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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

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VERBATIM RECORDS OF THE NINETY EIGHTH TO
ONE HUNDRED AND SIXTH MEETINGS

Held at Headquarters, New York,
from 1 to 10 September 1971

Chairman:

Mr. WALDHEIM

(Austria)

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VERBATIM RECORD OF THE NINETY-EIGHTH MEETING
Held on Wednesday, 1 September 1971, at 10.30 a.m.

Chairman

Mr. WALDHEIM

(Austria)

ADOPTION OF THE AGENDA

The CHAIRMAN: The agenda for this session has been circulated as document A/AC.105/L.61. If I hear no objections, I shall consider the agenda adopted.

It was so decided.

STATEMENT BY THE CHAIRMAN

The CHAIRMAN: It is indeed a great pleasure for me to welcome all the members of the Committee -- I am glad to see so many old friends here -- to this year's session. I am sure that, following an old and well-established tradition, we will again be able this time to conduct our deliberations in the spirit of co-operation which has enabled us in the past years to reach a consensus on such a great number of questions.

The year under review has been one of renewed progress in international co-operation in the peaceful uses of outer space. Achievements of primary importance in 1971 have been the Apollo 14 mission to the moon in January and February, and, recently, the successful completion of the most significant mission so far to explore the moon surface, Apollo 15. Mankind has witnessed another brilliant example of what science and technology, accompanied by human courage and ingenuity, can accomplish. The excellent teamwork which made that mission possible and such an outstanding success is a credit to each and every one who participated in its realization.

The establishment in June 1971 of the first manned scientific station in earth orbit by the Soviet Union was an event of equal importance. The cosmonauts not only became record-holders for human endurance in space, through their scientific work aboard their orbital laboratory Salyut, but made a decisive contribution to the development of orbital manned flights. The successful experiment culminated in the tragic death of the three cosmonauts during their return voyage to earth. I should like to take this opportunity to express, on behalf of all members of this Committee, my sincere condolences to the representative of the USSR on the death of Colonels Dobrovolsky, Volkov and Patsayev. Their death is a tragic loss for the whole world.

(The Chairman)

Whenever man reaches the limits of his capabilities, triumph and tragedy lie next to each other. I deeply admire all those who have become envoys of mankind in space and have thus enabled man to gain new insights in the secrets of the universe.

Turning now to the work before us, we can note with satisfaction that our Committee, and in particular its Sub-Committees, have this year again proved to be the most important and valuable organs within the United Nations system for both making decisive steps in the establishment of a legal order for the exploration and use of outer space and in acting as focal point, co-ordinator, and also initiator in the broad field of the practical applications of space technology. The increasing co-operation, especially between the major space Powers, on a bilateral basis is a long expected and most welcome development. I think, however, that this cannot and should not replace multilateral arrangements, but should rather be aimed at complementing them. Multilateral co-operation in space is today undoubtedly the best and only possibility for all non-space Powers, and in particular for the developing countries, to share the benefits from this new field of man's activity.

The basis for our discussions will again be the reports of our Legal as well as Scientific and Technical Sub-Committees, which have been issued as documents A/AC.105/94 and A/AC.105/95 respectively. In accordance with our decision on 24 November 1970, the Legal Sub-Committee held its session from 7 June to 2 July in Geneva and the Scientific and Technical Sub-Committee held its session from 6 to 15 July in New York. As we all know, the twenty-fifth session of the General Assembly in resolution 2733 B (XXV) again urged our Committee to make a decisive effort to complete a draft convention on liability for damage caused by objects launched into outer space. I note with great satisfaction that after so many years of detailed study and extensive negotiations on the many complicated problems involved, the Legal Sub-Committee was able this year to agree upon a draft convention and to submit it to the main Committee. I hope, therefore, that we shall be able now to fulfil the mandate entrusted to us by the General Assembly. I think that we all anticipate this convention taking its place alongside the Outer Space Treaty and the Agreement on the Rescue of Astronauts as a major contribution to the progressive development of the law of outer space.

