

With regard to the first problem, the primary task of lawyers was to define the legal nature of outer space and to determine the boundary between it and air space. Various theories had been put forward on the subject, all of which had their partisans as could be seen from the discussion at the previous meeting. However, the problem was highly complex, for, although the annexes to the Chicago Convention defined an aircraft as a machine deriving support from the reaction of the air, that criterion was not included in the legislation of some countries, such as the United States of America, the Federal Republic of Germany and the German Democratic Republic. So far as the new Polish air law was concerned, it defined "aircraft" as meaning any machine moving anywhere in space. As a space object could thus be regarded as an "aircraft", it became difficult to distinguish precisely between the two types of space by means of a definition of the devices which moved in them. Nevertheless, there was a technical limit to the exploration of air space by civil aviation; it was marked by an altitude of about 50 miles and corresponded to the limit of the stratosphere. No civilian craft had so far been able to attain the speed required to exceed that altitude. As the limit in question was approximately that of the perigee of devices placed in orbit, it should be possible to arrive at a basis for a definition of the two types of space by placing the stratosphere under the sovereignty of the subjacent State.

In any event, the task of lawyers would be simplified if States themselves could conclude a treaty establishing a boundary between air space and outer space without going into technical details, but it was doubtful whether such an agreement was possible at the present time.

As to the legal nature of outer space, it could be defined as the space situated outside the limits of air space, or as the space in which outer space activities could be carried on. Such a definition would thus be based on environment. In his delegation's opinion, it would certainly be useful for the Legal Sub-Committee to put certain questions to the Scientific and Technical Sub-Committee, since the replies would enable it to go more deeply into the problems, although its task was unlikely to be greatly simplified as a result. It was difficult to establish the specific relationship between the two Sub-Committees and to say that one could not work without the other.

He reserved the right at a later stage to revert to the question of the use of outer space.

The meeting rose at 4.20 p.m.

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

Sixth Session

PROVISIONAL SUMMARY RECORD OF THE EIGHTY-SECOND MEETING

held at the Palais des Nations, Geneva,
on Thursday, 6 July 1967, at 3.20 p.m.

CONTENTS:

- Consideration of questions relative to
- (a) the definition of outer space
 - (b) the utilization of outer space and celestial bodies, including the various implications of space communications (PUOS/67/Conference Room Paper No. 1) (continued)

N.B. Participants who wish to have corrections to this provisional summary record incorporated in the final summary record of the meeting are requested to submit such corrections in writing, preferably on a copy of the record itself, to the Languages Division, Room 443, Palais des Nations, Geneva, within three working days of receiving the provisional record in their working language.

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CE. 67-12512

<u>Chairman:</u>	Mr. WYZNER	(Poland)
<u>Members:</u>	Mr. COCCA	Argentina
	Mr. O'DONOVAN	Australia
	Mr. ZEMANEK	Austria
	Mr. BAL	Belgium
	Mr. SOUZA E SILVA	Brazil
	Mr. ANGUELOV	Bulgaria
	Mr. MILLER	Canada
	Mr. RIHA	Czechoslovakia
	Mr. DELEAU	France
	Mr. HARASZTI	Hungary
	Mr. KRISHNA RAO	India
	Mr. AMBROSINI	Italy
	Mr. OWADA	Japan
	Mr. DAMDINDORJ	Mongolia
	Mr. BEREZOWSKI	Poland
	Mr. GOGEANU	Romania
	Mr. COLE	Sierra Leone
	Mr. LINTON	Sweden
	Mr. PIRADOV	Union of Soviet Socialist Republics
	Mr. SIRRY	United Arab Republic
	Miss GUTTRIDGE	United Kingdom of Great Britain and Northern Ireland
	Mr. REIS	United States of America

Representatives of the specialized agencies:

Mr. STEAD International Telecommunication Union

Secretariat:

Mr. WATTLES Deputy Director, Codification
Division

Miss CHEN Secretary of the Sub-Committee

CONSIDERATION OF QUESTIONS RELATIVE TO
(a) THE DEFINITION OF OUTER SPACE
(b) THE UTILIZATION OF OUTER SPACE AND CELESTIAL BODIES, INCLUDING THE
VARIOUS IMPLICATIONS OF SPACE COMMUNICATIONS (PUOS/67/Conference Room
Paper No.1) (continued)

