

SUMMARY RECORD OF THE ONE HUNDRED AND SEVENTH MEETING

held on Wednesday, 26 June 1968, at 10.55 a.m.

Chairman:

Mr. WYZNER Poland

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 3) (A/AC.105/C.2/L.45-46, A/AC.105/C.2/L.49 and A/AC.105/C.2/L.50/Rev.1, A/AC.105/C.1/WP.V.1 and 2, OSAG/Background Paper) (resumed from the 104th meeting and concluded)

The CHAIRMAN said that the Sub-Committee had three proposals to decide upon: a revised version of the French proposal (A/AC.105/C.2/L.50/Rev.1), the Swedish proposal (A/AC.105/C.2/L.49) and the Czechoslovak proposal (A/AC.105/C.2/L.46).

Mr. DELEAU (France), introducing his delegation's revised proposal, said that the original proposal had been simplified and improved on the basis of comments and suggestions made during the discussion. He hoped it would now be acceptable to all members of the Sub-Committee.

Mr. REIS (United States of America) suggested the following amendments to the French proposal, to bring it into line with the wording of the agenda item. In the operative paragraph of part I, the words "question of" should be replaced by the words "study of questions relative to". In the first preambular paragraph of part II, the words "questions relating to the peaceful uses" should be replaced by the words "study of questions relative to the utilization". In operative paragraph (b) of part II, the words "the peaceful uses" should be replaced by the words "questions relative to the utilization".

Miss GUTTERIDGE (United Kingdom) supported the United States amendments.

In connexion with operative paragraph (a) of part II, she asked if the representative of France could explain the meaning of the words "the particular problems". She suggested that in the same paragraph the word "arise" should be replaced by the words "have arisen".

With regard to the last phrase of operative paragraph (b), it was a function of the Committee on the Peaceful Uses of Outer Space, rather than of the Sub-Committee, to give effect to Article 58 of the Charter. She therefore suggested that the words "in order to give effect to Article 58 of the Charter concerning co-ordination among the various specialized agencies" should be replaced by the words "in order that these may be examined and discussed by the Legal Sub-Committee".

Mr. MILLER (Canada) supported the United States and United Kingdom amendments. He proposed that in operative paragraph (b) the words "the draft convention" should be replaced by "a draft convention".

Mr. O'DONOVAN (Australia) said that he was disappointed that the French proposal made no mention of the Scientific and Technical Sub-Committee. He suggested that an additional paragraph should be inserted after the first preambular paragraph, to read: "Noting that the Scientific and Technical Sub-Committee discussed the definition of outer space at its fifth session and decided to continue its consideration of the matter at future sessions". It should be remembered that the Scientific and Technical Sub-Committee had undertaken that task at the Legal Sub-Committee's request.

Mr. PIRADOV (Union of Soviet Socialist Republics), referring to the Swedish proposal, suggested that it would be more correct procedurally if the operative paragraph were amended to read: "Recommends to the United Nations Committee on the Peaceful Uses of Outer Space that it request the Scientific and Technical Sub-Committee to consider the question of direct broadcasting satellites with a view to preparing a study ...".

Mr. DAVID (International Telecommunication Union) (ITU) said that ITU welcomed the chance of answering specific questions from the Sub-Committee, but it feared that the terms of the first sub-paragraph of operative paragraph (a) of the French proposal were too wide.

The problems facing ITU were of course only those that came within its terms of competence and which were consequently capable of being solved by it. Unlike most of the specialized agencies, ITU did not work on a programme basis. It was an organization concerned with the day-to-day running of the world telecommunication network, and the problems arising in that connexion, which were mainly technical, were dealt with on a continuous basis. Administrative conferences were convened as and when necessary to legislate for developments and new practices in the field.

ITU had been the first international organization to be concerned with the systematic utilization of outer space, for radio services had for the past fifty years used certain ionized layers surrounding the earth and the ITU frequency allocations and Radio Regulations had reflected that fact. In 1963 the ITU Radio Regulations had been adapted to take into account advances in the use of outer space by the launching

of objects into it and the development of the science of radio astronomy: the subject of space communications had been on the agenda of the CCIR since 1959, two years after the launching of the first sputnik. The Radio Regulations would be adapted again at a special Space Radio conference in 1970 or 1971 in the light of advances since 1963. Perhaps at that time problems would come to light which could not appropriately be dealt with within ITU regulations having regard to ITU's existing competence. In that case the necessary changes could be made to the ITU Convention at the plenipotentiary conference in 1971.

ITU reported annually to the United Nations on its activities in the field of outer space communications and it was difficult to see what further information could be provided in answer to the French proposal, other than an elaboration of the material already contained in the annual report. Presumably, what the Legal Sub-Committee wanted to know was, firstly, whether the existing body of international agreements reached under the aegis of the specialized agencies and the International Atomic Energy Agency (IAEA) did regulate or was capable of regulating satisfactorily all existing or foreseeable problems connected with the utilization of outer space; secondly, whether the specialized agencies and IAEA were aware of any problems arising from the use of space objects in the fields within their competence that could not be resolved through their existing regulations. On the first question, the Sub-Committee could presumably reach conclusions only after examining the existing treaties. The second question might be put to the specialized agencies and IAEA, in which case the text of the first sub-paragraph of operative paragraph (a) might be changed accordingly.

