



UNITED NATIONS  
GENERAL  
ASSEMBLY



PROVISIONAL  
For participants only  
A/AC.105/C.2/SR.197  
5 April 1973  
ENGLISH  
ORIGINAL: FRENCH

COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Twelfth Session

PROVISIONAL SUMMARY RECORD OF THE ONE HUNDRED AND NINETY-SEVENTH MEETING

Held at Headquarters, New York,  
on Monday, 2 April 1973, at 11.30 a.m.

Chairman:

Mr. WYZNER

Poland

CONTENTS

General exchange of views (continued)

Draft convention on registration of objects launched into space for the  
exploration or use of outer space

Organization of work

Corrections to this record should be submitted in one of the four working languages (English, French, Russian or Spanish), preferably in the same language as the text to which they refer. Corrections should be sent in quadruplicate within three working days to the Chief of the Official Records Editing Section, Office of Conference Services, Room LX-2332, and also incorporated in one copy of the record.

AS THIS RECORD WAS DISTRIBUTED ON 5 APRIL 1973, THE TIME-LIMIT FOR CORRECTIONS WILL BE 10 APRIL 1973.

The co-operation of participants in strictly observing this time-limit would be greatly appreciated.

*Colin*



GENERAL EXCHANGE OF VIEWS (continued)

Mr. COCCA (Argentina) said that his delegation hoped that work would be completed on the two new draft international instruments relating to the moon and the registration of objects launched into space, which were of considerable importance for the progressive development and codification of international law. However, the Sub-Committee must in both cases prepare clearer texts containing more specific principles and concepts.

The provisions of the draft treaty relating to the moon should apply as well to other celestial bodies until such time as they were covered by special regulations. If the technology developed by man had already permitted the exploration of celestial bodies other than the moon, there was no reason why the agreed principles relating to the moon should not apply to them, as that would create an inexplicable juridical gap.

All matters relating to the liability of States for their activities relating to the moon and other celestial bodies were of considerable importance. The 1972 Convention on International Liability did not, however, cover celestial bodies and new rules concerning them should be formulated, while extending to them the modern juridical concepts already formulated with respect to liability. If such an extension was not possible, a new instrument should be elaborated, for example, in the form of a protocol to the 1967 Treaty, and in the meantime the provisions of that Treaty and the 1972 Convention should be applied to other celestial bodies.

The preservation of the balance of the lunar environment was another concern of his delegation, which believed that the moon should be kept free of pollution such as that found on earth. All subjective criteria must be set aside in the common interest and in order to permit the more effective application of law.

With respect to the international scientific zones it was proposed to establish on the moon and other celestial bodies, his delegation felt that such zones should be covered by a declaration with the participation of the competent United Nations body, namely, the Committee on the Peaceful Uses of Outer Space, and that the proposed protective arrangements should be open to all States in order to ensure the control of the world scientific community over activities carried out in those restricted zones. The establishment of lunar stations, whether manned or not,

/...

(Mr. Cocca, Argentina)

should, moreover, conform to the principle of the "minimum occupied area" required for the needs of the station and notification of establishment should be obligatory. His delegation also felt that human life and health on the moon should be protected and, together with the Polish delegation, had been the first to propose that human activity should be regulated in that regard.

In view of the fact that, once the 1967 Treaty entered into force, international co-operation would become a juridical obligation and would determine the legality of activities conducted in outer space, his delegation welcomed the role which the draft treaty relating to the moon assigned to international organizations. It also welcomed the reference in the draft, with respect to its interpretation and application, to the 1967 Treaty, the 1968 Agreement and the 1972 Convention, as that reflected progress towards the consolidation and more specific application of outer space law. The role ascribed to the Secretary-General of the United Nations in the peaceful settlement of disputes and the possibility that the treaty could be reviewed after it had been in force for five years were additional positive elements.

His delegation recalled its belief that the Secretary-General should be designated as depositary of the proposed treaty. That was the solution which had in fact been considered most appropriate in 1971, when the draft convention on international liability had been approved.

Furthermore, his delegation could not endorse the present version of article XVIII, paragraph 3, of Working Paper 1, which stipulated that the treaty would not enter into force until the depositary Governments had deposited their instruments of ratification. That provision would have to be deleted if it was agreed that the Secretary-General should be designated the depositary of the proposed treaty. However, if the Sub-Committee adopted the solution calling for three depositaries, it would be necessary to use the provision in article XXIV, paragraph 3, of the Convention on International Liability, which stated that the Convention would enter into force on the deposit of the fifth instrument of ratification; that would eliminate any possibility of a veto by a depositary State.

Lastly, the concept of the common heritage of mankind should be incorporated in the draft. The concept, which already could be found in the 1962 Declaration of Principles and had been included in the 1967 Treaty, had also been adopted with

/...

