accession to the assistance and return Agreement. Under international law and practice, recognition of a Government or acknowledgement of the existence of a State is brought about as the result of a deliberate decision and course of conduct on the part of a Government intending to accord recognition. Recognition of a régime or acknowledgement of an entity cannot be inferred from signature, ratification or accession to a multilateral agreement. The United States believes that this viewpoint is generally accepted and shared, and it is on this basis that we join in supporting the present text of the assistance and return Agreement.

(Mr. Goldberg, United States)

The United States considers that the assistance and return Agreement now before us represents a just balancing of the interests of all Members of the United Nations -- the space Powers, the near-space Powers, the co-operative space Powers, and all who are interested in outer space -- which indeed is the entire membership of the Organization. This Agreement bears witness to the fact, as I have indicated, that the United Nations can make a real contribution to extending the rule of law to new areas, and to ensuring the positive and peaceful ordering of man's efforts in science and the building of a better world. It is, not last of all, a tribute to those who venture forward in the new world of outer space. We hope and will work to make that venture one to benefit all. But I should like emphatically to state and record the conviction of my Government that we must not stop here. As Mr. Wyzner has correctly pointed out, we must proceed without delay to complete the preparation of a satisfactory convention on liability for damage caused by the launching of vehicles into outer space. The report of our Legal Sub-Committee quite properly points to the need for this agreement and to our shared commitment to complete a text before the twenty-third session of the General Assembly.

Again, I should like to pay a tribute to those Powers that have agreed that this treaty should proceed even though we have not completed our work on the liability convention. It represents both a concession on their part and an understanding that human values come first before property values. We pledge our complete co-operation to the end of completing a satisfactory convention on liability for damage caused by the launching of vehicles into outer space before the twenty-third session of the General Assembly.

Mr. Chairman, I hope you will excuse me if I say a few words about my own delegation. Because of my many preoccupations at this session of the General Assembly, I was not able, until today, to participate in the work of the Legal Sub-Committee. I would have enjoyed doing so, because there I would have found colleagues and brethren whose co-operation and judgement I respect so much. One of my most enjoyable experiences at the United Nations has been my participation with them and with the parent Committee in the drafting of the outer space treaty. I sometimes rate that, from a personal standpoint, as the most constructive achievement in which I have had the privilege to participate. But I must say --

(Mr. Golderbg, United States)

and this is not false modesty -- that the members of my delegation who worked in the Legal Sub-Committee did better than I could have done, and I am proud of their efforts in this respect.

Finally, this is more than just a humanitarian agreement. It is a humanitarian agreement, but it also points up once again the fact that whatever political differences we have on earth are not transferred to the great realm of outer space and that perhaps we can all take a lesson from this. Perhaps, based on the performance of this Committee, we can now proceed to apply the same rule on earth that we are applying in outer space, namely, that differences of ideology ought not to stand in the way of the development of a rule of law looking towards universal peace here on earth. I congratulate all concerned.

Mr. FEDORENKO (Union of Soviet Socialist Republics) (interpretation from Russian): This Committee has before it the report to the Committee on the Peaceful Uses of Outer Space of the Legal Sub-Committee which, at its recent session, completed work on the drafting of an agreement relating to assistance to and return of astronauts and space vehicles. The Legal Sub-Committee has recommended that we urgently discuss that draft agreement, which is of exceptional importance for the further development of international co-operation in solving the problems that are connected with the exploration of outer space for the good of mankind.

Having embarked ten years ago on the exploration of outer space, mankind thus started out on the road to great discoveries in the limitless field of outer space and has taken a great step forward in mastering the forces of nature. Even though we are still at a very early stage along this road, we can already see the scope of the impact which the exploration of outer space will have on the development of our civilization. Peoples of the world are already beginning to reap the first fruits of that exploration. Outer space exploration makes it possible to understand more clearly the laws of physical phenomena that are occurring in outer space and in the earth's atmosphere. It makes it possible to undertake ever more far-reaching experiments in discovering the secrets of nature in outer space.

(Mr. Fedorenko, USSR)

The activities in exploring and using outer space should lead to new discoveries, to new knowledge, to new opportunities to enhance the economy and culture and, indeed, to improve the conditions of life of man.

The beginning of this anniversary year of the cosmic era was marked by a very important international event: the opening for signature, on 27 January, of an agreement on the principles that should govern the activities of States in the exploration and use of outer space, including the moon and other celestial bodies, which lays down solid international legal standards relating to the main aspects of the activities of States in exploring and using outer space. This comprises a document which is called upon to create conditions for a more successful co-operation between all States in exploring outer space, irrespective of the degree of their economic or scientific development. International co-operation on the basis of equality, as provided for under this agreement, should enable all countries to participate in outer space activities for the good of mankind.

Of great importance also is the agreement on the development of a new branch in international law: outer space law. The signing of this Agreement by the great majority of States in the world has turned the principles enshrined therein into generally recognized standards of international law. Thereby, new opportunities have arisen for a further legal regulation of the activities of States in outer space.

A convincing confirmation of this is the fact that the Legal Sub-Committee, shortly after the approval on the Agreement on outer space, was in a position to present us with a text of yet another important international instrument, namely, a draft agreement on assistance to and return of astronauts and space vehicles. It is hardly necessary for us to say much about how important and topical is the job of assuring the rapid saving of astronauts in the event of accident, distress or unintended landing. The way of these pioneers of space, of these daring astronauts who have devoted themselves to the noble task of exploring outer space, is a thorny and a dangerous one. It is necessary to realize clearly that, apace with the successes of mankind in exploring outer space the complexity of future programmes in its exploration and use will increase too.

(Mr. Fedorenko, USSR)

The conclusion of an agreement on assisting and returning astronauts and space vehicles is a vital necessity, and the work done by the Legal Sub-Committee in this connexion deserves the highest praise and appreciation. We know that the drafting of this humanitarian document, despite the urgency of the issue, was unjustifiably delayed. This issue had been on the agenda of the Legal Sub-Committee ever since 1962. Already at the first session of the Sub-Committee -- may I recall its background history -- the Soviet delegation introduced a draft international agreement on the rescuing of astronauts who had made forced landings, and the salvaging, of course, of outer space vehicles.

After that, bearing in mind the discussions in the Legal Sub-Committee, the Soviet delegation, wishing to facilitate an agreement on this important and urgent matter, three times made revised proposals, which were, of course, drafted bearing in mind the positions taken by other members of the Sub-Committee as expressed at its various sessions. The Sub-Committee also had before it the drafts of other countries, including the United States, Australia and Canada. All these drafts were discussed meticulously by the members of the Legal Sub-Committee and we venture to say that there was absolutely no justification for delaying the preparation of such a humanitarian and, from the legal point of view, not at all complex document. We welcome the fact that at last these to some extent specious difficulties that lay in the way of the consolidation of the text of this draft agreement have been overcome.

Analysis of the draft agreement before us shows that it was a result of joint efforts by all members of the Sub-Committee. The final text not only reflects the basic provisions of the drafts that were worked out earlier in the Sub-Committee, but the text also takes into account the many proposals and comments of members of the Sub-Committee that were made in the course of its various past sessions. In this connexion, we would like to stress especially that considerable efforts in searching for compromise solutions were undertaken by members of the Legal Sub-Committee.

