



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/AC.105/C.2/SR.61
20 October 1966

ORIGINAL: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Fifth Session

SUMMARY RECORD OF THE SIXTY-FIRST MEETING

Held at the Palais des Nations, Geneva,
on Monday, 18 July 1966, at 10.30 a.m.

CONTENTS

Consideration of a treaty governing the exploration and use of
outer space, the moon and other celestial bodies (continued)

<u>Chairman:</u>	Mr. M. LACHS	(Poland)
<u>Representative of the Secretary-General:</u>	Mr. C. STAVROPOULOS	
<u>Secretary of the Sub-Committee:</u>	Miss K. CHEN	

CONSIDERATION OF A TREATY GOVERNING THE EXPLORATION AND USE OF OUTER SPACE, THE MOON AND OTHER CELESTIAL BODIES (continued)

Mr. ANGUELOV (Bulgaria) said that it would be incorrect to assert that there were no legal rules governing activities in outer space at the present time. Co-operation among States had taken place on the basis of bilateral and multilateral agreements, and many questions with a bearing on space problems had been regulated within the framework of various international organizations. However, what was now under consideration was the drawing up of legal norms to govern human behaviour in outer space, norms which would serve as a basis for space law as such. The regulation of space activities was rendered imperative by the spectacular advances being made in the technology of space exploration.

There was little purpose in debating the legal scope of the relevant United Nations resolutions or in discussing the various sources of international law. In the field of space law, it was not possible to wait for rules of customary law to be established or to ask what were the general principles applied by civilized nations. Mandatory norms of international law must be established on the subject by means of treaties, and it was in that light that General Assembly resolution 213 (XX), which defined the Sub-Committee's mandate, should be interpreted.

It was hardly necessary to prove that the establishment of a set of binding legal principles would promote the development of space law. It was the absence of such basic legal rules which was responsible for the difficulties which had arisen in the course of the Sub-Committee's efforts to draw up drafts on the questions of liability and of assistance to and return of astronauts and space craft.

In his delegation's view, an agreement on general principles governing the peaceful uses of outer space should be as broad as possible. The rules should relate not merely to the moon and other celestial bodies but to outer space as a whole; the exclusion of outer space as such would be likely to have unfortunate consequences. Another question relating to the scope of the treaty was that of the "beneficiaries" of the exploration and use of outer space. Space should be explored and used for the benefit of all countries, and a provision to that effect was to be found in the Soviet draft. Moreover, all States, large and small,

/...

(Mr. Anguelov, Bulgaria)

developed and developing, must enjoy equal rights in outer space, and all States without exception must be allowed to accede to the treaty.

The treaty should consistently reflect international law and the United Nations Charter. Close co-operation among States should be a fundamental principle in space matters.

Without discussing in detail all the provisions which should be included in a treaty, he wished to stress that what was required was a set of general rules which would, at the same time, form a harmonious and tidy whole. The rules must also be established on a realistic basis, it being accepted that States must assume primary responsibility for the treaty's application. At the present stage in the development of the international community, no other guarantees of compliance with the rules of space law could be demanded. There was another practical aspect of the principle of the responsibility of States: activities in outer space which were carried out on the basis of private initiative, as might well happen under the systems in force in some countries, were likely to be guided by selfish considerations rather than by the idea of international co-operation, and that, of course, would not be conducive to a happy development of space law.

Having studied the two draft treaties submitted by the Soviet Union (A/AC.105/C.2/L.13) and the United States (A/AC.105/C.2/L.12) respectively, he felt that the Soviet draft satisfied better the requirements which he had just set forth. He noted that the Soviet draft included all the fundamental principles set forth in resolution 1962 (XVIII).

Some representatives had raised questions concerning the actual drafting of the two texts, but it seemed to him that that was a matter which should be discussed at a later stage. From the point of view of substance, it seemed clear that it was the Soviet draft which covered the whole of the subject dealt with in the 1963 Declaration, and which should therefore be taken as a basis for the Committee's discussions -irrespective of purely procedural considerations. That naturally would not mean accepting in advance the whole content of the Soviet draft. Simply in the interests of organizing the Sub-Committee's work rationally, it would seem better to use the broader text as a basis of discussion rather than to carry on a parallel discussion on two or more different drafts.

/...

(Mr. Angelov, Bulgaria)

His delegation hoped that the drafting of a treaty regulating the behaviour of men and of States in outer space would assist the solution of conflicts on the earth. The problems of outer space could best be solved in an atmosphere of peace and co-operation among all the peoples of the world. He could not agree with the view that a clear separation could be made between space questions and international problems on the earth.

Mr. GLASER (Romania) said that his delegation felt bound, at the outset, to draw attention to certain circumstances which represented an obstacle to all international co-operation at the present time. He was referring to the aggression of the United States in Viet-Nam. The Romanian Government demanded that the bombings of the Democratic Republic of Viet-Nam and the war of aggression in Viet-Nam should be brought to an immediate end, that all United States and other foreign forces should be withdrawn from Viet-Nam, that the people's right to decide their own future should be respected, and that the Geneva agreements on Viet-Nam should be implemented.