Mr. GOGEANU (Romania) said that, in his statement at the 80th meeting of the Sub-Committee, the representative of France had clearly shown the advantages and disadvantages of a definition of outer space and, in particular, had related scientific data to the legal consequences of giving priority to any one of the scientific criteria on which a legal definition might be based. In theoretical terms, the purpose of defining outer space was to establish the precise scope of application of a legal regime to govern outer space activities, somewhat on the analogy of the Chicago Convention governing the use of air space. In practical terms, a definition was needed because the rapid progress of science meant that a legal framework must be created for the many problems arising in the peaceful uses of outer space by States. A definition of outer space was urgently needed and must, moreover, take account of both the current and probable future levels of scientific research.

Objectively speaking, any definition must be based on the fundamental principles governing contemporary international relations, namely respect for sovereignty and national independence, equality of rights, mutual advantage, and non-interference in domestic affairs. While the States parties to the Treaty of January 1967 as sovereign States, recognized that it was necessary to promote the explanation and use of outer space, the purpose of the definition was to determine the limits of the obligations of States and to provide States with a framework that would secure and protect their sovereign rights. In addition, in line with the Treaty, the definition must be such as to ensure free access to outer space for all States in order to encourage all activities that would promote peace and progress and to ensure friendly relations and co-operation among States.

His delegation shared the view of the Argentine and other representatives that the definition must take account of the fundamental principle of inter-State relations, namely sovereignty. In addition, the Sub-Committee should not reject any approach to the problem out of hand but should give all approaches careful consideration in evolving a definition. It should also not forget that it was, in a sense, a pioneer in a new field.

His delegation agreed that it would be advisable to seek the advice of the Scientific and Technical Sub-Committee as a first step in drafting the definition; it was ready to give careful consideration to any specific proposals concerning a definition of outer space.

The CHAIRMAN observed in connexion with the preliminary draft resolution introduced by the representative of France (PUOS/67/Conference Room Paper No.1), that the last phrase in the English text of the preamble should read: "relating to the study of the technical aspects of the legal subjects referred to in resolution 2222 (XXI)".

Mr. COCCA (Argentina) said that the views expressed by the representative of France at the 80th meeting of the Sub-Committee had confirmed his own delegation's opinion that the law of outer space was not only establishing new legal norms but was changing, sometimes quite radically, contemporary international law, since, under the Treaty of January 1967, States and international organizations alone were recognized as undertaking activities in outer space and States had to assume international responsibility for the activities of their nationals and for any damage which such activities might cause. It would be important, in each case, to determine the State or international organization engaged in the use of outer space and therefore responsible. His delegation had pointed out on a previous occasion that, if obligations and responsibilities were imposed upon international organizations, it should also be recognized that they had rights and powers. However, international organizations, including the United Nations itself, had no locus standi before the International Court of Justice. Articles 34 and 66 of the Statute of the Court clearly indicated that international organizations could not appear as parties in cases before the Court and that they were limited to providing information, in writing or orally, at the request of the Court, or on their own initiative. It was paradoxical that the United Nations could not present claims against a State before its own principal judicial organ, and that was why his delegation had proposed the establishment of an arbitration commission under the convention on liability for damage caused by space vehicles (A/AC.105/C.2/L.25).

With regard to extractive activities on celestial bodies, which could vary from the taking of small samples for research purposes to the systematic exploitation of extra-terrestrial resources, he considered that such insubstantial objects as cosmic dust and small meteorites, which would normally burn out on entering the Earth's

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atmosphere, could not be considered as celestial bodies under the Treaty of January 1967. On the other hand, an intensive exploration of the Moon's surface, for example, would imply the appropriation of resources which were owned by mankind as a whole. His delegation therefore considered that the wealth and natural resources of the moon and other celestial bodies could be used solely for the benefit of mankind as a whole, and any exploitation or development of those resources must be undertaken in conformity with a legal regime established by the Sub-Committee to regulate such activities. His delegation's position in the matter was guided by the work done by the Economic and Social Council on the question of permanent sovereignty over natural resources.