The highly competent leadership of its Chairman, Mr. Eugeniusz Wyzner, was demonstrated in recent months, starting with the summer session of the Sub-Committee. We also know what valuable work was done by the Chairman of our Committee, Mr. Waldheim.

(Mr. Fedorenko, USSR)

It is important to know that this draft fully corresponds to the Treaty on principles governing the activities of the states in the exploration and use of outer space, including the moon and other celestial bodies, that was signed by almost all States of the world. Of course, this should ensure the unanimous support of the draft by the General Assembly. All the articles of the draft, including the provisions relating to the implementation of search and rescue operations for astronauts and space vehicles in the event of unintended landing on foreign territory, are based on the principle of the sovereignty of States and their complete and exclusive sovereignty within their territory. We start off precisely from that understanding.

The draft agreement takes into account the appropriate interests of all countries, including the States upon whose territory the astronauts or space vehicles might land. In accordance with the Treaty on outer space, the draft agreement provides for the reimbursement of expenditures which might be borne by any given State in carrying out its obligations in locating and returning space vehicles, which is of course, a matter of particular importance to the smaller countries. We realize, of course, that the draft prepared by the Sub-Committee, being the result of a compromise, may not fully satisfy any given delegation. There is no doubt, however, that it reflects a consensus, the collective view of the members of the Sub-Committee and of the Committee. Bearing this in mind, the Soviet delegation supports the draft prepared by the Sub-Committee considering that it can be approved by the Committee on the Peaceful Uses of Outer Space and passed on to the First Committee so that the General Assembly, bearing in mind the highly humanitarian and at the same time urgent nature of the Agreement, could approve it and recommend it for signature to all States at this session.

(Mr. Fedorenko, USSR)

The adoption of the Agreement on assistance to and return of astronauts and space vehicles will certainly contribute to the promotion of co-operation between States in exploring and using outer space for peaceful purposes. The exploration of outer space represents a common endeavour in which all peoples of the world are interested. Each and every one of them, to the extent of their potential, may make a contribution to this noble cause.

We welcome the fact that the scientific and practical results of this exploration have been made available to all countries. The Soviet Union has been following the policy of establishing and promoting co-operation with other States in outer space and also in other fields on the basis of complete equality, and bearing in mind the interests of all countries that are participating in joint efforts in exploring and using outer space.

We know that, following the instructions of the United States General Assembly, the Legal Sub-Committee should undertake efforts for the early drafting of another important agreement on liability for damages that may be caused by the launching of space vehicles. The Soviet Government attaches considerable importance to the drafting and signing of this agreement. We consider that the early completion of such an agreement will represent the next important step toward settling the issues that arise in connexion with the activities of States in outer space.

The approval of the Agreement on assistance to and return of astronauts and space vehicles will create even more favourable conditions so that yet another instruction of the General Assembly will be implemented with regard to this agreement on liability. We are convinced that this task will also be resolved satisfactorily.

It is obvious that the faster space science evolves and develops, the farther afield outer space studies will go, the wider and more diversified will be the practical utilization of space technology and of scientific and technical discoveries in outer space for the purpose of improving the material and spiritual needs of man and also more numerous will be the international legal and political issues connected with the outer space activities of States. A just and timely resolution of the problems of settling the legal issues connected with the activities of States in outer space is necessary in order to create the best possible conditions for the exploration and use of outer space.

Mr. HOPE (United Kingdom): This Committee has before it a report of its Legal Sub-Committee setting out the results of the discussion by the Sub-Committee of a draft agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space.

The Sub-Committee, under its hard-working and energetic Chairman, Dr. Wyzner, has indeed made remarkable progress in the course of its special session over the last two days in order to achieve this unanimous result.

Today this Committee is now discussing the matter under your inspiring leadership, Mr. Chairman, and I should also like to pay tribute to Ambassador Waldheim for all that he has done for all of us in the realms of outer space.

The delegation of the United Kingdom is particularly pleased to note that, despite the important work which the Sub-Committee did on the topic of assistance and return it has not forgotten the other subject committed to it as a matter of priority, namely, the topic of liability for damage resulting from the launching of space vehicles.

From the earlier stages of work on outer space in this Organization, the topic of liability has been regarded as of great importance. It is one of the general principles which was enshrined in resolution 1962 (XVIII), the "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space", and also in article VII of the Outer Space Treaty which was adopted by the Assembly last year (resolution 2222 (XXI)). Nevertheless, progress on the development of this agreement has been slow. My delegation therefore notes with special pleasure that in the report of the Legal Sub-Committee a paragraph has been included directed precisely to this subject. This paragraph, which received the support of all members of the Sub-Committee, states the view that the work on an agreement relating to liability should be expedited and should be concluded not later than the beginning of the twenty-third session of the General Assembly. It is the hope of all of us, I believe, that this aim will be achieved.

(Mr. Hope, United Kingdom)

I will now turn to the text of the agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space. This draft agreement is to be welcomed as one of the first fruits of the Outer Space Treaty which the General Assembly adopted last year and which entered into force earlier this year. It is a detailed working out by agreement on a practical level of one of the main principles enshrined in that Treaty. The draft agreement contains many important provisions. It gives the best hope that if those "envoys of mankind" the astronauts, who have pioneered the exploration of this new and difficult environment, find themselves in difficulties or suffer misfortunes during their flight, they will have the best possible chance of prompt and effective rescue.

It also provides in an appropriate manner for the recovery of space objects when they fall elsewhere than in the expected place of landing. Equally it takes account of the legitimate interests of other contracting parties to the agreement who may in their territories or elsewhere have occasion to participate in such rescue operations. All these articles are important, but my delegation will, I trust, be forgiven if I speak first about article 6.

In many discussions on outer space the position of international organizations has been of special interest to the United Kingdom. My country conducts a large part of its space programme through international organizations of which it is a member. A large number of other countries are in a similar position. Indeed, for the vast majority of countries this is the only way in which they can participate in the exploration and use of outer space. Their activities must necessarily be on a basis of collaboration under the most natural and widespread form of collaboration, as in the form of international organizations.

The United Kingdom has therefore devoted special attention to the position of international organizations. International organizations must in an appropriate manner be brought into any arrangement concerning the exploration and use of outer space, if only for the severely practical reason that such organizations do in fact engage in these activities.

When the text now before us was under consideration, a number of European delegations, including the United Kingdom delegation, together with the delegation of Australia, considered this matter in consultation together. As a result, they formed certain lines of thought in accordance with which a solution might be found.

(Mr. Hope, United Kingdom)

Happily, their viewpoint was met with sympathy by all other delegations. The outcome of this is article 6 which is now included in the draft unanimously recommended to us for urgent consideration by the members of the Legal Sub-Committee. We are glad that the Sub-Committee shared the view that this article represented a sound, clear and practical solution to the question.

But perhaps the most important article of the whole draft is article 2. This article caused perhaps the greatest difficulty in the Sub-Committee. One concern was set at rest by the clarifying statement made by the representative of the United States, a statement which was repeated here today. They explained that any difference of view on whether the assistance of the launching authority was helpful would in the last resort be resolved by the territorial States concerned. Similarly, the final wording on the provision relating to co-operation between the launching authority and the territorial State represented a compromise which gave an acceptable balance of interests and obligations.