(The Chairman)

I am particularly pleased that the Legal Sub-Committee has requested its Chairman to present the draft convention to this Committee and to provide such information relating to the draft convention as might be required. I welcome Mr. Wyzner in our midst, the Chairman of the Legal Sub-Committee, and I shall invite him to introduce the draft following my introductory remarks.

Besides completing the draft convention on liability, the Legal Sub-Committee also dealt, although not in any detail, with numerous other questions. As we can see from paragraph 29 of its report, our Committee is not only called upon to include in the agenda of the next session of the Sub-Committee the items specified in sub-paragraph 1 of paragraph 29 as important subjects, but also to consider the desirability of establishing a priority order for these items, some of them already having been on the agenda of the Sub-Committee for quite some time.

Turning to the report of the Scientific and Technical Sub-Committee on the work of its eighth session, we can note first of all that the Sub-Committee, as authorized by this Committee last year and subsequently by the General Assembly under resolution 2733 C (XXV), has decided to establish and convene a Working Group on Remote Sensing of the Earth by Satellites, that is, to consider whether there are operational system capabilities which might be of special value to meet international, regional and global requirements and make recommendations for possible developments, provision and operation of data collection and utilization system in the United Nations or other international framework. It was decided that an organizational meeting of the Working Group will take place during the course of our session. The topics on the agenda of that meeting will be the election of the chairman and the consideration of the programme of work of the group. If it meets with the approval of the Committee, I intend to reserve one of our meetings next week for this purpose. In this connexion, I wish to draw the attention of the Committee to paragraph 18 of the report of the Scientific and Technical Sub-Committee stating that participation in the Working Group will be open to members of this Committee and to authorized observers.

(The Chairman)

In the framework of the promotion of the application of space technology the Sub-Committee has made a number of recommendations on specific topics. Most prominently amongst them are the question of the assessment of the needs of the developing countries in this field and the ability of the United Nations to meet those needs. The respective recommendations are contained in the report in paragraphs 23 to 25. They are based on the activity of the expert on space applications, Professor Humberto Ricciardi.

(The Chairman)

While the Sub-Committee agreed on the continuation of the work of the expert as well as on the programme of panel meetings in 1972 and the meetings of "points of contact", there was, however, as indicated in paragraph 24, sub-paragraph (b), no agreement in the Sub-Committee as to the expenditures for the aforementioned activities and possible ways of financing these expenditures and this problem has therefore been referred to our Committee for consideration. I hope that we shall find ourselves in a position to reach an agreement on that important point during the course of our session.

In connexion with space applications I do not want to fail to pay a tribute not only to the contribution of Member States in inviting panels and granting fellowships for candidates from developing countries but also to the valuable activities in this respect of the specialized agencies, in particular UNESCO, WMO and ITU.

There can be little doubt that, when fully developed, the applications of space technology will prove to be a most effective tool in controlling and utilizing man's environment and his resources to alleviate problems such as the shortage of food, widespread ignorance, communication and understanding among people and the quality of the environment.

In concluding my remarks about the report of the Scientific and Technical Sub-Committee I want to draw the attention of the members of the Committee to paragraph 44 of the report, concerning the question of awarding observer status to the International Astronautical Federation. From my information about the debate on this point in the Sub-Committee I feel certain that we shall be able to agree on that matter.

In concluding my brief introductory remarks I should like to take this opportunity to thank the Sub-Committees and their excellent Chairmen, Mr. Wyzner of Poland and Professor Carver of Australia, for the outstanding work they have done during the past year. At the same time I should like to express my appreciation to the Under-Secretary-General, Mr. Kutakov, who is with us today, as well as to the Secretary of the Committee, Mr. Abdel-Ghani, the Vice-Chairman, the Rapporteur, the members of Mr. Abdel-Ghani's Division, and Professor Ricciardi for the dedication, ability and competence with which they have been serving this Committee.