With regard to the use of outer space for military purposes, on which the Czechoslovak representative had also made some interesting comments, the French representative had assumed that, since the Treaty was silent on the subject, such activities as the use of observation satellites to detect nuclear experiments were lawful. If that view was pursued to its logical conclusion, it could be argued that military manoeuvres in outer space were lawful since they were not specifically prohibited by article IV of the Treaty. However, the Treaty quite clearly referred to the Moon and other celestial bodies as parts of outer space. So far, outer space had not been considered as analogous to the high seas on which, under contemporary international law, military manoeuvres were lawful. Military manoeuvres in outer space would not only not be peaceful activities, but would be unlawful, since they would run counter to the spirit and the principal objective of the Treaty. The only indisputably lawful activity in outer space was exploration by astronauts acting as civilian explorers, exclusively for peaceful purposes.

The question of space communications was of particular interest to Argentina. As early as March 1964, the Argentine delegation at an inter-American meeting of authors had touched on the legal problems involved in the use of space communications, particularly as regards copyright and performance rights. In July 1964, a round table conference on a legal regime for satellite telecommunications had been held in Buenos Aires and had concluded -- several months before the Agreement Establishing Interim Arrangements for a Global Commercial Communications Satellite System and the Special Agreement had been opened for signature in Washington in October 1964 -- that there were two legal stumbling-blocks in the agreements. The word "single", with reference to a global communications satellite system, had been transferred from the

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technological and economic field into an agreement of international scope. However, it had not been appropriate, even as a temporary formulation, since even now the most favourable possibility was that some regulations could be made uniform within all the various legal systems. It was now generally agreed that uniform regulations rather than a single set of regulations should be sought. Under the agreements, the global communications satellite system was to be "commercial", while the Buenos Aires round table conference had considered it preferable that it should be an international public service, since commercial considerations were alien to the international scope of the proposed undertaking, which should serve the international community first and consider profitability afterwards. Those views seemed to have been confirmed by what had happened subsequently. It was still not possible to speak of a "single" system, even in technical terms, since some countries already had two communications systems: INTELSAT and a communications system for defence purposes. In addition, NATO had requested the United States space industry to set up a satellite communications system, and a bilateral agreement on the question had been signed by the United Kingdom and the United States.

In the three years since the Washington Agreements a number of different systems had evolved, and it was likely that more would be appearing. His delegation was therefore convinced that the views expressed at Buenos Aires must be borne in mind, namely that regulations must be made uniform wherever possible and that space communications must be viewed as a public service. The criteria for a public service were that it must be regular, continuous, effective and it must meet a community need. It seemed that since 1965 those criteria applied to space communications, and certainly to those of an international nature. INTELSAT, in the administration of which Argentina played a full part, was a genuine international public service, since it operated for non-commercial purposes. In his delegation's view, if activities in outer space were to be undertaken for really peaceful purposes and for the real benefit and welfare of mankind, they must be viewed as an international public service, initially with space communications and later with the space applications of meteorology, navigation, geodesy, cartography, seismology, surveys of the earth's resources, etc. The notion of international public service was also applicable to education and cultural exchanges.

Since his delegation too was concerned about saturation in the optimum frequencies for space communications, he endorsed the French representative's suggestion that the advice of the Scientific and Technical Sub-Committee should be sought on the matter, and thought that there should also be closer liaison with the International Telecommunication Union and with UNESCO on matters within their competence. For example, Frequencies should be reserved for UNESCO for such humanitarian goals as the eradication of illiteracy and cultural exchanges, which could do so much to promote a better world for all.

Mr. O'DONOVAN (Australia) said that the representative of France had outlined several possible approaches to the complex problems involved in formulating a definition of outer space and in any significant consideration of the utilization of outer space. Previous speakers had drawn attention to the various criteria by reference to which a definition of outer space might be formulated and had pointed out that the Sub-Committee needed scientific and technical information to enable it to judge which of the possible criteria it would be more advantageous to adopt. However, the discussion so far had been based on the assumption that the Sub-Committee should seek a single definition of outer space for all purposes; his delegation was not at all sure that that assumption was warranted.