I need say little more on the text itself, save to recall that in the Legal Sub-Committee we recorded our position that the provision on participation in article 7 was acceptable to us only because of the special circumstances of this agreement. My delegation supports the views set out by the representative of the United States on this subject today.

Outer space is a new field of endeavour. Here at least we should be able to reach agreements and establish co-operation, free from old disputes and controversies. It is the hope of all of us that this agreement will lead on to further agreements, perhaps first on the topic of liability, but later on other topics. In this way the outer space treaty may be only the forerunner of a wide range of other agreements, and co-operation in new fields can only advance that general international co-operation which surely is the prime purpose of the United Nations.

Mr. COLE (Sierra Leone): Our Legal Sub-Committee has now concluded a very important part of its work which relates to the elaboration of an agreement on assistance to and return of astronauts and space vehicles, as reflected in the report of the Sub-Committee which was so ably introduced by the Chairman, the representative of Poland, Dr. Wyzner.

(Mr. Cole, Sierra Leone)

This is indeed a noteworthy accomplishment. It marks another milestone in the history of the development of the rule of law in the new and vast field of human endeavour: the conquest of outer space. It is a welcome contribution to broad international co-operation in the legal aspects of the exploration and use of outer space for peaceful purposes, as well as for the strengthening of friendly relations between States and peoples.

My delegation would like to express its deep appreciation and thanks to the Chairman of the Sub-Committee and the Sub-Committee as a whole, including all those who have made special contributions towards the success of the work of that Sub-Committee. In this regard I should like to make special mention of the Governments of the Soviet Union, the United States, the United Kingdom and France. It is to the credit of the Sub-Committee and will ever remain one of its brightest achievements that in a matter of two days, and in four meetings at that, the Sub-Committee was able to resolve and produce a consensus text on a difficult and complex problem, a problem which had engaged out attention for a great number of years. That is the least tribute that we can pay to all those who venture bravely into outer space for peaceful uses.

As regards the text of the agreement, my delegation would have liked more time to enable my Government to study those proposals more carefully and to reflect on them so as to be in a better position to appreciate fully the legal and other implications. Circumstances, however, seemed to dictate otherwise.

The humanitarian aspects of the question are prime and most urgent considerations. This is very laudable indeed. It should, however, not be forgotten that the same humanitarian principles are involved, and perhaps more deeply so, in the question of liability for damages caused by the launching of objects into outer space. Where in the case of assistance to astronauts only a few persons might be involved, in the case of damages caused by launching, hundreds, if not thousands, of human lives might be involved. Whereas in the case of the return of space vehicles only one object might be involved, the damage which it might cause might not only be incalculable but might also involve irreparably whole cities, whole cultures and whole civilizations. It was probably for reasons such as these that in its formulation of resolution 2222 (XXI), the General Assembly seems to have laid equal, if not more,

(Mr. Cole, Sierra Leone)

emphasis on the liability-for-damages aspect of the problem rather than on the assistance-and-return aspect. I refer to operative paragraph 4 of that resolution which in its mandate to this Committee included, inter alia, a request to it:

"To continue its work on the elaboration of an agreement on liability for damages caused by the launching of objects into outer space and an agreement on assistance to and return of astronauts and space vehicles..."

The exercise of our Legal Sub-Committee at its special session of 14-15 December 1967 might leave the impression that that Sub-Committee, on which I had the honour of serving, has downgraded the greater or equal emphasis on as well as the importance of the liability-for-damages aspect of the question, and that it has done so because of sectional interests. It might raise certain fears and doubts in the minds of Member States. Paragraph 7 of the report under consideration does, however, offer a real hope that this is not the case.

My delegation is confident that an even greater sense of urgency than that which impelled the convening of the special session of the Legal Sub-Committee will activate expeditious completion within the terms of paragraph 7 of the report of the elaboration of an agreement on liability for damages caused by the launching of objects into outer space.

(Mr. Cole, Sierra Leone)

With your permission, Mr. Chairman, my delegation would like to make one last point, and in this regard I should like to apologize to the Chairman and members of the Legal Sub-Committee for not having pressed it at the sub-committee level. It is a small but in my delegation's view an important point. It relates to paragraph 4 of article 5 of the Agreement which deals with space objects or component parts thereof of a hazardous or deleterious nature. My delegation is much exercised in its mind by the use of the expression "finds" in that paragraph. For a number of reasons it might be considered too strong a word and might raise difficulties in its application, difficulties which might constitute an obstacle in the way of the widest possible acceptance of the Agreement.

Perhaps due consideration might be given to the use of the formula in article 9 of the Outer Space Treaty, namely, "has reason to believe", so that the opening section of that paragraph would read:

"Notwithstanding paragraphs 2 and 3 of this article, a Contracting Party which has reason to believe that a space object ...".

This is not just a matter of quibbling. At least it will make for consistency. My delegation hopes this humble suggestion, though belated, will meet with universal approval.

Mr. BERARD (France) (interpretation from French): My delegation would like to make a few brief remarks about the draft agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space which has been submitted to us by the Legal Sub-Committee after the converging efforts made by all delegations under the able guidance of Mr. Wyzner to whom I am happy to pay a tribute once more.

France is fully aware of the importance, for the exploration and peaceful uses of outer space, of the adoption of measures to facilitate as far as possible assistance to astronauts in difficulty, the return of astronauts in case of unintended landing and the return of objects launched into outer space which might fall accidentally. Need I say that, because of very natural humanitarian feelings, my country, if the need arose, will not hesitate to give all possible assistance to those who might be the victims of the risks involved

(Mr. Bérard, France)

in the bold attempts man is making to journey into the immense reaches of the universe. My country feels it appropriate that there should be a text promoting international co-operation on behalf of those who undertake such bold ventures. The text which has been submitted to the Legal Sub-Committee on Outer Space and examined by it with a certain hastiness contains very wise provisions but also some clauses which are perhaps not as satisfactory as we might wish. At any rate, this draft does have the merit of being in existence, and I should like to comment on it very briefly.

First of all, we understand -- and it is useful to say so -- that this draft agreement is applicable to search and rescue operations carried out not only on earth and in its atmosphere but also in outer space and on celestial bodies.

Concerning the rescue of astronauts who might land accidentally on the territory of a State, that State commits itself to take, to ensure their rescue, all measures within its means and possibilities, since, of course, we cannot expect the impossible of anyone.

The provision of article 2 which envisages co-operation between the launching authority and the State whose territory is involved was particularly delicate to work out because we had to reconcile the requirements of search and rescue operations as effectively as possible with the very legitimate concern of respecting the sovereignty of the State involved. It seems to us that the formula that was finally adopted does establish a proper balance between these various concerns. It provides that the States shall co-operate and harmonize their efforts, if it should appear necessary, and that in the case of differences of opinion about the expediency of such co-operation the point of view of the sovereign State whose territory is involved shall be paramount since operations have to be carried out on its own territory. It is said, in addition, that that State will maintain the leadership and the control of the operations while the launching authority will co-operate with it and be closely and regularly consulted.

Concerning the return of astronauts, my delegation would like to recall here what it has already often said during the preparatory work to the effect that article 4, in its opinion, cannot restrict, the application should the need arise, of the national legislation of the contracting party.

