



COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

PROVISIONAL SUMMARY RECORD OF THE GENERAL-SIXTEEN MEETING

Held at Headquarters, New York,
on Thursday, 2 May 1963, at 11.35 a.m.

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PRESENT:

Chairman:

Mr. LACHS (Poland)

Members:

Mr. BUDO Albania

Mr. MENDEZ Argentina

Mr. COOK Australia

Mr. MARSCHIK Austria

Mr. LITVINE)
Mr. VAN USSEL) Belgium

Mr. MEDICES Brazil

Mr. MOLEROV Bulgaria

Mr. TREMBLAY Canada

Mr. PRUSA Czechoslovakia

Mr. LEMAITRE France

Mr. PRANDLER Hungary

Mr. CHAKRAVARTY India

Mr. AMIRMOKRI Iran

Mr. ATTOLICO Italy

Mr. NAKAJIMA Japan

Mr. HAKIM Lebanon

Mr. CUEVAS CANCINO Mexico

Mr. DASHTSEREN Mongolia

Mr. TABITI Morocco

Mr. WYZNER Poland

Mr. JUCU Romania

Mr. PEARCE Sierra Leone

Mr. HEDIN Sweden

Mr. TIMERBAEV Union of Soviet Socialist
Republics

Mr. FAHMY United Arab Republic

Miss Gutteridge United Kingdom of Great Britain
and Northern Ireland

Mr. MEEKER United States of America

Secretariat:

Mr. SCHACHTER Secretary of the Sub-Committee

DRAFTING OF THE SUB-COMMITTEE'S REPORT TO THE COMMITTEE ON THE PEACEFUL USES
OF OUTER SPACE

The CHAIRMAN invited the Sub-Committee to consider the form in which its report should be prepared.

The preparation of a detailed report specifying all the issues which had been raised and describing all the debates which had taken place at the session would present certain difficulties. An alternative would be to prepare a brief report giving the usual details of the attendance at the session, the dates of meetings and other similar matters and consisting mainly of a summary of the results achieved at the session. He suggested that the summary might consist of the following text, which would be circulated to the members of the Sub-Committee for approval or alteration:

- "I. 1. Agreement has been reached as to the need of elaborating a set of principles governing the activities of States relating to the exploration and use of outer space.
2. It has also been agreed that this is to take the shape of a declaration. However, no agreement has been reached as to the character of the document in which these principles are to be embodied, some delegations favouring a General Assembly resolution, others a treaty-type document.
3. As to the particular principles which should find their expression in the suggested declaration, they may be divided into three groups:
- (a) those as to which there were no differences of views,
 - (b) those as to which there has been a certain rapprochement of points of view,
 - (c) those as to which differences of view remain.
- "II. An exchange of views has taken place concerning two specific issues:
- (a) the rescue of astronauts and space vehicles making emergency landings.
 - (b) the liability for space vehicles accidents.

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(The Chairman)

"III. In view of the impossibility of reaching full agreement on the issues on the agenda of the Sub-Committee, the delegations taking part in its work recommend that contacts and exchanges of views should continue which may lead to the solution of the existing differences. It would be desirable to do so prior to the next session of the Committee on the Peaceful Uses of Outer Space."

Mr. FAHMY (United Arab Republic) thought that the report should give some indication of what had taken place during the session and should specify the matters on which a consensus of opinion existed. For example, several delegations had commented on the draft code prepared by the United Arab Republic (A/AC.105/L.6) and those comments should be reflected in the report, as should the new ideas advanced by certain delegations in the course of the debate and the comments made on them.

Mr. ATTOLICO (Italy) said that his delegation had been encouraged to note that substantial agreement had been reached during the session on the points to be included in a declaration on basic principles. There was also a considerable measure of agreement on the questions of liability and assistance and return, although it would naturally take time to draw up detailed instruments. The report should reflect that positive and important progress and the text suggested by the Chairman could perhaps be expanded to specify the areas in which agreement had been reached.

Mr. TREMBLAY (Canada) said that if it was not possible to reflect in the report the progress made and the measure of agreement reached, it might be desirable for individual delegations to make an assessment of the results of the session.

In his delegation's view, the session had been useful and had provided an opportunity for a serious discussion of the main issues involved in the exploration and use of outer space. There was agreement that an attempt should be made to draft basic principles in the form of a declaration for the guidance of States, although unfortunately it had not been possible to draft text incorporating basic principles or dealing with specific questions.

Two space Powers had modified some of their original positions and thus increased the possibility of reaching agreement. Paragraph 7 of the new Soviet draft (A/AC.105/C.2/L.6) provided for the possibility of collective activities in

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(Mr. Tremblay, Canada)

outer space by groups of States. It was also encouraging to note that the Soviet delegation would be prepared at the appropriate time to take part in the drafting of an agreement on liability for space vehicle accidents. The Canadian delegation welcomed the statement that the United States considered it desirable to have some international agreement on consultation regarding experiments in outer space which might have harmful effects and the suggestion that the consultative group established by COSPAR might serve as an appropriate instrument for consultation. It was also glad that the United States had recognized the responsibility of States for any internationally injurious accidents resulting from the activities of national organizations and was prepared to participate in drafting binding agreements on liability and assistance and return.