CONSIDERATION OF REPORTS:

- (a) REPORT OF THE SCIENTIFIC AND TECHNICAL SUB-COMMITTEE (A/AC.105/95)
- (b) REPORT OF THE LEGAL SUB-COMMITTEE (A/AC.105/94)

The CHAIRMAN: As I indicated earlier --- and if there is no objection --- I shall now call on the Chairman of the Legal Sub-Committee to introduce the report on the achievements of the Legal-Sub-Committee during its last session, in Geneva.

Mr. WYZNER (Poland), Chairman of the Legal Sub-Committee: I am privileged to be present today, on behalf of the Legal Sub-Committee, for the purpose of submitting to the Committee on the Peaceful Uses of Outer Space the draft convention on international liability for damage caused by space objects, which was adopted by the Legal Sub-Committee at its tenth session in June and July this year in Geneva. I am particularly pleased that the Committee has again been convened under your skilful and trusted guidance, Mr. Chairman. This is the second time that I am honoured to report to you, Sir, the successful completion of a draft treaty prepared by the Legal Sub-Committee. Four years ago the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space was submitted to this Committee. As in the case of the previous Treaty. I wish to express to you, Mr. Chairman, the deep appreciation of the Legal Sub-Committee for the vivid interest you have shown in our work as well as for your guidance and valuable assistance in the consultations which preceded the convening of the Sub-Committee's last session.

For the Legal Sub-Committee the completion of the draft convention is, in a sense, the end of a long journey --- one which, members will recall, began in 1963 at the eighteenth session of the General Assembly. For it was in 1963 that the General Assembly adopted at its eighteenth session the Declaration on Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space and embodied in the Declaration as its eighth principle the basic concept of liability for damage caused by space objects. This principle was later incorporated in the outer space Treaty as article VII.

(Mr. Wyzner, Poland)

It was also at its eighteenth session that the General Assembly requested the Committee on the Peaceful Uses of Outer Space to arrange for the preparation of a draft international convention on liability for such damage. Accordingly, at its third session in 1964 the Legal Sub-Committee -- then under the illustrious chairmanship of Judge Manfred Lachs -- inscribed on its agenda for the first time the question of the preparation of the draft convention on liability for damage caused by objects launched into outer space.

Three draft conventions were submitted to the Sub-Committee in 1964: one proposed by the delegation of Belgium; one proposed by the delegation of Hungary; and one proposed by the delegation of the United States. They formed an invaluable basis for the Sub-Committee's work on a complex subject in a difficult field.

Against the background of the three proposed draft conventions and the numerous specific proposals and suggestions that were made by other delegations, the provisions of the draft convention gradually began to evolve. At its sixth session in 1967 the Sub-Committee was able to report to this Committee its agreement on a number of particular points. At its seventh session, in 1968, two further draft conventions were submitted: one by the delegation of India and the other by the delegation of Italy. Thus the Sub-Committee had before it five proposed conventions, which provided a broad, useful and productive foundation for the comparison of particular articles; the identification of similarities and differences; and the formulation of provisions on agreed points.

The seventh session of the Sub-Committee recorded a substantial measure of progress in the formulation of several texts and principles. It then became apparent, however, that there were still a number of important questions which would need to be resolved before the draft convention on liability would be complete.

As members will recall, these difficult problems -- which were frequently referred to as "the main outstanding issues" and to which I shall draw special attention later in my remarks -- were, in 1968, 1969 and 1970, the subject of close examination at extensive informal and formal consultations and negotiations among the members of the Legal Sub-Committee and among the members of this Committee as well. I would recall in particular the numerous informal

(Mr. Wyzner, Poland)

consultations which took place in New York in November and December 1968 during the twenty-third session of the General Assembly; the consultations in New Delhi in March 1969 initiated by our unforgettable friend and brilliant colleague of India, the late Ambassador Krishna Rao; and, finally, the consultations under the chairmanship of Ambassador Haymerle from September to December 1969 in New York and in April 1970 in Geneva.