(Mr. Bérard, France)

In the provisions regarding the return of space craft, my delegation appreciates the improvements which have been made and which take into consideration the legitimate concerns of States for which the operations of recovery or of return can entail heavy expenditures.

My delegation welcomes with particular interest the article about international organizations; we are satisfied that it has been clearly indicated that the launching authority, whose rights and obligations are defined in the draft agreement, can be, depending upon the case in point, a State or indeed an international organization. My country has undertaken space activities, both on its own and also in association with other countries within the framework of various international organizations. The experience that we have acquired in this way leads us to feel that these organizations are a very useful form of international co-operation and that they can give many countries the chance to participate in space activities which otherwise would remain beyond their reach. It was therefore necessary to recognize the right of these international organizations to benefit, if they should wish to, from the provisions of the draft convention.

Finally, I must say that some of the protocol provisions will give rise to reservations in principle on our part, but considering the very special object of the draft convention, we can accept them as an exception.

Before I conclude, I should like to indicate that, generally, the text which has been submitted to us is, as the French Government sees it, fully applicable only to experimental and scientific flights. The rights of the signatory States must be fully reserved for the time when such flights might take on a utilitarian or commercial character; then another agreement will have to be discussed.

This is the spirit in which my delegation welcomes the draft agreement on assistance to astronauts, the return of astronauts and the return of objects launched into space. We hope that the work of the Legal Sub-Committee will lead rapidly and with equal success to the working out of an agreement on the liability for damages caused by objects launched into outer space which, in many ways, is complementary to this agreement. My delegation also hopes that the Sub-Committee will bring to an equally successful outcome the study which has been entrusted to it on the definition and the peaceful uses of outer space.

Mr. MISHRA (India): It is a matter of great significance that our Legal Sub-Committee, under the able chairmanship and guidance of Mr. Wyzner, has been able to conclude its work on the question of a draft agreement on the rescue and return of astronauts. We have always regarded the question as a humanitarian one, a question which should not be subjected to controversy. As our representatives have stated in the Legal Sub-Committee, India has already shown, not only by its declarations but by its deeds, that we are always willing to carry out this humanitarian task, even without the convention.

From this point of view we welcome the work performed by the Legal Sub-Committee. I must say of course -- and this with some regret -- that the manner in which this agreement was finalized so suddenly by the Legal Sub-Committee did little justice to the importance of the subject. Many Governments, including the Government of India, would have preferred to have more time, and therefore better opportunity, to study this draft agreement at the appropriate level and in the appropriate departments of their Governments, before their representatives in the Legal Sub-Committee finally decided to recommend its text. Such opportunity, had it been afforded, would I am sure have helped to improve the text of the document.

There was a question, for instance, of territorial assistance to astronauts in accident or distress. In article 2 of the draft agreement recommended by the Legal Sub-Committee -- or, more correctly, as it was originally put forward in the Legal Sub-Committee -- the interests of the territorial State and the launching authority had to be balanced while providing for the necessary co-operation between the launching authority and the territorial State. We are happy that, thanks to the energy and efforts of the French delegation in the Legal Sub-Committee, which worked with other delegations in a last-minute effort to find an acceptable amendment to the original text of article 2, the intention behind this article is now brought out clearly. We are glad that this will be stated in the report of the Sub-Committee, to which the report of the Sub-Committee specifically refers.

As the delegation of India and many others stated in the Legal Sub-Committee while accepting a French amendment, it is now clear that under article 2 this assistance by the launching authority would help to effect a prompt rescue or contribute substantially to the effectiveness of the search and rescue operation. It is the launching authority which should co-operate with the contracting party with a view to the effective conduct of such operations. In other words, it is the contracting party as the territorial State which must initially decide whether such co-operation, in operations on its territory, would help.

As the representative of the United States had rightly put it on record in the Legal Sub-Committee, in the case of any disagreement between the launching State and contracting party on this point it is the contracting party which must have the final say in the matter.

I have mentioned this particular point about article 2 in this Committee to illustrate how more time for the members of the Legal Sub-Committee to study the draft agreement would, in our view, have helped to improve its drafting. Anyhow, we hope that the procedure adopted in this case by the Legal Sub-Committee will not be used as a precedent in the future, and that lawyers and jurists will keep their tradition of doing things more systematically and more carefully.

While my delegation welcomes the initiative shown by certain delegations in carrying forward with such urgency the work on the draft agreement on rescue and return of astronauts we must at the same time express our disappointment that as regards the drafting of an agreement on damages caused by the launching of objects into outer space -- the other equally important question considered by the Sub-Committee at some length -- has not shown the same progress.

(Mr. Mishra, India)

The question of liability for damages is, as we have always said, rightly important for the non-space Powers. We do not wish to obstruct the work of the Committee on the Peaceful Uses of Outer Space on the humanitarian question of rescue and assistance to astronauts by insisting at this stage on any hard link between the two agreements. We are therefore glad that the Legal Sub-Committee, in paragraph 7 of its report (A/AC.105/43), has recognized the relationship between the two agreements and stated categorically its view that the work on the question of a draft agreement on liability should now be expedited with the same importance and urgency which was given to the other question, and which the other convention deserves, so as to conclude its preparation not later than the beginning of the twenty-third session of the General Assembly.

We do hope that the Legal Sub-Committee will carry out its intention -- in fact its undertaking -- and that all members will co-operate with it, and that we will have before us very soon, and in any case before September 1968, a suitable draft agreement on the question of liability. We note that many delegations which have spoken here before us have already pledged to work towards this end. We would therefore suggest that paragraph 7 of the report of the Legal Sub-Committee be adopted as a specific decision of this Committee and that it form part of this Committee's report to the General Assembly.

May I add this in conclusion. As I have said before, the Government of India has not had the time and opportunity to examine the draft agreement on rescue and return of astronauts recommended by the Legal Sub-Committee with the care and attention which it deserves. That will have to be done at the appropriate level and in the appropriate departments of the Government of India. Pending such examination, I must reserve the position of the Government of India on the question of signing this agreement if it is adopted by the General Assembly.

Mr. CARDUCCI ARTENISIO (Italy): The views of the Italian delegation on the draft agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space, with regard to the contents of the agreement, its necessary link with the parallel convention on liability for damages caused by objects launched into outer space and with regard to the procedure that has been followed in reaching agreement, have already been set forth, at the eighty-seventh meeting of the Legal Sub-Committee. I shall therefore be very brief.

First, I should like to say that the Italian delegation recognizes and stresses that there should be further and speedy progress in the elaboration of space law. From that point of view, we welcome the fact that, with unusual speed and perhaps unconventional procedures, it has been possible to come to an agreement on a draft convention on the return of and assistance to astronauts. The Italian delegation, however, would have wished that the same sense of urgency would be applied in the preparation of a convention governing liability for damages caused by objects launched into outer space.

In that connexion we wish to stress again that in our view there is no hierarchy of importance between the two agreements. The least that can be said is that they have equal importance. Furthermore, in our opinion, they are also connected from a practical point of view. In fact, damages may occur in connexion with those accidents or emergency landings that are referred to in the various clauses of the present agreement. Therefore, it would have been advisable to lay down in the same agreement rules covering liability for these occurrences.

At the same time, we note with appreciation that there is now a consensus, as indicated in paragraph 7 of the report of the Legal Sub-Committee, on the necessity and urgency of working out the agreement on liability. That is a new and encouraging development, which we welcome.