With regard to co-ordination, ITU already had a well-tried and hitherto successful mechanism with the agencies concerned with various aspects of telecommunications, such as the International Civil Aviation Organization (ICAO), the World Meteorological Organization (WMO), the Inter-Governmental Maritime Consultative Organization (IMCO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). In the absence of a specialized agency dealing with outer space, it was understandable that the United Nations should co-ordinate matters in that field, and ITU would do everything possible to co-operate. He doubted whether the proposed request to the specialized agencies and IAEA in its present form would elicit much information of material interest to the Sub-Committee that was not already given in ITU's annual report.

Mr. RIHA (Czechoslovakia) said that his delegation had appreciated the comments made on its proposal and would give them careful attention.

In connexion with the problem of relations with ITU, his delegation's position had been explained in detail at the 102nd meeting. It was certainly not his delegation's intention that ITU's functions should be encroached upon, but it had observed that in the present context there were legal problems waiting to be solved but there was no legal body within ITU. With regard to the elaboration of the legal principles on which the creation and functioning of space communications should be based, his delegation had submitted its proposal in the sincere belief that a discussion on the utility of elaborating such principles would be useful, even if its conclusion were negative. Nevertheless, he appreciated the doubts of certain representatives and would not press for a decision on his proposal at the present time.

With regard to the French proposal, his delegation had already supported the basic ideas in the original draft. In a spirit of compromise it would support the revised draft and the proposed amendments, although it would have preferred the last phrase of operative paragraph (b) to remain unchanged.

He supported the Swedish proposal and the amendment proposed to it by the USSR delegation.

The CHAIRMAN said that, in view of the Czechoslovak representative's statement that he would not at that stage press for a decision on his delegation's proposal, he would ask the Sub-Committee to concentrate its attention on the French and Swedish proposals.

Mr. REIS (United States of America) expressed his appreciation of the Czechoslovak representative's willingness to consider the suggestions made. He thought that the question of direct broadcasting satellites and any other related topics which delegations might wish to introduce could well be considered under the item on the study of questions relative to the definition and utilization of outer space at the Sub-Committee's next session.

He supported the amendment proposed by the USSR representative to the Swedish proposal.

He endorsed the ITU observer's comments on the French proposal. If in the course of the inquiry to be undertaken the specialized agencies wished to draw

attention to the desirability of revising their regulations or agreements or constitutive instruments, they were at liberty to do so but he did not consider it appropriate at that stage to ask them to concentrate specifically on that question.

Mr. PIRADOV (Union of Soviet Socialist Republics) said that his delegation doubted the advisability of including sub-paragraph (b) in part II of the French proposal. The French delegation's proposal for a draft convention concerning the registration of objects launched into space (A/AC.105/C.2/L.45) required detailed study and he thought it would be premature to place the question on the agenda of the Sub-Committee's next session as a specific item. Both that subject and the subject of the Czechoslovak proposal could be considered under the item on the definition and utilization of outer space. He therefore suggested that the words "of the draft convention on the registration of objects launched into space for the exploration or use of outer space;" should be deleted from the revised French proposal.

Mr. PERSSON (Sweden) said that his delegation had submitted its proposal because the implications of fixed direct broadcasting satellites were of such vast social, economic, political and legal significance for all countries that it was essential that the United Nations should not delay consideration of the question. When the proposed study was completed, it would give the Sub-Committee a basis for the establishment of the necessary legal instrument. His delegation's proposal was complementary to the revised French proposal. He accepted the USSR amendment to his delegation's proposal and supported the amendment proposed by the Australian representative to the French proposal.

Mr. ZEMANEK (Austria) said that it was his Government's constant policy to support any delegation which wished to place an item on the agenda of a United Nations body. It considered that all Governments should be given the opportunity of raising topics of concern to them and the placing of an item on the agenda did not in any way prejudice the position of other delegations.

In that spirit, his delegation had agreed to the proposals before the Sub-Committee. He was, however, puzzled by the USSR representative's comments on the French proposal. The USSR representative had proposed that there should be no specific reference to the question of the draft convention on the registration of objects launched into space because it could be discussed under the main agenda item

on the definition and utilization of outer space. Since that was true of all the proposals before the Sub-Committee, there seemed no reason why one should be singled out for deletion.

Mr. REIS (United States of America) supported the Swedish proposal.

Mr. DELEAU (France) supported the Swedish proposal as amended.