As Mr. Seydoux, the Permanent Representative of France, had pointed out at the April meeting of the Committee on the Peaceful uses of Outer Space, discussion might well show that the boundary line between the law of the air and the law of space could not be based on a single definition, but might require various definitions appropriate to different activities. The recent history of the law of the sea suggested that that possibility was only too real. The International Telecommunication Union had adopted definitions of certain concepts directly relating to the subject now under discussion in the Sub-Committee. The definition of the term "Deep Space" in regulation 84 BA of the Radio Regulations was mathematically precise while the definition of "Space Station" in regulation 84 AE was of a flexible nature. However, for the ITU's work, each definition no doubt served a useful purpose. Presumably that organization had not yet found it necessary or desirable to define outer space, although it was concerned with practical issues involving communications in air space and in outer space.

While the Australian delegation doubted whether it would prove possible or even desirable to formulate a single all-embracing definition of outer space, it did believe that there would be some advantage in having certain scientific and technical data relating to the definition of outer space and its utilization. However, any material sought from the Scientific and Technical Sub-Committee should be of the kind that that Sub-Committee was competent to provide. That body should not, for example, be required to consider either political or legal issues. Australia would therefore have difficulty in agreeing that all the substantive questions proposed in the French draft resolution should be referred to the Scientific and Technical Sub-Committee. For example, he doubted the propriety of requesting that Sub-Committee to express its views as to which space activities should be governed by a system of legal regulations, for that would call for the exercise of political and legal judgement.

As to the procedure for approaching the Scientific and Technical Sub-Committee, the Australian delegation thought that the Chairman of the Legal Sub-Committee should address a letter to the sister Sub-Committee through the Chairman of the Committee on the Peaceful Uses of Outer Space. That procedure would be more appropriate than the adoption of a formal resolution. However, the Sub-Committee should have an opportunity to consider the form and the substance of the questions to be referred to the Scientific and Technical Sub-Committee.

Mr. PIRADOV (Union of Soviet Socialist Republics) wished to draw attention to the importance of the basic concept - emphasized by the representative of France - that the utilization of outer space should be for the good of all mankind, taking account of the lawful interests of States.

At the beginning of the space age, a number of jurists had favoured the notion that there should be no limit on freedom of activity in outer space. However, the concept of unrestricted freedom had been finally and irrevocably abandoned in the course of the drafting of the Treaty on outer space. There was now a set of established legal norms governing the activities of States in outer space and the use of outer space in general. Under article III of the Treaty, States had solemnly undertaken to use outer space and celestial bodies in accordance with international law, including the United Nations Charter, in the interest of maintaining international peace and security and promoting international co-operation and understanding. Those were very important provisions and they meant that outer space must not be used for the promotion or conduct of wars of aggression, for war propaganda, for the instigation of racial hatred or enmity among peoples or for any acts designed to encroach on the sovereign rights of States. That central idea must form the basis for the Sub-Committee's work in codifying the principles governing the use of outer space.

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As several delegations had pointed out, the question was what further problems the Sub-Committee would be considering after completing its present tasks. Obviously it should give priority to the more pressing problems that affected man's life on Earth. The Soviet Union fully agreed that jurists should give consideration to the vital practical necessities arising out of the conquest of outer space. They must keep pace with scientific and technical developments relating to outer space and effectively promote the cause of utilizing space for the good of mankind. The representative of France, among others, had emphasized the great practical importance of the question of communications. The representative of Czechoslovakia had recommended that the codification of fundamental legal principles governing the use of space communications should be an item on the agenda of one of the Sub-Committee's next sessions. The Soviet delegation fully supported that proposal. The formulation of such legal principles should help to ensure that space communications were used for the good of mankind, in the interest of progress and the strengthening of friendly relations among peoples. All States, without discrimination, should have the right to utilize space for the establishment of communications. The United Nations and its specialized agencies - and especially the ITU - should actively contribute to the regulation of that question, so as to ensure broad co-operation in the development of communications on a basis of equality.

As to the problem of defining outer space, the Soviet delegation shared the general view that it was extremely complex. It was hardly surprising that the Treaty on outer space failed to include a definition of outer space, given the serious objective difficulties that had baffled the lawyers of many countries. However, as the literature showed, specialists in international law had not been idle and considerable progress was being made.

The main legal problem concerning outer space had to do with the boundary between air space and outer space. A number of proposals had been made for the delineation of that borderline but their advocates differed considerably among themselves. So far no specific proposal concerning the delineation of such a boundary or for a definition of outer space itself had been advanced by a State. That was no doubt because of the scarcity of data on outer space at the present stage.