I am bound, however, to reserve the position of the Italian Government on signing or ratifying this agreement in the absence of the other agreement still to be negotiated.

(Mr. Carducci Artenisio, Italy)

Our second point is this: We welcome the efforts made by the members of the Legal Sub-Committee, in a spirit of conciliation and compromise, to work out formulas covering most of the points made by the European delegations and by Australia in order to safeguard the rights and the status of the multilateral inter-governmental space organizations of which Italy is a member. We are fully aware of the delicate and sensitive problems which article 2 of the draft agreement raises. We are grateful to the French delegation for the efforts displayed to improve the wording and clarify the content of that article and to bring it more into line with other views on the matter and with what we think is the correct approach to the problem of the respective rights and obligations of the launching authority and the territorial sovereign government. The text which has emerged from the negotiations and consultations is not yet entirely satisfactory, in that it does not answer as precisely as we should have wished the question of which party has the final word in deciding whether the assistance of the launching authority is necessary for the prompt and effective rescue of an astronaut who is in distress or has had an accident. However, the interpretations already given by several speakers have dispelled some of our doubts and misgivings on this point, and we are ready to accept the text as it stands.

Finally, the Italian delegation has stressed, throughout the consultations that preceded and accompanied our formal deliberations, its desire to see a clause on the settlement of disputes that may arise in the application and interpretation of the agreement before us. We reserve our position on this matter, which we believe will have even greater importance in the negotiations that we hope will soon begin on the agreement on liability.

We wish also to express reservations of a general nature on the final clauses and to emphasize that our acceptance of them in the present circumstances cannot be construed as creating a precedent.

In conclusion, the agreement which is before us, in our view, not only is important in itself but also is important as part of a wider design -- namely, the legal discipline of space activities which every day increase their impact on our lives and will even further increase that impact in the future. The task of the United Nations in this field are very clear: to safeguard and promote not only the interests of a specific group of countries but also, and rather, the

(Mr. Carducci Artenisio, Italy)

general interest of all nations, whether or not they are engaged in space activities, either individually or as members of a multilateral organization. The setting up of a code of space laws will create a framework which will facilitate the carrying out of space activities for peaceful uses and make them, not a cause of disputes and tensions, but rather the source of benefits for everybody and of international co-operation.

For those reasons we were gratified to be associated in the working out of this agreement. We wish to express our appreciation to you, Mr. Chairman, to the Chairman of the Legal Sub-Committee and to all our colleagues who made it possible to achieve this interesting result embodied in the agreement and, even more, the encouraging show of unanimity in this authoritative body of the United Nations family.

Mr. SHAW (Australia): In the Legal Sub-Committee, my delegation welcomed the submission of a working paper supported by the delegations of the United States and the Soviet Union as a significant achievement after five years of negotiations in producing a draft agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space.

(Mr. Shaw, Australia)

Notwithstanding the difficulties which the calling of the meeting of the Legal Sub-Committee and of this Committee at short notice caused some delegations, the agreement on a joint text was a sufficiently important event to justify the convening of these bodies as a matter of urgency. It is a considerable achievement that, given all the difficulties of the situation, agreement was reached in the Legal Sub-Committee on the text which is now before us. Australia was the co-author with Canada of a draft text which had been tabled at a previous session of the Legal Sub-Committee and which we had thereafter revised as discussions proceeded. We hope that our draft may have been helpful in narrowing the differences between the parties.

The primary purpose of the Australian-Canadian draft was achieved with the submission of a joint text and we note that some of our ideas are reflected in this agreed text, which is contained in the Sub-Committee's report. The text which is now before the Committee on the Peaceful Uses of Outer Space reflects very significant progress which has been made on this subject since the last meeting of the Legal Sub-Committee in Geneva during this summer. The title of the draft agreement and the context of the text before us show that a genuine effort has been made to tackle the problem of rescue of astronauts, the return of astronauts and the return of objects launched into outer space.

In the Legal Sub-Committee my delegation laid particular stress on the equal importance and urgency which the General Assembly has repeatedly attached to concluding an agreement on liability for damages caused by the launching of objects into outer space, as well as an agreement on assistance to and return of astronauts and space vehicles. The General Assembly has repeatedly linked these two agreements. My delegation attaches particular importance to paragraph 7 of the report of the Legal Sub-Committee which draws attention to this link, and we share the views expressed earlier this morning by the representative of Sierra Leone.

The point which clearly emerges from the text of the draft agreement before us is that it was not sufficient simply to leave this question of rescue and return at the stage at which it had been left in the Outer Space Treaty. We therefore agree with the report of the Legal Sub-Committee that the question of pursuing meaningful discussions on a liability agreement is now one of the most urgent tasks facing the Legal Sub-Committee.

(Mr. Shaw, Australia)

My delegation does not want to comment in detail on the draft which is now before us. In the Legal Sub-Committee my delegation made particular reference to article 2 of the draft working paper. We welcome the statement made in the Legal Sub-Committee, and again here today, by the representatives of the United States, which clarified the United States view of what was intended under the provisions of article 2.

We have indicated that the Australian Government's support for the text before us is based on a similar understanding of the effect of article 2. Although some useful amendments were introduced to that text in the final stages of the discussion in the Legal Sub-Committee, this continues to be our understanding of the position under that article. My delegation also attaches considerable significance to article 6 of the draft agreement relating to international organizations, and we appreciate the efforts which the co-authors of the draft text made to accommodate the view of those countries which are members of international inter-governmental organizations engaged in space research.

The Australian delegation welcomes the report of the Legal Sub-Committee forwarding a draft text on the rescue of astronauts, the return of astronauts, and objects launched into outer space, and we support that text. In the face of considerable difficulties, we believe that the Legal Sub-Committee has done well. We attach importance to the humanitarian objective of the agreement. We welcome the spirit of accommodation shown by the co-authors of the draft text and we hope that this will be a good augury for the future work of the Legal Sub-Committee and of this Committee.

Mr. MILLER (Canada): We have before us the report of the Legal Sub-Committee on its work during its very recent special session. In the meetings of that Sub-Committee the Canadian delegation had an opportunity to express its views on the draft agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space. It is not my intention, therefore, to repeat these detailed observations here, but rather to limit my remarks to observations of a more general nature. The Treaty on principles governing the activities of States in the exploration and use of outer space, including the moon and other celestial bodies, which came into force earlier

(Mr. Miller, Canada)

this year, and to which Canada is proud to have become a party, solemnly affirmed the important principles relating to international co-operation in outer space, principles which had been engaging the attention of the United Nations for some five years. It also gave renewed impetus to the continuing effort to develop practical legal arrangements in respect to such questions as assistance to and return of astronauts and space vehicles, and liability for damage, in order that the principles embodied in the treaty might be expanded into a more comprehensive set of rules and thereby achieve their full potential for the orderly and lawful exploration and use of outer space.

In these circumstances, it is only natural that the humanitarian aspects of the Treaty should invite immediate attention. The hazardous character of outer space flight, underlined by the tragic deaths of American and Russian astronauts, necessitated that there should be no legal or political barrier to prevent the swiftest and most effective help possible being extended to any astronaut who suffers accident, is experiencing conditions of distress, or has made an emergency or unintended landing.