(Mr. Wyzner, Poland)

The consultations under the chairmanship of Ambassador Haymerle in 1969 in New York led, it will be recalled, to his statement to this Committee on 12 November 1969 on the main outstanding issues in the elaboration of the convention. There was, he stated, agreement that the main outstanding issues were, first, the settlement of claims; second, the question of the applicable law; third, the question of a ceiling on liability; and, fourth, the problem of liability in connexion with activities of international organizations in the exploration and use of outer space. The consultations, Mr. Haymerle informed the Committee, dealt with those four outstanding issues and focused particularly on the problem of the settlement of claims and on the question of the applicable law. Though definite agreement was not reached, the consultations, he stated, were frank, open and conducted in a constructive atmosphere and they made the positions of delegations clearer. The consultations were resumed in Geneva in April 1970, shortly before the ninth session of our Sub-Committee. The Legal Sub-Committee is very grateful to Mr. Haymerle for his unfailing and most helpful contribution in this matter.

Yet, notwithstanding these considerable efforts and notwithstanding the very substantial progress that was in fact made by the Legal Sub-Committee at its ninth session in June and July of 1970 in the preparation of the texts of the preamble and thirteen articles of the draft convention, the major questions still outstanding remained unresolved, to the deep disappointment of all. On 16 December 1970 a further and urgent request for the completion of the draft convention was addressed to this Committee by the General Assembly.

The fact that the draft convention on liability is before this Committee today is a tribute to all the members of the Sub-Committee; to their tireless and unending search for solutions; to their juridical expertise, called for especially in tackling the many intricate problems of civil, international and space law; to their ability to formulate in a spirit of compromise those provisions on which many different points of view and schools of legal thought might finally meet in agreement. It is, therefore, with deep appreciation for the hard work of this group of outstanding jurists and their spirit of co-operation and also with a sense of achievement that I am now presenting the draft convention

(Mr. Wyzner, Poland)

to the Committee. At this juncture, one cannot remain silent about the significant role played in the process of creating the whole corpus juris spatialis and in particular the liability convention, by the devoted and most competent members of the Secretariat, to whom I express my warm gratitude.

I should like, Mr. Chairman, to turn now to the text of the draft convention itself which is set out in the report of the Legal Sub-Committee (A/AC.105/94), to which you referred in your opening statement, and I shall endeavour to outline its provisions to the Committee. In doing so, I fully realize that it is impossible to give a complete account of the substance of the draft convention in a rather brief introductory statement. I shall be at your disposal, therefore, to provide any information relating to the work of the Sub-Committee that might be called for by the members of the Committee.

The purpose of the draft convention may be said to be twofold: to prescribe rules of international liability for damage caused by space objects; and to provide a procedure for the prompt payment of a full and equitable measure of compensation to victims of such damage.

The rules of liability prescribed in the draft convention are contained in articles I to VIII. They provide for two different systems of liability: for a system of absolute liability, namely, liability for damage irrespective of whether in a particular case there is or is not fault; and for a system of liability based on fault.

The system of absolute liability would apply where damage is caused by a space object on the surface of the earth or to aircraft in flight, that is to say, the great majority of cases that might be covered by the convention. Article II of the draft convention provides that in such cases the launching State shall be absolutely liable for damage.

The system of absolute liability would also apply, under paragraph 1 (a) of article IV, where, for example, as a result of the space object of one launching State damaging the space object of another launching State, damage is caused to a third State on the surface of the earth or to its aircraft in flight. The draft convention provides that in such circumstances the liability of the two launching States towards the third State which has suffered damage shall be absolute.

(Mr. Wyzner, Poland)

There are, however, certain circumstances in which either total or partial exoneration from absolute liability would be granted under the convention. These circumstances are defined in article VI.

The system of liability based on fault would apply when damage is caused, elsewhere than on the surface of the earth, by a space object of one launching State to a space object of another launching State. Article III provides that in that event liability shall be based on fault.