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The representative of France had suggested consulting the Scientific and Technical Sub-Committee. The Soviet delegation supported that view in the belief that it was important to elucidate the scientific and technical aspects of certain problems if the Legal Sub-Committee were to conduct its work on a scientific basis. The procedure for approaching the Scientific and Technical Sub-Committee was surely a problem of secondary importance. Moreover, since that body was composed of the same States as the Legal Sub-Committee, it should have little difficulty in considering the questions that were of interest to the Legal Sub-Committee. It would also be very useful if the summary records of the relevant discussions in the Legal Sub-Committee could be made available to the members of the sister Sub-Committee.

Mr. MILLER (Canada) expressed appreciation to the delegation of France for its valuable and comprehensive survey of problems pertaining to the definition and utilization of outer space. It seemed to be agreed that, in view of its complexity, the problem of defining outer space would require extensive examination. In that endeavour, the Scientific and Technical Sub-Committee might provide valuable assistance.

Various criteria had been suggested for the drawing of a demarcation line between sovereign air space and free outer space. Altitude was one such criterion. So far no delegation had advocated an altitude that would be higher than the lowest perigee attainable by an orbiting space object. For its part, the Canadian delegation felt that the altitude should be as low as possible so as not to impede further progress in space exploration and utilization. At the same time, any such boundary should afford appropriate protection for such vital interests as the national security of subjacent states.

He agreed with the French delegation that the definition of outer space should be simple and clear and take account of both practical experience and the needs of the world community. If the definition was to be based on a dividing line between air space and outer space there was one sound practical reason for setting such a boundary at a very low altitude. Some spacecraft, on their re-entry from orbit, might have to traverse long distances at relatively low altitudes before landing. In the not too distant future some States might well raise the question of transit rights. It would be most unfortunate if the question of transit became the object of bilateral arrangements, comparable to those found in air navigation agreements. The rights of transit for spacecraft of all States engaged in the peaceful exploration and use of outer space should be the object of one of the main provisions of an agreement on a definition of outer space.

Furthermore, outer space should be defined in terms that would not prove compromising in some future and as yet unforeseen context. It should not be forgotten that the exploration of outer space was still very much in its infancy.

In his statement, the representative of France had provided a comprehensive survey of existing uses of outer space. Canada, for its part, was particularly concerned with the use of satellites for communications for surveying natural resources, weather surveillance and the like. The success of those activities ultimately depended upon interference-free use of radio signals. The need for careful management of the radio spectrum was even clearer when one considered that traditional and satellite radio transmissions through space would eventually provide a link between the Earth and manned installations on celestial bodies, and between spacecraft stationed in outer space. Without the fullest co-operation of all users of the radio spectrum through the ITU, and without appropriate allocation of radio frequencies and discipline in the use of that resource, mankind might not be able to make full use of the opportunities opened up by space exploration. Incidentally, the present international assignment of radio frequencies was not satisfactory to Canada.

At present the ITU lacked the authority to enforce the international Radio Regulations in cases of violation and abuse. It was clearly in the common interest to establish international procedures to protect users of the radio spectrum against interference. The use of satellites for direct broadcasting, permitting transmissions to be beamed directly to home receivers throughout the world, would raise a number of problems, and it would be wise to establish definite policies to meet that development in advance. The Sub-Committee would therefore be well advised to give serious consideration to that problem at some future date.

At future sessions the Sub-Committee might profitably discuss such questions as the management and allocation of resources on celestial bodies, the problem of keeping outer space free of useless hardware and the registration of space vehicles.

The problem of registration had frequently arisen in the proceedings of the Sub-Committee. It had first been mentioned in the report of the Ad Hoc Committee on the Peaceful Uses of Outer Space, which had suggested "identification and registration of space vehicles" as one of the legal problems requiring priority consideration. The term "State of Registry" appeared in the Declaration of Legal Principles and in the Treaty on outer space but had not been elaborated in either document. In view of the importance of the concept underlying it, Canada felt that high priority should be given to the elaboration of that term. Consideration should also be given to the possibility of expanding the scope of the registry of space launchings kept by the Secretary-General to include spacecraft launched by international organizations or by two or more States jointly. Such an expanded registry might also prove useful in eliminating certain obstacles that the Sub-Committee had encountered in drafting agreements concerning assistance and liability.