CHM  
Cocca



(Mr. Cocca, Argentina)

respect to the sea-bed, and there was no going backwards in a treaty relating to the moon. In that connexion, his delegation had just submitted a working paper (PUOS/C.2(XII)/WG.I/Working Paper 8) which, after reaffirming that the moon and other celestial bodies and their natural resources were the common heritage of all mankind, took up the suggestions already advanced by several delegations regarding the exploitation of those resources and called for an international régime to regulate such exploitation. Article XI, paragraph 2, of that document also included a suggestion by the Bulgarian delegation.

As to the registration of objects launched into space, his delegation recognized the value of the French-Canadian draft and the United States draft. It was aware of the need for the early preparation of a draft treaty on that important subject and hoped that with the co-operation of all delegations it would be possible to arrive at a text acceptable to all. His delegation believed that the Secretary-General should be the depositary of the proposed treaty and supported the provision in article VII, paragraph 3 of the United States draft calling for the Convention to enter into force on the deposit of the fifth instrument of ratification.

Mr. CEAUSU (Romania) said that the international instruments which the Sub-Committee had already adopted for the purpose of codifying space law prompted a confident and optimistic approach to the future. The controversial issues concerning the draft treaty relating to the moon could be resolved easily if only all members would abandon prejudices and preconceptions and endeavour to reach a compromise. For example, with respect to the application of the treaty, the Bulgarian draft constituted the basis for a generally acceptable text. As concerned the natural resources of the moon, it was necessary to agree on a general formula conducive to the elaboration of an international régime to regulate the future exploitation of the moon's resources as the common heritage of mankind. For the time being it would be premature to go into detail on the international régime. He was convinced that it would be possible to resolve the other difficulties at the current session in such a way as to guarantee the right of all States to participate in the exploitation and exploration of the moon's resources.

His delegation was convinced that a special convention on the registration of objects launched into space was indispensable to ensure the smooth operation of

/...

(Mr. Ceausu, Romania)

instruments already adopted on the subject and to permit the demilitarization of outer space. The increased interest in the question, to which the draft recently introduced by the United States delegation bore witness, would promote a successful effort to settle the remaining points of controversy.

Romania had been one of the first countries to emphasize the need to elaborate principles governing direct broadcast satellites. His delegation had supported the Soviet proposal calling for the preparation of an international convention on the subject in the belief that that initiative was a response to matters of current concern and that it contained specific guidelines for the solution of the juridical problems involved. His delegation was convinced that the Sub-Committee would be able to elaborate principles to facilitate a wide exchange of scientific and cultural information, thereby encouraging a rapprochement among peoples. To that end, the Sub-Committee should take into account the Declaration adopted by UNESCO on the Guiding Principles on the Use of Satellite Broadcasting for the Free Flow of Information, the Spread of Education and Greater Cultural Exchange.

With respect to agenda item 6, the report of the Working Group on Remote Sensing of the Earth by Satellites had stressed the current interest of a technique which, although granted was still in the experimental stage, nevertheless already posed many juridical and political problems. Activities relating to the remote sensing of the earth's resources differed from the activities in space governed by the 1967 Treaty. It was not a question of space activities *per se*, since it was the earth, its subsoil and its atmosphere that were involved. Moreover, at least some of the installations were situated on the earth. Accordingly, all activities relating to the remote sensing of the earth's resources could not be governed by the 1967 Treaty; principles and rules specifically applicable to that field must be elaborated. The principles of respect for the independence and sovereignty of States, non-interference in the domestic affairs of States and equality of rights of all States must underlie efforts to that end. Furthermore, such standards and principles should conform to the principle of the permanent sovereignty of States over their natural resources. They should embody the following principles: the right of every State to participate fully in co-operative activities in that field; the necessity of securing the prior consent of the State whose resources would be analysed; protection against illicit acts of remote sensing

/...



(Mr. Ceausu, Romania)

which might cause damage; the obligation of States which launched satellites to make available any information relating to the territory of a State to the State concerned; and the registration of space objects.

Mr. TAYLOR-KAMARA (Sierra Leone) noted that the Sub-Committee, as required by the General Assembly in its resolution 2915 (XXVII), would give priority treatment to the draft treaty relating to the moon and the draft convention on registration of objects launched into space. It was to be hoped, however, that such priority treatment would not prejudice consideration of the other items on the agenda, which were of equally great importance to the developing countries, and that the Sub-Committee would be able to examine, in a true spirit of co-operation and conciliation, all of the items included in its agenda at the current session.

As far as the draft convention on registration of objects launched into space (item 3) was concerned, he was confident that a fruitful exchange of views in a conciliatory atmosphere would facilitate the preparation of a final text.