Where damage is caused by an object launched jointly by two or more States, the launching States would, under article V of the convention, be jointly and severally liable for such damage. The State sustaining damage might, accordingly, seek the entire compensation due under the convention from any or all of the launching States which are jointly and severally liable. A State from whose territory or facility a space object is launched shall be regarded, under paragraph 3 of article V, as a participant in a joint launching. Paragraph 2 of article V recognizes that a launching State which has paid compensation for damage shall have the right to present a claim for indemnification to other participants in the joint launching; and that participants in a joint launching may conclude agreements regarding the apportionment among themselves of financial obligations in respect of which they are jointly and severally liable.

Article VIII expressly states the rule that a State which suffers damage, or whose natural or juridical persons suffer damage, shall have the right to present to a launching State a claim for compensation for such damage.

(Mr. Wyzner, Poland)

You will have noted that the term "damage" and the term "launching State" are both defined in article I: the term "damage" is defined as "loss of life, personal injury or other impairment of health; or loss of or damage to property of States or of persons, natural or juridical, or property of international intergovernmental organizations". The term "launching State" is defined as (1) "A State which launches or procures the launching of a space object" and (2) "A State from whose territory or facility a space object is launched".

The two definitions cover a wide scope of situations and are clearly meant, like other provisions of this part of the draft, to make the legal position of the party sustaining damage as favourable as possible.

The convention, in articles IX to XX, deals with several matters pertaining to the presentation and settlement of claims: the presentation of claims for compensation to a launching State through diplomatic channels (article IX); the time-limits for the presentation of claims (article X), the presentation of claims under the convention without requiring prior exhaustion of any local remedies which may be available (article XI); the measure of damages or, as it has also come to be known in discussions, the question of the applicable law (article XII); and the form of compensation, in particular the currency in which compensation shall be paid (article XIII).

If no settlement of a claim is arrived at through diplomatic negotiations within one year, article XIV would require the parties to establish a claims commission at the request of either party. The claims commission thus established would act as provided for in articles XV to XX.

The provisions of article XXI refer to a special and, we hope, quite exceptional category of situations, and thus differ somewhat in nature from the other provisions of the draft convention. They provide that if the damage caused by a space object presents a large-scale danger to human life or seriously interferes with the living conditions of the population or the functioning of vital centres, the States parties to the convention, and in particular the launching State, shall examine the possibility of rendering appropriate and rapid assistance to the State which has suffered damage, when the latter State so requests. However, nothing in article XXI shall affect the rights or obligations of the States parties under the convention.

(Mr. Wyzner, Poland)

Article XXII concerns the subject of international intergovernmental organizations to which I shall return later.

Article XXIII deals with the relationship of the provisions of the convention to other international agreements to which the States parties to the convention are also parties.

The final clauses of the convention are to be found in articles XXIV to XXVIII. They were prepared on the basis of the final clauses of the outer space Treaty of 1967 and provide for the right of participation in the convention by all States. The new article XXVI deals with review of the convention after a certain period of time, it includes the requirement that ten years after the entry into force of the convention, the question of the review of the convention shall be included in the provisional agenda of the General Assembly of the United Nations in order to consider, in the light of past application of the convention, whether it requires revision. The insertion of this article is motivated by the rapid advancement of technology in outer space, as well as by consideration of other political, technical and legal factors that might evolve in the future and require revision of the convention.

I should like now to draw the attention of the Committee to the manner in which the main outstanding issues have been resolved. These issues, if I may repeat, were the following: the settlement of claims, the question of the applicable law, the question of a ceiling on liability, and the problem of liability in connexion with activities of international organizations in the exploration and use of outer space.

As regards the question of a ceiling on liability, it was agreed at an early stage of the negotiations that the draft convention would not contain a provision on this subject. The absence of any limit on the amount to be paid to those who suffer damage will, no doubt, satisfy a great majority of the members of the world community.