Although those changes in position did not eliminate all differences of opinion, it was unanimously recognized that general agreement already existed on many principles. The Soviet representative had pointed out (A/AC.105/C.2/SR.22) that there was virtual agreement in the Sub-Committee on most of the provisions in the Soviet draft. There had been a reconciliation of views on paragraph 7 of the Soviet draft, made possible by the revision of that paragraph to cover collective activities by States and by the United States acknowledgement that States were responsible for the space activities of national organizations. No opposition had been expressed to the suggestion that private corporations should in some way be licensed by their Governments in order to eliminate the possibility of irresponsible actions. The Canadian delegation had mentioned the need to make special provision for international organizations such as the European Launcher Development Organization (ELDO), which had a separate corporate existence (A/AC.105/C.2/SR.21). There had also been a reconciliation of views on potentially harmful experiments in outer space. There was agreement on the need for consultation arrangements and there had been favourable comment on the COSPAR consultative group.

It could thus be seen that, although the Sub-Committee had by no means solved all the problems raised by the exploration and use of outer space, a considerable measure of agreement had been reached. That was an important and encouraging development.

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Mr. MEEKER (United States of America) said that the report should be as informative and constructive as possible, giving a factual summary of the debates during the session and emphasizing the positive results of the Sub-Committee's deliberations.

For example, the report could state that there had been agreement on the desirability of a declaration of basic principles and on many of the principles to be included in such a declaration. Specific reference could be made, inter alia, to such principles as the equality of rights of all States in the exploration and use of outer space, the principle of the freedom of outer space and of its immunity from national appropriation and the principle of the retention of ownership of objects launched into outer space.

The report could also indicate, without identifying the delegations concerned, the views which had been expressed on other issues raised in the documents before the Sub-Committee and could note the questions on which there had been no narrowing of differences.

His delegation attached particular importance to the fact that progress had been made at the session and that there were areas in which agreement had been reached.

Mr. TIMERBAEV (Union of Soviet Socialist Republics) said that his delegation could not accept the United States representative's optimistic assessment of the Sub-Committee's work. A report which stated that a measure of agreement had been reached would mislead the Committee on the Peaceful Uses of Outer Space and the General Assembly. The Soviet delegation had stated its support of the principle of equal rights for all States in the exploration and use of outer space. However, the statements made by the United States delegation showed that the United States was not yet willing to assume a firm commitment to observe that principle. In the Soviet delegation's view, therefore, no agreement had been reached on the subject. Nor unfortunately had there been agreement on the principle of the freedom of outer space, since differences of opinion existed as to whether that freedom should be absolute or qualified. The United States was not yet prepared to agree to prohibit the misuse of outer space for such purposes as propaganda and espionage. Since the beginning

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(Mr. Gromyko, USSR)

of the session, the Soviet Union had made every possible effort to facilitate the reaching of agreement; that had been the purpose of its new draft declaration of basic principles (A/AC.105/C.2/L.6), which had incorporated many provisions from the texts submitted by other delegations. It was regrettable that other delegations had not made similar efforts.

His delegation therefore favoured a brief report and thought that the text suggested by the Chairman accurately stated the results of the session.

Miss GUTTERIDGE (United Kingdom) said that her delegation would favour a report which was objective but sufficiently detailed to show the areas in which agreement had been reached or was in sight. Such a report would help the Committee on the Peaceful Uses of Outer Space and the General Assembly and would facilitate the achievement of further agreement in the future.

Mr. MOJSEV (Bulgaria) considered that the text read out by the Chairman reflected satisfactorily the situation in which the Sub-Committee found itself. A more detailed report such as had been suggested by the United States representative would have to be of considerable length if it was to cover adequately the views of all the members of the Sub-Committee or even of groups of members. Such a report would give rise to prolonged discussion. His delegation fully supported the arguments advanced by the USSR representative in favour of a concise, factual report.

Mr. LIPPENS (Belgium) believed that a report prepared along the lines indicated by the Canadian representative would be entirely appropriate as it would reflect accurately what had transpired during the session.

Mr. DASHTSEREN (Mongolia) said that his delegation would prefer a concise factual report including only the necessary historical material, a statement such as that which had been read out by the Chairman and appropriate annexes. The preparation of any more detailed report would require considerable time, both for the actual drafting and for the discussion to which it would inevitably give rise.

Mr. WYZNER (Poland) said that his delegation would be the first to wish placed on record any substantial agreement which was reached in the Sub-Committee. In its view, however, no substantial agreement had been reached. Of the delegations which had submitted drafts to the Sub-Committee, only that of the USSR had made concessions and had modified its original text in order to

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(Mr. Wyzner, Poland)

accommodate points suggested by other delegations. In the circumstances, it was scarcely possible to point to any wide areas of agreement, bearing particularly in mind the relationship between the various principles set forth in the draft principles proposed. Furthermore, there had been no agreement on the method of formulating the various principles discussed and reference to them in the report would therefore be all the more difficult. The drafting and approval of a comprehensive report such as had been suggested by several delegations would be no easy task and he doubted that unanimity could be reached on a draft incorporating the points enumerated by the United States representative.