In his delegation's opinion, the treaty relating to the moon should apply not only to the moon but also to other celestial bodies. Moreover, the concept of the common heritage of mankind, to which all developing countries attached the utmost importance, should figure prominently in the treaty, preferably in the operative part, or, if that was not possible, in the preamble.

Mr. FREELAND (United Kingdom) welcomed the developments which had taken place since the 1972 session of the Sub-Committee and singled out for mention the granting of observer status to the European Space Research Organization and the European Launcher Development Organization.

With regard to the draft treaty relating to the moon, his delegation had stated at the preceding session that its attitude to any such treaty would depend largely on the extent to which it marked an advance over the provisions already contained in the 1967 Treaty. The Sub-Committee's work at the preceding session had been very useful in that regard, and his delegation was optimistic that the issues left unresolved could be satisfactorily settled at the current session. In the conciliatory atmosphere which had prevailed, it should be possible to narrow the remaining gaps, or even to close them, and his delegation supported the suggestion that two additional days should be allocated for consideration of the draft treaty.

(Mr. Freeland, United Kingdom)

The doubts of the United Kingdom about the utility of a convention on registration of objects launched into space had already been explained on a previous occasion. Nevertheless, the delegations of Canada and France were to be commended on their constructive efforts, and the draft submitted recently by the United States was based on a practical approach and should enable the Sub-Committee to make progress. Success by the Sub-Committee in completing either or both of the instruments on which it had begun to work would be a real achievement, and as much time as possible should be devoted to such an endeavour. The position reached on the last two items of the agenda did not justify devoting much of the Sub-Committee's time to them at the current session.

Mr. CORREA (Mexico), speaking with reference to the draft treaty relating to the moon, said that his delegation fully supported the concept of the common heritage of mankind cited by the delegations of Sierra Leone and Argentina. The first implication of that concept was the need for immediate recognition of the right of mankind as a whole to develop such resources, even if practical opportunities for development were unlikely to present themselves in the near future. The second implication was that every country should be able to benefit from the results of scientific research, which was of such great importance to the developing countries, and in that connexion the principle of freedom of research on the moon and other celestial bodies should be supplemented by a clause making it mandatory for States which had gathered information to transmit such information to all interested States in pursuance of the provisions of the 1967 Treaty.

Turning to the subject of registration, he said that his delegation had closely studied the United States draft and felt that it was not enough to codify the existing notification procedure; rather, a new system of registration should be established making prior notification of launchings mandatory. The importance of notification for the developing countries was considerable, for they had to be able to ascertain, *inter alia*, the extent to which their territory was being observed and whether natural resources had been detected therein. While reserving the right to revert to the subject when item 3 was taken up, his delegation noted that

/...



(Mr. Correa, Mexico)

article IV, paragraph 2, of the United States draft applied only to space objects in orbit, whereas all objects launched into space, whether or not they left the earth's atmosphere, should be covered.

Mr. CHARVET (France) recalled that the previous Friday in the Working Group, his delegation, after noting the substantial progress made on the draft treaty relating to the moon, had suggested that the Sub-Committee should delay beginning its consideration of item 3 by two days. His delegation would not, however, press the proposal if it would disrupt the work plans of other delegations.

DRAFT CONVENTION ON REGISTRATION OF OBJECTS LAUNCHED INTO SPACE FOR THE EXPLORATION OR USE OF OUTER SPACE (A/AC.105/C.2/L.85 and L.86)

The CHAIRMAN recalled that at its preceding session the Sub-Committee had agreed upon the text of the preamble and nine articles of the draft convention on registration of objects launched into space; the recommendation of the Committee on the Peaceful Uses of Outer Space that the work of the Sub-Committee on the draft convention should be pursued as a matter of priority had been approved by the General Assembly in resolution 2915 (XXVII). The Sub-Committee now had before it a United States draft (A/AC.105/C.2/L.85), a new Canadian-French draft (A/AC.105/C.2/L.86) and the text formulated by the Sub-Committee at its 1972 session (A/AC.105/101, para. 31). At the request of members, a comparative table of the three texts was being prepared by the Secretariat.

Mr. MILLER (Canada), introducing the joint Canadian-French proposal relating to a convention on registration of objects launched into space (A/AC.105/C.2/L.86), said that even though it had not been possible to reach a consensus on all the details at the preceding session, the most important principles had been accepted thanks to the conciliatory spirit which had characterized the deliberations of the Working Group on the subject. As the Canadian representative had stated in the First Committee at the last session of the General Assembly, Canada was particularly pleased that there was no objection to the idea of providing the Secretary-General with information on objects launched into space. However, the present system did not provide an adequate foundation for governing space activities. There was a need for a more comprehensive, fully accessible

/...