Only this year my delegation said that although disappointed that the sixth regular session of the Legal Sub-Committee last summer had not made greater progress in this area, we should not be discouraged for the issues were complex and hence the pace of their resolution was of necessity deliberate. But we also warned that the speed of space exploration was accelerating, and so should our efforts lest in a very real sense they be overtaken by events. Indeed, this growing sense of urgency was clearly stated in operative paragraph 9 of General Assembly resolution 2260 (XXII) of the present session.

May I recall that Canada welcomed and supported this resolution and said that, for its part, it would do everything in its power to assist the Legal Sub-Committee in attaining these stated goals. It is for these reasons that my delegation is particularly pleased with the draft agreement now before us. We fully recognize that it is by no means a perfect agreement. But it is a practical one, and it is well founded on a broad measure of compromise, which has enabled all who wished to see at least some of their ideas incorporated in it.

(Mr. Miller, Canada)

Canada, together with Australia, and in some instances the United States and the Soviet Union, has had the honour to put forward a number of proposals on assistance and return over the years, but more particularly at the Legal Sub-Committee's meeting in Geneva this year. We are indeed grateful to see that so much of what we proposed is contained in this consensus draft.

(Mr. Miller, Canada)

As I said earlier, I do not wish to make detailed comments on the draft itself. But I would, however, like to mention that my delegation is grateful to note the following.

- (1) That the preamble expresses the wish to promote international co-operation in the peaceful exploration and use of outer space.
- (2) That there are provisions in articles 1 and 3 for a public announcement or notification to be made and for the Secretary-General of the United Nations to be informed of the accidental landing of a space craft and its personnel, particularly where the identity of the launching authority cannot be readily determined.
- (3) That article 2, with special reference to its third sentence and the statement of interpretation repeated today by the representative of the United States, clearly establishes a satisfactory balance between the rights and obligations of the launching authority and the contracting party, which is also the territorial State, so that there is no infringement of national territorial sovereignty.
- (4) That article 4 establishes an unconditional obligation to return the personnel of the space craft to the representatives of the launching authority safely and promptly.
- (5) That the duty on States finding space objects is to notify the launching authority, but only to take such steps in recovering the object as it finds practicable and with the assistance of the launching authority, if so requested, particularly where the object is of a hazardous or deleterious nature, and that expenses for these recovery and return operations are to be borne by the launching authority. Incidentally, we would welcome the change in paragraph 4 of article 5 suggested a moment ago by the representative of Sierra Leone.
- (6) That article 6 provides under certain circumstances for the meaningful participation of international organizations in this agreement by their declaration of acceptance of the rights and obligations of the agreement.
- (7) Finally, our only slight reservation is that the protocol provisions of the agreement, while we consider them appropriate in an agreement of this exceptional character, should not, in our view, be taken as a precedent for all future occasions.

(Mr. Miller, Canada)

The importance of this draft agreement is manifest by its very terms and subject matter. Primarily because of its humanitarian aspects, Canada is very pleased to support this consensus draft agreement as a notable achievement in the developing law of outer space. We sincerely hope that, as paragraph 7 of the Legal Sub-Committee's report indicates, our attention can now be concentrated on obtaining a similar consensus draft on the liability agreement.

Mr. OTSUKA (Japan): The delegation of Japan wishes to make a few observations on the work of the Legal Sub-Committee regarding the draft agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space. Our delegation wishes to join with other representatives who have spoken before us in stressing the importance of the present agreement, which signifies another step forward in international co-operation in the field of the peaceful uses of outer space. We regard the present agreement as implementation of the provisions of its parent treaty, that is the Treaty on principles governing the activities of States in the exploration and use of outer space, including the moon and other celestial bodies, which came into force on 10 October this year, and which our country wholeheartedly welcomed and had the pleasure of ratifying. Let us hope that the letter and spirit of the outer space treaty will be observed conscientiously and faithfully by all the contracting parties to the Treaty in this entirely new field of activity of mankind in outer space.

During the course of the discussions on our agreement on rescue and return of astronauts and space objects, our delegation was among the many other delegations that stressed the important link between our present agreement and an agreement on liability for damages caused by the launching of objects into outer space. Our delegation still strongly holds this view. In this sense it is pleased to note that the report of the Legal Sub-Committee on the work of its special session, contained in document A/AC.105/43, states in its paragraph 7 that the Legal Sub-Committee recognized the importance of the relationship between these two agreements. It is also in this sense that our delegation was very pleased to hear what was stated by the representative of the Soviet Union this morning. Our delegation wishes to associate itself with

(Mr. Otsuka, Japan)

the Soviet delegation in expressing the hope that the conclusion of an agreement on the rescue and return of astronauts and space objects will lead to the successful conclusion of an agreement on liability.

We do not think that in our present agreement on rescue and return only the interests of the so-called space Powers are involved. On the one hand, in the years to come the number of countries taking part in one way or another in the launching of space objects will increase. Also, a space Power may find itself under the same obligations as non-space Powers in circumstances where the astronauts or space objects launched by another space Power are found in the territory. Nevertheless, there is a need for striking a judicious balance, particularly between the question of the return of space objects and the question of liability for damages caused by the launching of such space objects. Indeed, we are firmly convinced that the satisfactory conclusion of an agreement on liability as a complement of the present agreement would assure and facilitate wider participation in the present agreement.

In conclusion, without prejudging the final decision of our Government regarding the text of the present agreement, we are prepared to go along with other delegations in adopting the report of the Legal Sub-Committee and in forwarding it to the General Assembly for its consideration.

Mr. BAL (Belgium) (interpretation from French): In his statement in the Legal Sub-Committee yesterday, the representative of Belgium recalled that throughout the year the Belgian delegation had often stressed the need for the rapid drafting of a body of precise legal standards relating to the exploration and use of outer space. Before the formal conclusion of the over-all space Treaty, the text of which is included as an annex to the General Assembly resolution, my delegation constantly expressed the hope that individual agreements would be rapidly concluded that would elaborate on the rules now laid down in the Treaty adopted in January 1967. We are therefore happy to see that considerable progress has recently been made towards resolving one of the classical problems of space law. We note with satisfaction that the draft treaty which is annexed to the report before us relates to the three inseparable elements of the problem of assistance and return.

(Mr. Bal, Belgium)

On the other hand, this draft takes into account the proposals made in Geneva by various members of the Legal Sub-Committee. These elements are indispensable if we wish to succeed in elaborating a draft treaty on assistance and return which could obtain in the United Nations the very large support that we all wish it to obtain.

The Belgian Government has examined and will continue to examine in a constructive spirit the draft treaty which is now before us. My delegation at this stage will not make detailed comments on the various draft articles which have been submitted to us or on the interpretative comments of basic importance that have been provided by their authors and especially by the representatives of the United States and the Soviet Union. However, I should like to say a few words about some of the provisions of the draft treaty.

In connexion with article II, we note first of all with satisfaction that thanks to the continuing efforts and the spirit of co-operation of several delegations -- and I am thinking especially of the delegations of France, India and Iran as well as the United States and the Soviet Union -- an agreement has been reached on the formulation of a provision that had raised and continues to raise important and delicate problems.

