



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/AC.105/C.2/SR.76
13 Nov. 1967

Original: ENGLISH

COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE
LEGAL SUB-COMMITTEE

Sixth Session

SUMMARY RECORD OF THE SEVENTY-SIXTH MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 June 1967, at 3.20 p.m.

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GE.67-23633
67-28031

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<u>Members:</u>	Mr. COCCA	Argentina
	Mr. O'DONOVAN	Australia
	Mr. HERNDL	Austria
	Mr. BAL	Belgium
	Mr. SOUZA e SILVA	Brazil
	Mr. ANGUELOV	Bulgaria
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	Mr. GOCEANU	Romania
	Mr. LINTON	Sweden
	Mr. PIRADOV	Union of Soviet Socialist Republics
	Mr. OSMAN	United Arab Republic
	Miss GUTTERIDGE	United Kingdom of Great Britain and Northern Ireland
	Mr. REIS	United States of America

Representatives of the specialized agencies:

Mr. BEHRSTOCK

United Nations Educational,
Scientific and Cultural
Organization

Mr. MILDE

International Civil Aviation
Organization

Mr. VIGNES

World Health Organization

Mr. DAVID

International Telecommunication
Union

Secretariat:

Mr. WATTLES

Deputy Director,
Codification Division

Miss CHEN

Secretary of the Sub-Committee

DRAFT AGREEMENT ON ASSISTANCE TO AND RETURN OF ASTRONAUTS AND SPACE VEHICLES (agenda item 3) (A/AC.105/21; A/AC.105/C.2/W.1/Rev.2; A/AC.105/C.2/L.18; WG.1/30)

The CHAIRMAN reviewed the Sub-Committee's discussions on the item at previous sessions and observed that there were three main proposals before the Sub-Committee as set out in a comparative table in document A/AC.105/C.2/W.1/Rev.2. Preliminary agreement had been reached on certain provisions (A/AC.105/21, annex III) by an informal working party during the second part of the Sub-Committee's third session.

Mr. PIRADOV (Union of Soviet Socialist Republics) said that the Sub-Committee now had a firm legal basis for its work in the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (General Assembly resolution 2222 (XXI), annex). From the beginning of the cosmic era, his delegation had consistently advanced the view that the activities of States in outer space should be conducted on the basis of peaceful co-existence and for the benefit of mankind as a whole. The Treaty represented an important step towards that goal and its provisions concerning international co-operation with equal rights should help to promote among States and peoples the participation of all nations in peaceful outer-space activities. However, respect for the Treaty was not automatic and therefore all States must consistently abide by the principle of pacta sunt servanda. Only rigid respect for the provisions of the Treaty would ensure that outer space was really used for the benefit of mankind as a whole.

In the decade since the launching of the first artificial satellite, great strides had been made; research had rapidly advanced from hypothetical musings to complex studies of all celestial bodies and it was now scientifically certain that man would be able to reach other planets.

In view of the magnitude of the tasks assigned to the Sub-Committee under operative paragraphs 4(a) and (b) of General Assembly resolution 2222 (XXI), and the small number of meetings scheduled for the present session, the Sub-Committee must from the outset determine which of those tasks was the most important and urgent in practical terms and give it priority. In his view, the draft agreement on assistance to and return of astronauts and space vehicles met those criteria. Future developments in the exploration and use of outer space were bound to involve increasing hazards to astronauts since it was already clear that outer space was a dangerous and largely unknown environment. The recent tragic deaths of United States and USSR astronauts underlined the urgency of the need to reach agreement on the question under consideration. The Sub-Committee's task

had been facilitated by the adoption of the Treaty, which regarded astronauts as envoys of mankind in outer space and committed the States Parties to it to render to them all possible assistance in the event of accident, distress or emergency landing.

His delegation had reached the conclusion that the differences of view which had arisen in the past in the Sub-Committee had been largely artificial and had been due to the fact that considerations had been raised which were external to the main issue of the rescue of astronauts. His delegation had prepared a revised version (A/AC.105/C.2/L.13) of its proposal which took account of the relevant clauses of the Treaty and of the views expressed at previous sessions. The revised proposal related exclusively to the rescue of astronauts in the event of accident or emergency landing, and made no mention of the rescue of space vehicles on which there had been particularly protracted discussion. The USSR proposal had been simplified as much as possible, particularly the provisions governing notification of accidents and assistance to astronauts on the territory of a Contracting Party and on the high seas; it constituted the absolute minimum which would be practical at the present stage of outer space activities. The revised proposal also took account of the views that had been expressed concerning reimbursement of the expenses incurred in providing assistance under the agreement and its final clauses conformed to similar provisions in the Treaty.