(Mr. Miller, Canada)

international system based on compulsory registration, prompt provision of information and the updating of information. It was for the purpose of creating such a system that Canada had closely co-operated with France to build upon the original French suggestions. Since the preceding session at Geneva, Canada and France had held bilateral discussions to refine the joint draft, and the results were to be found in document A/AC.105/C.2/L.86. The official statement by the United States favouring mandatory registration, contained in the United States proposal in document A/AC.105/C.2/L.85, was very welcome, and it was to be hoped that other States engaged in space activities would, in the interests of the international community as a whole, announce their acceptance of the system. While Canada and France had been unable to study the United States draft fully before submitting their own proposal, they had borrowed some of its ideas so as to narrow at the very outset the gaps between the two texts.

He then introduced the French-Canadian proposal article by article. With regard to the preamble, he noted that the first paragraph had been amended to take into account the idea contained in the corresponding paragraph in the United States proposal. The second, third and fourth paragraphs had been taken from the text drawn up by the Working Group and reproduced in the report of the Sub-Committee on the work of its eleventh session (A/AC.105/101, pp. 18-22). The sponsors had decided to leave the word "national" in square brackets in the second paragraph out in deference to the views of other countries such as the United States. In the fifth paragraph, which had been taken from the Working Group's text, the sponsors had felt that the square brackets should be deleted. The sixth paragraph introduced the idea, borrowed from the United States text, of a mandatory system of registering. He pointed out that a distinction should be made between "registration" and "registering". "Registration" referred to the establishment at the national level of a legal link between the space object and the launching State, as provided for in article VIII of the 1967 Outer Space Treaty, while "registering" took place after information on the launching of space objects had been communicated to the Secretary-General, who then recorded the information in a central register which, according to the United States proposal, would be the only

/...



(Mr. Miller, Canada)

register of real importance. In any event, the establishment of a mandatory system of registering was essential for the regulation and orderly administration of space activities.

The sponsors had replaced the reference to "space law" by the more general reference to "the application of international law to outer space activities" since they felt that the rules of law applicable to space did not constitute a separate body of law but were simply an extension of the fundamental principles of international relations to space. The seventh paragraph was the same as the Working Group's text and differed from the United States formulation in that it provided for a more comprehensive inventory system than the present one maintained by the Secretary-General.

Article I of the draft (A/AC.105/C.2/L.86) was based on the Working Group's text but did not retain the definition of the term "space object" given by the Working Group since that was still a controversial question. Article II, paragraph 1, was the same as the Working Group's text: it stated the obligation of establishing a legal link between the object and the launching State by recording the object in a national register, in accordance with the suggestion made originally by the French delegation, which should be clearly set out. Article II, paragraph 2, was also the same as the Working Group's text but differed from the United States text, which called only for the registration of objects launched into earth orbit or beyond. It would seem that responsibility should also be defined with regard to sub-orbital rockets. On the other hand, one could ask whether the register should be cluttered with objects that aborted or were destroyed when a mission was prematurely terminated.

Article III followed the Working Group's text; there was no similar provision in the United States draft. Article IV had been simplified as compared to the Working Group's text; the United States proposal contained no such provision. Article V corresponded to article VI of the Working Group's draft and article IV of the United States draft. It did not stipulate whether the information should be provided before or after the launch, whereas the United States draft specified that the information should be provided after the launch. Subparagraphs (a) to (j) of paragraph 1 should be compared to the corresponding provisions in the Working

/...

(Mr. Miller, Canada)

Group's text and the United States text; the passages that had been underlined were a guide to where the draft had been simplified and made more general than in the Working Group's text. Paragraph 2 followed the text drafted by the Working Group.

Article VI corresponded to article VII of the Working Group's text. However, the sponsors found attractive the provision in the United States draft calling for even fuller access to information on the central register. Article VII, which followed exactly article VIII of the Working Group's text and corresponded to article V of the United States draft on the offer of assistance in cases of identifying a space object that had caused damage, provided that the assistance could also be provided in other circumstances. Article VIII corresponded to article V of the Working Group's text, although the order had been changed and it had been amended slightly to emphasize that consultations would be aimed at improving methods of giving effect to the Convention as a whole. There was no similar provision in the United States draft. Article IX was identical with the Working Group's text and with article VI of the United States draft; in that connexion, he had listened with interest to the suggestions made by the representative of Argentina on the final clauses.

## ORGANIZATION OF WORK

After a discussion in which Mr. CHARVET (France), Mr. MILLER (Canada), Mr. GRIMBERG (Bulgaria), Mr. PIRADOV (Union of Soviet Socialist Republics) and Mr. SARDENBERG (Brazil) took part, the CHAIRMAN proposed that the Sub-Committee should spend another two days on agenda item 2 and take up item 3, to which six days would be devoted, on Wednesday, 4 April, on the understanding that the general debate would be continued on 4 April.

It was so decided.

The meeting rose at 1.20 p.m.