He accepted the amendments proposed by the Australian, Canadian, United Kingdom and United States representatives to his delegation's proposal. With regard to the United Kingdom representative's question about "the particular problems", they were the specific problems which had arisen or might arise from the utilization of space means. It had been suggested that operative paragraph (b) of part II of his delegation's proposal entailed the placing of new items on the Sub-Committee's agenda. He wished to explain to the USSR representative that those topics would be placed under the general item on the utilization of outer space. He thought that the time was ripe for the study of both questions and that a number of delegations felt that a study of a draft convention on registration was desirable.

Miss GUTTERIDGE (United Kingdom) supported the Swedish proposal, as amended by the USSR representative, and thanked the French representative for accepting her delegation's amendment to the revised French proposal.

The Swedish proposal (A/AC.105/C.2/L.49), as amended, was adopted unanimously.

The CHAIRMAN noted that a consensus appeared to have been reached on the revised French proposal, with the exception of the words "of a draft convention on the registration of objects launched into space for the exploration or use of outer space" in part II, sub-paragraph (b), whose deletion had been proposed by the USSR representative.

Mr. NAKAJIMA (Japan) said that his delegation shared the opinion expressed by the Austrian representative with respect to the inclusion of the reference in sub-paragraph (b) to a draft convention on registration. It could not agree with the USSR representative that inclusion of the question of a draft convention on registration in the agenda of the eighth session of the Sub-Committee was premature, for it thought that the formulation of a system of registration was of great importance. The substantive question would not be prejudged by inclusion of the sentence in question in the agenda. His delegation would express its views when the matter was taken up at the eighth session of the Sub-Committee.

Mr. PIRADOV (Union of Soviet Socialist Republics) said that his delegation had no objection in principle to discussion of the question of registration in the context of the existing agenda item concerning the utilization of outer space and celestial bodies, including the various implications of space communications. Owing to the complexity of the question, however, and to the fact that his delegation had not had the opportunity to study the revised French proposal with sufficient care, it was not at present prepared to agree to the inclusion of that question in the agenda of the eighth session as a separate item. It could agree with the Austrian representative's remarks. Perhaps sub-paragraph (b) could be entirely deleted. He thought that his delegation's position was justified in the light of the current phase in the Sub-Committee's work and he hoped that the French delegation would appreciate that position.

The CHAIRMAN suggested that, since unanimous agreement could not be reached on the phrase concerning a draft convention on registration, the Sub-Committee should approve the remainder of the text.

Mr. DELEAU (France) said that his delegation could not accept the deletion of the phrase in question, for it was vital to the proposal, whose nature would be radically altered if it were not included. He requested that the meeting should be suspended for informal consultations among the delegations concerned.

The meeting was suspended at 12.20 p.m. and resumed at 12.55 p.m.

The CHAIRMAN said that the informal consultations among a number of delegations including those of France and the USSR, had made it possible to reach an understanding that the words "of a draft convention on the registration of objects launched into space for the exploration or use of outer space" would be deleted from the French proposal and the following statement included in the report on the seventh session of the Sub-Committee, in the chapter dealing with the text of that proposal: "No agreement was reached in the Sub-Committee on the inclusion of the wording concerning a draft agreement on the registration of objects launched into space for the exploration or use of outer space in the resolution. It was agreed, however, that this draft convention could be considered at the next session of the Sub-Committee under the agenda item entitled 'the utilization of outer space and celestial bodies, including the various implications of space communications'."

Mr. MILLER (Canada) said that, during the suspension of the meeting, his delegation had discussed its view that sub-paragraph (a) was too vaguely worded with the observer for ITU and a number of delegations. In order to prevent that wording from eliciting the response mentioned by the observer for ITU, his and other delegations suggested that the sub-paragraph should be amended to read:

"(a) to request the specialized agencies and the International Atomic Energy Agency to examine and report to it on the particular problems that have arisen or may arise from the use of outer space in the fields within their competence and that they consider should be brought to the attention of the Committee on the Peaceful Uses of Outer Space;"

Miss GUTTERIDGE (United Kingdom) said that that amendment was acceptable to her delegation, which had been concerned about the original vague wording of sub-paragraph (a). The problem had been to enable ITU, IAEA and the other specialized agencies to provide the Sub-Committee with the results of their studies and investigations which would be of use to it. The new wording indicated more clearly what was required and made it possible for the specialized agencies to point out the problems with which they were not qualified to deal under their own regulations and conventions.

Mr. DELEAU (France) said that his delegation welcomed the Canadian amendment.

Mr. REIS (United States of America) said that his delegation, too, welcomed the Canadian amendment and was grateful to the French delegation for its willingness to accept that amendment.

The CHAIRMAN invited the Sub-Committee to approve the revised French draft resolution, as amended, including the text of the wording to be included in the report of the Sub-Committee on its seventh session.

The revised French draft resolution (A/AC.105/C.2/L.50/Rev.1), as amended, was adopted unanimously.

Mr. DELEAU (France) pointed out that his delegation had agreed to the formula adopted, in a spirit of compromise. He regretted, however, that the question of a draft convention on the registration of objects launched into space for the exploration or use of outer space, which was an important and urgent issue, had been dealt with in a rather unusual fashion.

The meeting rose at 1.10 p.m.