With regard to the recommendations contained in the proposed French draft resolution, Canada agreed that the Scientific and Technical Sub-Committee should be asked to provide a list of scientific criteria that would help the Legal Sub-Committee in its task of defining outer space. It also agreed that the sister Sub-Committee should be invited to state its views on the relevancy of the various criteria requested. However, it should be clearly understood that the Legal Sub-Committee would wish to reserve its right to decide upon the acceptability of such criteria.

Canada also endorsed the proposal that information should be requested concerning various space activities and their effects on the Earth, in air space and in outer space. However it had serious misgivings about asking the Scientific and Technical Sub-Committee to suggest an order of priorities for the regulation of such activities. That task, if undertaken, should fall to the Legal Sub-Committee.

Lastly, the Canadian delegation fully supported the suggestion that the summary records of the Sub-Committee's discussions of the item should be made available to the Scientific and Technical Sub-Committee. Canada also favoured the suggestion that the Scientific and Technical Sub-Committee should be approached by means of a formal letter through the Chairman of the Committee on the Peaceful Uses of Outer Space.

Mr. AMBROSINI (Italy) said that he considered the scope of the French preliminary draft resolution too wide. What was required at present was not a definition of outer space but rather a criterion of demarcation between outer space and air space. That was a practical, not a scientific, problem. The Scientific and Technical Sub-Committee should simply be invited to consider whether such demarcation was possible and, if so, what altitude should be selected, bearing in mind the practical requirements of outer space activities.

He reverted to the suggestion he had made at the 79th meeting, namely, that some members of the Scientific and Technical Sub-Committee should be invited to attend meetings of the Legal Sub-Committee and vice versa. Members of both bodies could thereby gain valuable insight into the nature and complexity of their colleagues' work.

Mr. COCCA (Argentina) agreed with the Italian representative that closer contact between the two Sub-Committees was desirable. Similar collaboration between scientists and lawyers had yielded positive results at the Buenos Aires Round Table. He thought, however, that it might be preferable, from both a procedural and a practical point of view, to hold occasional joint meetings of both Sub-Committees, thereby ensuring direct personal contact between them and obviating the need for written communications.

The CHAIRMAN observed that, as the same States were represented on both Sub-Committees, it was not clear what form a joint meeting would take.

Mr. ZEMANEK (Austria) said that the wording of operative paragraph 4(b) of General Assembly resolution 2222 (XXI), which requested the Committee on the Peaceful Uses of Outer Space to begin the study of questions relative to the definition of outer space, was perhaps unfortunate: as previous speakers had said, what needed to be defined was not outer space itself but the borderline between it and air space. The problem was legal as well as practical; for example, article I of the Treaty on outer space provided that there should be freedom of scientific investigation in outer space, but no one knew precisely where that freedom began.

He was not in favour of the idea that there should be joint meetings of the two Sub-Committees. Such meetings were unlikely to enhance the mutual understanding of scientists and lawyers, as the Italian representative hoped. Moreover, the international character of both bodies meant that there could be no free exchange of views at a joint meeting, for all those present would presumably be speaking on the instructions of their respective Governments and it was highly unlikely that - for example - a scientist and a lawyer representing the same State would contradict one another.

He thought the form of the request which the Italian representative had suggested putting to the Scientific and Technical Sub-Committee inappropriate, since the decision regarding demarcation was political and legal rather than scientific in character.

As to the French preliminary draft resolution, his delegation understood operative paragraph I to mean that the Scientific and Technical Sub-Committee should review possible criteria and indicate which of them could, in its opinion, best serve as the basis of a legal definition of outer space. The paragraph was happily worded, for the multiplicity of theories regarding the definition of outer space was due to the fact that they were all based on different criteria, none of which the authors of the theories, who were lawyers rather than scientists, had themselves been able to evaluate. He stressed, however, in connexion with paragraph I (c), that the actual selection of the borderline between air space and outer space was a matter for the Legal Sub-Committee or its parent body, and did not fall within the competence of the Scientific and Technical Sub-Committee.

Similarly, the list of activities and order of priority referred to in paragraph II of the preliminary draft resolution would merely express a scientific point of view and would in no sense be binding on the Legal Sub-Committee.