The three other main issues are dealt with in article XII (the question of the applicable law or the question of the measure of damages), articles XIV to XX (the settlement of claims) and article XXII (the question of international intergovernmental organizations).

(Mr. Wyzner, Poland)

May I refer first to the provisions of article XXII concerning the question of international intergovernmental organizations.

You will see that paragraphs 1 and 2 of article XXII concern the question of the application of the convention, with the exception of articles XXIV to XXVII, to international intergovernmental organizations. Paragraph 1 states that the convention, with the exception of articles XXIV to XXVII, shall be deemed to apply to any international intergovernmental organization which conducts space activities: (a) if the organization declares its acceptance of the rights and obligations provided for in the convention; and (b) if a majority of the States members of the organization are States parties to the convention and to the outer space Treaty. Paragraph 2 requires that States members of any such organization which are States parties to the convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with the provisions of paragraph 1 of article XXII.

(Mr. Wyzner, Poland)

Paragraph 3 of article XXII deals with the liability of an international intergovernmental organization for damage. It states that:

"If an international intergovernmental organization is liable for damage [under the] convention, that organization and those of its members which are States parties to the convention shall be jointly and severally liable; provided, however, that:

"(a) Any claim for compensation in respect of such damage shall be first presented to the organization; and

"(b) Only where the organization has not paid, within a period of six months, any sum ... due as compensation ... may the claimant State invoke the liability of the members [of the organization] which are States parties to this convention...."

Paragraph 4 of article XXII provides for the presentation of a claim for compensation with respect to damage caused to an international intergovernmental organization to which the convention is deemed to apply.

The above-mentioned provisions concerning international organizations reflect the increasing role of those organizations' activities in outer space. An article along those lines is therefore necessary, for a victim must be assured of suitable compensation regardless of the legal status or character of the launching authority.

I turn, finally, to the provisions concerning the question of the applicable law -- or the question of the measure of compensation -- and to the question of the settlement of claims. Those were in fact the two subjects among the four main outstanding issues on which there were closest consultations at the tenth session of the Sub-Committee. The manner in which those issues were resolved was not, it is to be noted, entirely to the satisfaction of a few delegations. Their reservations are expressed in paragraphs 24 and 25 of the report of the Legal Sub-Committee (A/AC.105/94). Those delegations, in a spirit of co-operation, nevertheless agreed to have the draft convention completed and presented to the Committee.

(Mr. Wyzner, Poland)

The provisions on the applicable law are contained in article XII. That article provides that:

"The compensation which the launching State shall be liable to pay for damage under this Convention shall be determined in accordance with international law and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person, natural or juridical, State or international organization on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred."

It is also pertinent to note in this connexion the fourth preambular paragraph of the draft convention, which expresses the recognition of the parties to the convention of

"... the need to elaborate effective international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, the prompt payment under the terms of this Convention of a full and equitable measure of compensation to victims of such damage".

Article XII is truly the heart of the convention. It introduces into the convention well-known juridical notions of both civil and international law and, in my opinion, provides viable guidelines for the parties to a dispute and the Claims Commission in their search for a just settlement of claims for compensation. Naturally, one might point out that the present wording of article XII is not as detailed as the civil codes at present in force in certain countries of the world and does not face all possible problems nor solve all disputes in advance. Indeed, the Sub-Committee has scrupulously examined the idea of the national law of a single State being applicable under the convention. That idea had to be abandoned when no agreement was reached on any single law that could be applied in case of dispute between the claimant and launching States. Thus, as a result of long and painstaking negotiations, a general principle was formulated which gives clear and, no doubt, victim-oriented directives to those who will consider in the future what compensation should be given to victims of space activities.

(Mr. Wyzner, Poland)

With reference to the settlement of claims, we have already noted that under article IX a claim for compensation is required to be presented to a launching State through diplomatic channels. If no settlement of the claim is arrived at through diplomatic negotiations within one year, there is provision in article XIV for the establishment of a claims commission at the request of either party.