My delegation has duly taken note of the interpretation formally advanced by the authors of this text regarding the need to respect and safeguard the sovereignty of Member States of the international community. It is well known that the question of rights and obligations of international organizations has always been of particular interest to my country. Like many other States, we believe it necessary formally to safeguard, within the framework of agreements to be concluded, the satisfactory status of the international organizations that are dealing with space activities. In this connexion we note with satisfaction the progress reflected in article VI. This is a step towards the formal, indispensable and too-long-delayed recognition of the important contributions, present and future, that the international organizations are making to the exploration and use of outer space.

(Mr. Bel., Belgium)

It is obvious that my delegation attaches particular importance to paragraph 7 of the report before us. Like the other delegations members of the Legal Sub-Committee, the Belgian delegation stated in the Sub-Committee that when we are dealing with the problem of assistance and return we must be fully aware of the no less urgent tasks that have been formally assigned to us in other fields of space law.

In that context, we must think first of all of negotiating a treaty on liability for damages that might be caused by the launching of space vehicles. During the recent debates in the First Committee, as I recalled yesterday, the Belgian delegation once again stated very clearly its firm position in this regard. Since then, the General Assembly has adopted resolution 2260 (XXI), the provisions of which are well known to all members of this Committee.

In its intervention yesterday, the Belgian delegation stressed that the safeguards that would be provided regarding the negotiation of a treaty on liability would certainly have a favourable and more direct impact on the drafting as well as the rapid implementation of the envisaged agreement on assistance and return.

We are convinced that the Legal Sub-Committee will follow up paragraph 7 of this draft report in the way it deserves, not only by virtue of resolution 2260 (XXI), but also and especially in the light of the rapid progress that we have just made in the field of assistance and return.

In the light of those considerations, the Belgian delegation will be in a position to give its agreement to the report before us.

Finally, I should like to express to you, Mr. Chairman, as well as to the Chairman of the Legal Sub-Committee, Mr. Wyzner, the sincere thanks of the Belgian delegation for the efforts that you have made once again with a view to facilitating the fulfilment of our tasks, despite the difficulties resulting from the hasty procedure which we had to follow.

Mr. MARSCHIK (Austria): We should like to join other delegations in expressing very briefly our satisfaction and appreciation that it has been possible for the Legal Sub-Committee to present to us today an agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space. We recall that for several years the elaboration of an agreement on liability for damages and one on rescue and return of astronauts has been on the agenda of our Sub-Committee and of this Committee. Only as recently as 3 November the General Assembly requested this Committee to proceed with its work on the elaboration of these agreements with a sense of urgency, and we are now pleased to see that one of the two agreements is before us in an agreed form.

Following the Outer Space Treaty, which the General Assembly was able to adopt last year and which entered into force only a few weeks ago, this agreement on the rescue of astronauts will represent another major step forward in the elaboration of the law of outer space.

We wish to take this opportunity to pay a tribute to all those delegations and persons that have been involved over the years, and particularly in the last few days, in the elaboration of this agreement and in the efforts to reach agreement. It is only proper to mention in particular the Chairman of the Sub-Committee, Mr. Wyzner.

At the same time we should like to express our regret that similar progress has not been possible on the second agreement on our agenda: the agreement on liability. The importance of the relationship between the two agreements has been recognized by the Sub-Committee and has been expressed by my delegation at various meetings of the Sub-Committee. We fully share the view expressed in paragraph 7 of the Sub-Committee's report that it should expedite its work on this equally important and urgent matter, and we sincerely hope that it will be possible, as expressed in that paragraph, to conclude an agreement before the next session of the General Assembly.

We deem it unnecessary to refer again to the text of the agreement before us. Our delegation has had the opportunity to express its views during the long discussions in the Sub-Committee. We wish only to revert for a moment to article 4 which, as the Committee knows, contains an unconditional obligation on the contracting States to return astronauts, who land on their territory to representatives of the launching authority. Other representatives, and in

(Mr. Marschik, Austria)

particular the representative of France, have called our attention to the problems that might arise in this context with regard to existing national legislation. Our delegation has had occasion to explain its position on this matter in the Legal Sub-Committee. We therefore wish to record that we have agreed to the proposed formulation of article 4 on the understanding that these provisions would not be interpreted as contradicting recognized principles of international relations reflected in the traditional policy of Austria with regard to aliens.

In conclusion, I should like to express once again our appreciation that agreement has been possible on the draft Convention before us. We hope that it will be approved by all countries and that it will soon enter into force. This agreement would indeed be a symbol not only of the development of the law of outer space but also, and above all, of the co-operation and unity of all nations in the great venture of man in the exploration of outer space.

Mr. SOUZA E SILVA (Brazil): On behalf of the Brazilian delegation I should like to state that, while it recognizes the improvements made in the text of the draft agreement during the recent meetings of the Legal Sub-Committee, its position remains basically the same as stated in the Legal Sub-Committee on 14 December. That is all I have to say.

Mr. BAYANDOR (Iran): A multilateral treaty does not always satisfy everyone. This is a matter of common endeavour which could only be achieved with a high spirit of co-operation and a wide degree of understanding. It is a process in which one gives and takes. There is excitement and happiness, as well as frustration and agony. But when it is all over, one cannot but feel the satisfaction of an achievement. That is exactly how we feel after the long and difficult negotiations of yesterday which led to the successful conclusion of the work of the Sub-Committee.

The position of my delegation with regard to the draft treaty was explained at length during the discussion of the question in the Legal Sub-Committee. Among other things, we expressed some misgivings with regard to article 2 on territorial assistance which were shared by a number of other delegations. We introduced a new wording for the latter part of article 2, which we still consider to be the most suitable formula to cope with those misgivings. However, because of the humanitarian aspect of the Treaty, which was rightly pointed out by the representative of India, in line with the policy of my Government, which had indicated its willingness to co-operate with all the States and international organizations which conduct space activities, and in full appreciation of the urgency of the question my delegation gave its consent to the compromise formula put forward by the delegation of France.

This formula, in the opinion of my delegation, is a considerable improvement over the original text, and a change that throws light on the intention behind the article. In this connexion, we have taken note of the statements made by some delegations, which are referred to in paragraph 6 of the report of the Sub-Committee and have been referred to this morning in this Committee too.

(Mr. Bayandor, Iran)

My delegation attaches great importance to those statements, which were intended to clarify the fact that the implications of article 2 by no means could affect the sovereignty and security of the territorial States. It was with this understanding that my delegation agreed to the report of the Legal Sub-Committee.

I should like to take this opportunity to say a word of tribute to the distinguished Chairman of the Legal Sub-Committee, Mr. Wyzner. Through his wisdom and patience we were able to perform very constructive work. My thanks also goes to the delegation of France which, with its traditional gift of finesse, made a change in the wording which, although small in itself, had behind it a great difference of meaning.

Mr. EL-ARABY (United Arab Republic): The United Arab Republic delegation stated in the Legal Sub-Committee yesterday its general approval of the text as amended by the delegation of France, to which we should like to pay a sincere tribute.

The remarks which my delegation made during the meetings of the Legal Sub-Committee on 14 December regarding the need for time for my Government to conduct the necessary studies in competent organs at the appropriate level are still valid. I should like to make it clear that my delegations's approval in the Committee does not in any way prejudice the final position of the United Arab Republic.