His delegation shared the French view that article II of the Treaty on outer space, which prohibited national appropriation, left a gap in logic. There was a sense in which any State which placed an installation on, say, the Moon automatically appropriated the portion of the Moon covered by the installation. The question would remain academic so long as exploitation of the Moon remained impossible, but once such exploitation became possible it was not clear how the ban on national appropriation was to be construed. That problem, too, was legal rather than scientific.

On the question of telecommunication and related matters, he felt that caution was required, since competent specialized agencies already existed. It would be best if full use were made of the relationship between those agencies and the United Nations itself, with strict regard for their respective areas of competence.

Mr. KRISHNA RAO (India) said that, in order to obviate financial and administrative problems, it would be better to secure the desired liaison between lawyers and scientists either by discussions in the parent Committee or by reviving the former practice of holding sessions of both Sub-Committees at the same time.

Mr. AMBROSINI (Italy) said that, while he welcomed the Argentine representative's support, his own suggestion had been, not that there should be joint meetings of the two Sub-Committees, but that some members of each body should attend meetings of the other. Such a procedure would be valuable and would raise no great difficulties. He therefore proposed that the Chairman of the Scientific and Technical Sub-Committee should be invited to select members to attend meetings of the Legal Sub-Committee.

He also suggested that the third preambular paragraph of the French preliminary draft resolution could be deleted, since the Treaty already specified that outer space was not subject to national appropriation by claim of sovereignty.

Mr. DAVID (International Telecommunication Union) said that it was generally admitted that no vessel could be launched into outer space without the aid of some form of telecommunication. The ITU, as the specialized agency of the United Nations responsible for the technical aspects of telecommunication, was therefore vitally interested in all matters relating to the peaceful uses of outer space.

One of ITU's permanent organs, the International Consultative Committee on Radio, had already been active for some years in drawing up recommendations relating to the technical specifications of the necessary equipment, and as early as 1959, frequency bands had been reserved in the International Radio Regulations for space research. In 1963 a special conference had been convened by the ITU to revise the Radio Regulations in order to take into account further developments and the advent of communication, radionavigation and meteorological satellites. Since then ITU's governing body had carried out an annual review of developments in space communications with a view to recommending the convening when necessary of a conference to work out further agreement for the regulation of the use of radio frequency bands.

Although the ITU was not directly concerned with the purely legal aspects of outer space, it had a particular interest in the question of demarcating where outer space began. As the Sub-Committee undoubtedly knew, in order to avoid mutual interference, special frequency bands in the radio spectrum were reserved for each of the various services - broadcasting, the maritime service, the aeronautical service and so forth. When space communications had appeared on the horizon, it had become necessary to reserve frequency bands for those communications, and therefore to differentiate between aircraft and spacecraft. Lengthy discussions on the subject had taken place in both 1959 and 1963, and the same difficulties had arisen as were before the Sub-Committee now. The only solution that could be found at the time had been to define a space radio station as "a station in the space service located on an object which is beyond, is intended to go beyond, or has been beyond, the major portion of the earth's atmosphere" - a definition which, to say the least, was lacking in precision.

In conclusion, he said that the ITU would be only too happy to collaborate with both the Legal and the Scientific and Technical Sub-Committees in examining the question.

Miss GUTTERIDGE (United Kingdom) said that it would be better to defer consideration of the question of joint meetings until the Scientific and Technical Sub-Committee had replied to the questions which the Legal Sub-Committee was proposing to put to it.

Mr. BEREZOWSKI (Poland) agreed with the United Kingdom representative, adding that joint meetings, or attendance by a number of members of one Sub-Committee at meetings of the other, would alter the system of work on matters concerning outer space which had been established by the General Assembly. It had been decided that there should be two distinct Sub-Committees, and mingling of the two would not yield good results.

The meeting rose at 5.40 p.m.

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LEGAL SUB-COMMITTEE
Sixth Session

SUMMARY RECORD OF THE EIGHTY-THIRD MEETING
held at the Palais des Nations, Geneva,
on Friday, 7 July 1967, at 3.30 p.m.

CONTENTS:

Organization of work

Study of questions relative to:

- (a) the definition of outer space
- (b) the utilization of outer space and celestial bodies,
including the various implications of space communications
(agenda item 4) (continued)