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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Special Session

SUMMARY RECORD OF THE EIGHTY-EIGHTH MEETING

Held at Headquarters, New York,
on Friday, 15 December 1967, at 3.40 p.m.

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Draft agreement on assistance to and return of astronauts and space
vehicles (A/AC.105/C.2/L.28/Rev.1) (continued)

PRESENT:

Chairman:

Mr. WYZNER (Poland)

Members:

Mr. GOWLAND Argentina

Mr. McKEOWN Australia

Mr. MARSCHIK Austria

Mr. BAL Belgium

Mr. MELO Brazil

Mr. YANKOV Bulgaria

Mr. MILLER Canada

Mr. GOTMANOV Czechoslovakia

Mr. DELEAU France

Mr. PRANDLER Hungary

Mr. RAO India

Mr. BAYANDOR Iran

Mr. CARDUCCI-ARTENISIO Italy

Mr. OTSUKA Japan

Mr. TELLO Mexico

Mr. CHULJUNBAATAR Mongolia

Mr. KOZLUK Poland

Mr. MICU Romania

Mr. COLE Sierra Leone

Mr. BLIX Sweden

Mr. PIRADOV Union of Soviet Socialist
Republics

Mr. EL ARABY United Arab Republic

Mr. DARWIN United Kingdom of Great Britain
and Northern Ireland

Mr. REIS United States of America

Secretariat:

Mr. STAVROPOULOS Under-Secretary, Legal Counsel

Mr. SLOAN Secretary of the Sub-Committee

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DRAFT AGREEMENT ON ASSISTANCE TO AND RETURN OF ASTRONAUTS AND SPACE VEHICLES
(A/AC.105/C.2/L.28/Rev.1) (continued)

Mr. BLIX (Sweden) recalled that at the eighty-sixth meeting of the Sub-Committee he had expressed some misgivings about the wording of article 3 and article 5, paragraphs 2 and 3, of the draft agreement. The inclusion of the words "or held at the disposal of" in article 5, paragraph 3, now made that paragraph satisfactory to his delegation. A small change in the wording of article 5, paragraph 2, would remove the difficulty which his delegation had in approving that paragraph. He proposed that the words "and with assistance from that authority, if requested," should be inserted after the phrase "upon the request of the launching authority". From consultations with the United States, the USSR and other representatives, he understood that his amendment would be generally acceptable. He regretted that it had not been possible for him to consult all members of the Sub-Committee.

Article 3 of the draft agreement placed an obligation on those contracting parties which were in a position to do so to assist in search and rescue operations for the personnel of space craft who had sighted on the high seas or in any other place not under the jurisdiction of any State. His delegation would like an assurance that in fulfilling that obligation the contracting party concerned would be allowed to obtain assistance from the launching authority if needed.

Mr. REIS (United States of America) said that his delegation welcomed the Swedish amendment to article 5, paragraph 2, and considered it an improvement. He suggested, however, the deletion of the comma before the words "if requested", for reasons of English style. With regard to the Swedish comment on article 3, his delegation considered that, under article 3, a contracting party would be entitled as a matter of right to obtain assistance from the launching authority and that the latter would have a duty to render such assistance.

Mr. BLIX (Sweden) accepted the United States representative's suggestion for the deletion of the comma before the words "if requested" in article 5, paragraph 2, and thanked him for his clarification concerning article 3.

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The CHAIRMAN said he took it that the United States representative had accepted the Swedish amendment on behalf of both the United States and the USSR delegations. The Sub-Committee could therefore now regard article 5, paragraph 2, as thus amended.

Mr. BAYANDOR (Iran) said that from the statements made at the two previous meetings and from informal exchanges of views with other delegations, it was evident that the great majority of delegations would welcome a change in article 2 of the draft agreement. He was glad to see that the misgivings which he had expressed at the eighty-sixth meeting were shared by a number of other delegations. He noted with satisfaction that the authors of the present text had entered into negotiations concerning a rewording of that article. He suggested that the last two sentences of article 2 should be replaced by the following:

"If the Contracting Party does not find itself in a position to effect a prompt rescue, it shall, subject to the control and direction of its own authorities for purposes of safety and security, co-operate with the launching authority with a view to the effective conduct of search and rescue operations."

The new text was self-explanatory. It clarified the situation as between the launching authority and the Contracting Party regarding the precise moment when co-operation should start, and it also stressed the important considerations of safety and security. He would not submit his amendment formally at the present stage but reserved the right to do so later.

Mr. MILLER (Canada) said that his delegation welcomed the Swedish amendment to article 5, paragraph 2, because it rectified the omission - which he had noted at the eighty-sixth meeting - of a paragraph which had been included in the revised proposal submitted by Australia and Canada at the sixth session (A/AC.105/C.2/L.20), requiring the launching authority to extend assistance where necessary in recovery or return operations.

The CHAIRMAN suggested a suspension of the meeting so that delegations might hold further consultations for purposes of clarification.

The meeting was suspended at 4 p.m. and resumed at 5.35 p.m.

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Mr. DELEAU (France) said that a number of delegations were engaged in consultations but that no definite agreement had yet been reached. He therefore suggested that the meeting should be adjourned in order to allow the consultations to continue.

It was so agreed.

The meeting rose at 5.40 p.m.