Turning to the question before the Sub-Committee, he said that the aim should be to conclude a treaty governing the activities of States in outer space in general, and not merely activities on the moon and other celestial bodies, as one member proposed. If, for example, there was to be a legal obligation to regard astronauts as the envoys of mankind on the celestial bodies, that obligation must surely apply to outer space as well. It seemed to him that the rules governing celestial bodies in outer space must be as homogeneous as possible. It was also clear since space must be used for the benefit of all peoples, that the treaty should be open to accession by all States, so that the rules established would be universally applicable.

Any international agreement concerning outer space, to be lasting, must be in harmony with the basic principles of contemporary international legality, namely, respect for the sovereignty of States and their national independence, equal rights of States, mutual advantage, and non-interference in the internal affairs of States. In the light of those principles, the parties to the treaty must undertake to grant equal conditions to all States engaging in the exploration of outer space, and the whole of space, including the moon and other celestial

/...

(Mr. Glaser, Romania)

bodies, must be free for exploration and use by all States without any discrimination. His delegation consequently supported the view that outer space and celestial bodies should not be subject to national appropriation in any way.

The principle that astronauts should be regarded as the envoys of all mankind meant that the exploration and use of outer space must take place in conformity with international law, including the United Nations Charter, in the interests of international peace and security and of co-operation and understanding among States, and without prejudicing the interests of other States.

There should be an obligation not to place in orbit around the earth any objects carrying nuclear weapons or other weapons of mass destruction and not to station such weapons on celestial bodies or in outer space. Similarly, the establishment of military installations on the celestial bodies and all weapons tests and military manoeuvres must be prohibited, and only activities directed towards peaceful purposes must be allowed. Binding force would thus be given to the provisions of General Assembly resolution 1884 (XVIII) and, as far as the celestial bodies were concerned, the need for the prohibition of military bases and armed forces outside national territory would be satisfied.

It would be useful to include in the proposed treaty provisions to ensure respect for the sovereignty of States in regard to the rescue of astronauts and space vehicles and liability for damage caused in the preparation and execution of space activities. The Sub-Committee should consider how practicable were the suggestions put forward for incorporating in the draft treaty the agreement - if any - reached on those matters.

In the event of dispute over the interpretation or application of the proposed treaty, the parties concerned should be required to consult with each other in order to settle their differences.

The Soviet draft, in his view, offered a good and solid basis on which all members of the Sub-Committee might co-operate to codify the basic principles of international space law. In that connexion, the conclusion of a treaty of disarmament, especially nuclear disarmament, was of paramount importance.

/...

Mr. BAL (Belgium) said that his delegation was anxious to start without delay on the systematic study of the substantive issues which the Sub-Committee had to settle. The general debate had given rise to suggestions and questions which would have to be taken into account. Thus, the French and Indian representatives had asked to what extent it would be feasible to apply to the problems of outer space the rules of existing international law which governed human relationships on earth and in the atmosphere. The Indian representative had emphasized the need for precautions to be taken against the contamination of celestial bodies.

In view of the obvious desire of all the members of the Sub-Committee to make substantial progress without delay toward the conclusion of the proposed treaty, the question arose as to what methods should be followed in order to obtain maximum results in minimum time. The Sub-Committee should limit itself strictly to settling essential and urgent issues. It would be a mistake to become involved in too detailed a study of the manifold aspects of space activities. In their desire to make progress, members should not overlook the need to establish sound legal principles. It might be asked whether the drafts before the Sub-Committee had not failed to do justice to certain subjects, for example, particular aspects of the activities of international organizations. It would be especially regrettable if, owing to judicial defects, the treaty which emerged from the Sub-Committee's deliberations resulted in disputes and friction instead of understanding and co-operation.

In order to attain its present limited aim, the Sub-Committee should avoid, as far as possible, subtle doctrinal discussions such as had been going on for a long time concerning the law of the sea and air law. Despite endless discussion, however, there existed a basic law of the sea and a basic air law which enabled mankind to make progress. The Sub-Committee was not expected, at its present session, to produce a complete and definitive codification of the main rules governing the exploration and use of outer space. Its task, in his view, was to draw up as soon as possible separate regulations governing various specific aspects of space activities.

His delegation was glad to note that previous speakers in the debate had expressed their desire to see an early completion of the work, already far

/...

(Mr. Bal. Belgium)

advanced, in regard to the problems of rescue and return of astronauts and liability for damage by objects launched into outer space. It had been said that in the years to come fresh scientific discoveries would make it possible really to develop a code of space law. To a considerable degree, such development should be the result of agreements on specific aspects of space activities, agreements which should be concluded, if not simultaneously with the draft treaty at present under consideration, in any event, in the near future. Their role would be to supplement the general principles and to adapt space law as promptly as possible to changing conditions and needs.

In a systematic discussion of the United States and Soviet drafts, the best procedure, as suggested by the French representative, would be to concentrate first on the provisions other than the final clauses. It might even be advisable to consider deferring examination of other parts of the two drafts, such as the preamble, for example, to a later stage of the Sub-Committee's work.

The meeting rose at 11.40 a.m.