The representative of India has asked that paragraph 7 be adopted as a specific decision of the Committee and I should like to support that proposal. We hope that the convention on liability and damages will be concluded and submitted to the General Assembly for approval at its twenty-third session. Needless to say, we hope that a more appropriate procedure will be followed in our future work.

My delegation would like to avail itself of this opportunity to express its deep appreciation for the tireless efforts of the Chairman of the Legal Sub-Committee, Mr. Wyzner, whose wise and able leadership guided our deliberations.

Mr. REIS (United States of America): My delegation would like to add a very brief word on article 4 of the proposed agreement, to which reference has been made this morning. That article sets forth the duty of a party on whose territory an astronaut lands to return him safely and promptly to the representatives of the launching authority. This provision repeats the provision contained in article V of the outer space Treaty, and that obligation is absolute and unconditional.

May I also say that my delegation listened with interest to the remarks of the representative of Sierra Leone earlier this morning in which he suggested an improvement to the text of paragraph 4 of article 5. That provision relates to objects which may have a hazardous or deleterious character. I should like to say that my delegation would be pleased to accept the proposal of the representative of Sierra Leone, and we hope that it will meet with general approval.

Mr. DELEAU (France) (interpretation from French): My comments will be brief; they are of a drafting nature. A rereading of the draft agreement before us leads me to note that there is a difference of terminology between the English version and the French version. In the first sentence of article 2, the English text states "If, owing to accident, distress..."; the French text states: "Dans le cas où, par suite d'une avarie, d'un accident..." etc. There is a difference of terminology here and, therefore, of meaning.

To my mind, the word "avarie" in French cannot be translated by the English word "distress". If you look at article V of the space treaty which uses this same formula, the French text states "en cas d'accident, de détresse ou d'atterrissage," etc.

In these conditions I should like to suggest changing the first line of the French text of article 2 to read: "Dans le cas où, par suite d'un accident, de détresse ou d'atterrissage," etc. My comment applies also and for the same reasons for the first line of article 4.

I would thus ask you, Mr. Chairman, to be kind enough to draw the Secretariat's attention to this question of translation and to ask that the two texts should be brought into line with each other, as I have just suggested.

The CHAIRMAN (interpretation from French): Since this is a question of translation, I think that the Rapporteur can correct the text which has been distributed.

Mr. PIRADOV (Union of Soviet Socialist Republics) (interpretation from Russian): I should like to express the view of my delegation regarding the proposal made by the representative of Sierra Leone. At the very beginning of this meeting we paid due heed to this suggestion, and we think that this drafting change to paragraph 4 of article 5 is perfectly acceptable.

The CHAIRMAN: That concludes the general debate. In the course of it two concrete suggestions were made, one by the representative of Sierra Leone who suggested that we should replace the word "finds" with the phrase "has reason to believe" in paragraph 4 of article 5. That paragraph would therefore read as follows:

"Notwithstanding paragraphs 2 and 3 of this article, a Contracting Party which has reason to believe that a space object or ...".
Some delegations have already expressed their agreement to this proposal made by the representative of Sierra Leone, and if I do not hear any objection I will take it that it is acceptable to the Committee.

It was so decided.

The CHAIRMAN: The next proposal made in the course of the general debate was that of the representative of India, who suggested that paragraph 7 of the report of the Legal Sub-Committee (A/AC.105/43) should be adopted as a special paragraph in the report of this, the parent Committee. That suggestion was supported also by a number of delegations which spoke after it had been made by the representative of India. If I hear no objection to the proposal of the delegation of India, I shall take it that it is accepted by the Committee.

Mr. REIS (United States of America): There is just one very small point, and I am sorry to bother the Committee with it now. In the first sentence of paragraph 7 the words used are: "an agreement on liability for damage caused by ..." and those are exactly the words used in the current mandate given us by the General Assembly in resolution 2260 (XXII) adopted only on 3 November last. But in its second sentence paragraph 7 speaks of "a draft agreement on liability for damages". I believe that the plural, the last letter "s" in the word "damages" should be deleted so as to make this paragraph consistent internally as well as with the General Assembly resolution. It is a very small point.

The CHAIRMAN: If there is no objection to the proposal just made by the representative of the United States, I shall take it that the Committee decides to accept it.

It was so decided.

Mr. MILLER (Canada): Am I to take it that in incorporating this paragraph 7 references to "Sub-Committee" would be changed to read "Committee"?

The CHAIRMAN: I thank the representative of Canada for drawing our attention to this need. The change he refers to would, course, be made in the report of the Committee.

Since there are no further comments, may I ask the Rapporteur, the representative of Brazil, to explain the draft report to the Committee.

ADOPTION OF THE REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY

Mr. de CARVALHO SILOS (Brazil) (Rapporteur): The report before us is very brief and objective and I have no special comments to make. I have only two observations. In view of the lack of time, it was not possible to produce an official French version of paragraph 4 of the draft report. To expedite our work, an official French version of that paragraph has been prepared and I am going to read it in order to try to give satisfaction to the French-speaking delegations:

(Mr. de Carvalho Silos, Brazil)

(spoke in French)

"4. The Chairman noted that the special meeting of the Committee had been convened to consider the report of the Legal Sub-Committee on the work of its recent special session. He stated that, following a series of informal discussions in which substantial progress had been made on the subject of assistance to, and return of, astronauts and space objects, the Legal Sub-Committee had met in special session under the chairmanship of Mr. Wyzner (Poland) on 14 and 15 December and had received the text of a draft agreement on the rescue of astronauts, the return of astronauts and the return of objects launched into outer space. The text of the draft agreement, as amended in the course of the special session, was transmitted to the Committee by the Legal Sub-Committee in its report (A/AC.105/43).

"Mr. Wyzner (Poland), Chairman of the Legal Sub-Committee, introduced the report of the Legal Sub-Committee."

(continued in English):

My final observation is the following. I propose, as Rapporteur, a small modification in paragraph 6 of the draft report, that is, the inclusion of the words "for consideration" after the word "submit" in the second line, so that paragraph 6 would read:

"At _____ on _____, the Committee unanimously decided to submit for consideration to the General Assembly the following draft agreement..."

The CHAIRMAN: I thank the Rapporteur for his introduction of the Committee's draft report to the General Assembly. May I ask the Committee whether the suggestion made by the Rapporteur with regard to paragraph 6 is acceptable?

It was so decided.

The draft report was adopted.

CLOSING OF SPECIAL SESSION

The CHAIRMAN: Having adopted the draft report we can conclude this special session of our Committee. Before we do so, I wish to express my gratitude to all members of the Committee for their spirit of co-operation which enabled us to terminate this session in a relatively short time.

(The Chairman)

I am deeply gratified by the fact that it was possible to achieve this result, which is not only in the interest of the Committee but, I am sure representatives will agree with me, in the interest of all mankind.

I want to pay special tribute again to the Legal Sub-Committee and its Chairman Mr. Wyzner, to the Under-Secretary Mr. Nesterenko, to Mr. Stavropoulos, to the Chief of the Outer Space Group in the Secretariat and his able collaborators, and to all our friends in the Secretariat, especially the interpreters, who did not hesitate to help us in these somewhat difficult circumstances.

Finally, may I take this opportunity to wish all of you a Merry Christmas and a Happy New Year.

The meeting rose at 1.40 p.m.