He hoped that every effort would be made to reach a consensus on a draft agreement on such an important question, so as to ensure the safety of astronauts, who were risking their lives in the service of mankind. Such an agreement would be the next major contribution that the Sub-Committee could make to the cause of peaceful co-operation in the use of outer space.

There were, of course, other items on which progress could be made. The task of drafting an agreement on liability for damages caused by objects launched into outer space should be greatly facilitated by the adoption of the Treaty on the use of outer space, which provided a set of mandatory rules of international law on the subject. Moreover, the discussions held at previous sessions of the Sub-Committee had helped to elucidate certain aspects of that complex problem and to clarify the positions of delegations. The difficulties that had arisen in the past had been mainly technical, and had their origin in the complexity of the very institution of state liability. However, past experience had shown that an agreed approach to the question was not impossible to achieve. The Soviet delegation, for its part, was ready to co-operate to the utmost.

The USSR would also give the most careful consideration to the comments of members on item 4 of the Sub-Committee's agenda. In its view, the Treaty on Outer Space should serve as the basis for any discussion of activities connected with the conquest and utilization of outer space.

Lastly, he could not help noting that the Sub-Committee was meeting at a time of considerable international tension created as a result of aggression by imperialist States in South-East Asia and the Middle East. Such acts constituted a flagrant violation of the elementary norms of international law and, in addition to endangering international peace and security, undermined the work of the United Nations in promoting human progress and co-operation and understanding among nations. The aggressors should realize that their crimes would not go unpunished and that justice would triumph. The march of mankind along the road of progress could not be stopped.

Mr. REIS (United States of America) thought it regrettable that, after the good beginning that had been made at the 75th meeting, the discussion should stray from the topics on the agenda and that speakers should allude to matters that they had declined to debate in a more appropriate forum. By confining itself to the relevant subject-matter, the Sub-Committee could, with goodwill, achieve positive results.

Mr. PIRADOV (Union of Soviet Socialist Republics) remarked that he had not intended to enter into polemics and pointed out that he had not mentioned any State by name. However, he could not, in all conscience, ignore the situation prevailing in the world or refrain from drawing attention to it.

Mr. O'DONOVAN (Australia) said that the text submitted jointly by Australia and Canada (WG.1/30) was not intended to be a separate draft agreement. Although incomplete, it might be a useful working document on which a measure of preliminary agreement could be achieved. The sponsors therefore wished to maintain it, with the revisions made necessary by new developments, such as the adoption of the Treaty on Outer Space. Before submitting an amended draft, they would give careful consideration to the revised Soviet proposal and to any others that might be made.

Mr. PICK (Canada) seconded the remarks made by the representative of Australia. He hoped that the Secretariat would be able to prepare a new comparative table of provisions embodying the latest changes.

Mr. COCCA (Argentina) said that the delegations of Argentina, Lebanon and Mexico would not press for rigid adherence to the wording of their joint proposal provided that the ideas underlying it were accepted.

He felt that the draft just submitted by the USSR overlooked one very important point in that it neglected to mention the status of the astronaut as an envoy of mankind. Since that concept was embodied in the new Treaty on Outer Space, it should appear in all proposals for an agreement on assistance to astronauts, or the General Assembly might consider that the Sub-Committee was not properly carrying out its mandate. He too felt that it might be useful and might facilitate agreement if, at the present stage, draft proposals dealt exclusively with the subject of astronauts, leaving aside space vehicles.

ORGANIZATION OF WORK

Mr. REIS (United States of America) asked in what way the meetings of Working Groups I and II would differ from those of the Sub-Committee, in view of the identical composition of all three bodies.

The CHAIRMAN observed that, for one thing, there would be no summary records of the meetings of the Working Groups.

Mr. KRISHNA RAO (India) hoped that it would be possible to provide summary records for the meetings of the Working Groups as well.

Mr. AMBROSINI (Italy) agreed that summary records would be desirable in the case of working groups consisting of all members of the Sub-Committee. He thought, however, that it might be better to appoint working groups of not more than five or six members, in which case no summary records would be required.

After a brief procedural discussion, in which Mr. AZIMI (Iran), Mr. OTSUKA (Japan) and Mr. OSMAN (United Arab Republic) also took part, the CHAIRMAN suggested that he should hold consultations to ascertain the wishes of the Sub-Committee concerning the provision of summary records, and that a decision should be taken by the Sub-Committee after those consultations.

It was so decided.

The meeting rose at 4.50 p.m.