Mr. LEMAITRE (France) considered that the report of a legal body could scarcely consist of a bare listing of facts without any discussion of the questions which had been considered. The report should at least indicate the points which had been dealt with and those which still remained to be discussed. The Sub-Committee was engaged in work which was a purely preparatory character and it was unreasonable to expect that unanimity could be reported at every stage.

Mr. PRANDLER (Hungary) favoured the submission of a concise, factual report. In his view, the only points on which it might be possible to record agreement in the Sub-Committee were the principles already enunciated by the General Assembly in operative paragraph 1 of its resolution 1720 (XVI). Mere reiteration of those principles could scarcely be regarded as progress. It was no longer feasible for the Sub-Committee to hold the extensive debates to which the consideration of a more comprehensive and detailed report would inevitably give rise. The precedent of submitting a concise, factual report had been established by the Sub-Committee at the previous session. The Committee on the Peaceful Uses of Outer Space and the General Assembly could make their own judgement on the basis of a brief report and the summary records of the session.

Mr. COOK (Australia) said that the Sub-Committee appeared to have two matters to decide. The first was whether its report should consist essentially of a brief outline such as was contained in the draft statement read out by the Chairman, or whether it should be more descriptive. It would be very desirable, in his view, to issue a report containing some treatment of the issues discussed

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(Mr. Cook, Australia)

and the views which had been expressed concerning them, as the work of the Sub-Committee was of considerable interest, not only to the members of the Sub-Committee itself, its parent body and the General Assembly, but also to other bodies outside the United Nations. The Sub-Committee should bear in mind that it was not a private body but had been established by the General Assembly in order to assist the latter. Members of the General Assembly should be able to obtain a picture of what had transpired during the session without the need to read through all the summary records.

If those views of his delegation were accepted, it would be necessary to decide how specific the report should be. The USSR representative had rejected the notion that the Sub-Committee had found areas of agreement. He believed, however, that the report might well identify the particular topics to which the various sub-paragraphs of paragraph I.3 of the Chairman's draft statement referred. For example, sub-paragraph (a) might mention the questions of liability for space vehicle accidents and assistance to and return of space vehicles and astronauts; sub-paragraph (b) might refer to the greater flexibility which had been shown on the question of measures to prevent harmful experiments in outer space; sub-paragraph (c) might refer to the topic of observation satellites.

If such an approach to the formulation of the draft report could not be agreed upon, he believed that it would at least be factually correct to state that five-sevenths of the members of the Sub-Committee considered, rightly or wrongly, that some measure of agreement had been reached during the session.

Mr. HAKIM (Lebanon) regarded it as unfortunate that the parties which had been thought to have reached agreement on certain points no longer appeared even to agree on the existence of agreement between them. The Sub-Committee was therefore compelled to choose either a report which would consist essentially of a statement such as that read out by the Chairman at the opening of the meeting or, as his delegation would prefer, a report containing some reference to the subjects discussed during the session, which would indicate that some delegations held certain views, while other delegations held other views, but would not specify whether or not agreement existed on any point.

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The CHAIRMAN suggested that the Sub-Committee might wish to take into account not only the advisability but also the feasibility of submitting a particular type of report.

Mr. HAKIM (Lebanon) asked whether the requirement that decisions of the Sub-Committee should be unanimous extended to the question of approval of the Sub-Committee's report.

The CHAIRMAN referred to the statement which he had made at the opening of the session (A/AC.105/C.2/SR.16, page 3). The policy of reaching decisions by unanimous agreement had been adopted in the interest of furthering both the present and the future work of the Committee on the Peaceful Uses of Outer Space and of its Sub-Committees. Any splitting of the Sub-Committee into groups was to be avoided and the Sub-Committee should either agree unanimously or agree unanimously to disagree.

Mr. HAKIM (Lebanon) said that in the circumstances the only form of report susceptible of unanimous adoption would be a very concise one which would not include any discussion of the views that had been expressed on the topics considered by the Sub-Committee.

Mr. MEEKER (United States of America) said that if a requirement for unanimous approval of the report did in fact exist, as the Chairman had suggested, it was then quite possible that the Sub-Committee might not be able to approve any form of report, a situation which caused his delegation some concern.

Mr. CHAKRAVARTY (India) said that his delegation would have preferred a fairly detailed, but well-balanced report. Such a report now appeared out of the question in view of the rigid positions taken by the two major space Powers. The Sub-Committee was left with a choice between a very brief report and no report at all. Members of the Sub-Committee would presumably wish to have an opportunity to reflect upon the situation and he therefore proposed that the meeting should be adjourned.

It was so decided.

The meeting rose at 1.35 p.m.