Articles XV to XVII deal with the composition and the procedure of the Claims Commission. It will be noted that article XV provides, in paragraph 2, that:

"If no agreement is reached on the choice of the Chairman of the Commission within four months of the request for the establishment of the Claims Commission, either party may request the Secretary-General of the United Nations to appoint the Chairman...."

The purpose of the claims commission is set forth in article XVIII, which states:

"The Claims Commission shall decide the merits of the claim for compensation and determine the amount of compensation payable, if any."

As regards the decision of the commission on a claim, it will be noted that paragraph 2 of article XIX provides as follows:

"The decision of the Commission shall be final and binding if the parties have so agreed; otherwise the Commission shall render a final and recommendatory award, which the parties shall consider in good faith. The Commission shall state the reasons for its decision or award." Paragraph 4 of the same article provides that:

"The Commission shall make its decision or award public. It shall deliver a certified copy of its decision or award to each of the parties and to the Secretary-General of the United Nations."

Thus articles XIV to XX provide for both the procedure and the mechanism for a prompt settlement of claims. Short of obligatory arbitration in every case, the provisions in question contain legal, political and moral guarantees to the victim that his case will not be forgotten or mishandled.

(Mr. Wyzner, Poland)

More than once during the debates in the Sub-Committee the term "victim-oriented" was used to describe the draft convention. I believe that this term is a correct description of the text which is now before the Committee. Whether or not that is true only the future will tell, though we all hope that the mechanism of the convention will never be applied, that no one will suffer death, injury or loss of property as a result of the activities of States in space.

The primary goal of the international law of outer space -- of which a new and significant element will, I hope, be the liability convention -- is to further the cause of peaceful co-operation in outer space and to ensure that the competition in space will be peaceful only and that the frightening potentialities for war will never be used. Yet, even the peaceful exploration of space is not free from dangers to active participants in space ventures and to others who might happen to be at a place where an object returning to earth falls.

(Mr. Wyzner, Poland)

The members of the Legal Sub-Committee earnestly hope that the Convention which they submit for the approval of their parent Committee will help to bring cohesion and wider application to existing treaty rules relating to outer space, in particular the Outer Space Treaty of 1967 and the Agreement on the Rescue of Astronauts of 1968. We do believe that with the completion of the liability Convention and its entry into force many non-space Powers, which until now have refrained from becoming parties to the existing treaties, will hesitate no longer in their accession, thus making the rules of outer space law truly universal and effective. For, whatever the future course may be, outer space will never again become res nullius, and therefore must remain res communis omnium, and the benefits of its exploration must be shared by all.

I would, in conclusion now wish to commend the draft Convention to the Committee. I do so warmly. The draft Convention is a carefully thought out and carefully formulated instrument on a difficult subject. It was brought into being through many long hours of meticulous consultations and negotiations between delegations holding different points of view and representing different schools of thought, yet endeavouring to define the widest possible area of agreement. The draft Convention is not an instrument of course that could be said to reflect in each of its provisions all that each delegation would have wished to have seen included in the Convention; in that sense it may not be a perfect instrument. Yet its provisions do achieve a most useful and important elaboration of international law in the area of liability for damage caused by space objects. It is, as such, an impressive and viable instrument in the development of the law of outer space.

The CHAIRMAN: I thank Mr. Wyzner for his excellent report, which I am sure will help us to understand better the results and achievements of the Legal Sub-Committee.

The representatives of the United States and Canada have indicated that they are prepared to speak this afternoon in the general debate. Apparently there is no other representative ready to speak this afternoon, but there are

(The Chairman)

some who are willing to speak tomorrow. If there is no objection, it would probably be preferable to cancel the afternoon meeting and at tomorrow morning's meeting hear the representatives of the United States, the USSR and Canada and, I believe, the representative of Italy.

It was so decided.

The meeting rose at 11.55 a.m.