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11 April 1973
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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Twelfth Session

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

Held at Headquarters, New York,
on Friday, 6 April 1973, at 10.50 a.m.

Chairman: Mr. WYZNER Poland

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the exploration or use of outer space (continued)

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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.

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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) (continued)

Mr. YOSHIDA (Japan) said that the Sub-Committee had two formal proposals before it, the draft submitted by France and Canada and the draft submitted by the United States, and one informal draft combining the two formal proposals which had been worked out during consultations among the countries concerned. Such efforts should be welcomed. Article VIII of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies provided that "a State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body". The international community should therefore work out a convention on registration of objects in order to ensure the satisfactory operation of that provision. The Agreement on Rescue and Return of Astronauts and the Convention on International Liability also foresaw the elaboration of such a convention.

In his delegation's view, such a convention should serve three purposes. In the first place, it should establish a juridical link between each object and the State launching it. That link would be similar to the relationship which existed between nationals of a State and the State. It might also be possible to establish an analogy with the registration of ships and aircraft. That juridical link would give concrete substance to article VIII of the Treaty on Outer Space. His delegation was glad to note that the sponsors of the two drafts put such a link in the proper perspective.

Secondly, the convention on registration of objects should serve to establish an orderly international census of objects launched into space. Such a census, if properly established, would serve the interests of the international community which had the right to know how outer space, "the province of all mankind", was used. Full access to the central register to be maintained by the Secretary-General should therefore be ensured.

Thirdly, the convention should assist States in identifying fragments of space objects in order to ensure the proper implementation of the Convention on

(Mr. Yoshida, Japan)

International Liability. Theoretically, there were various means of ensuring the identification of such fragments, but if a workable régime was to be established in that respect, it was important to be realistic and choose the best solution from the point of view of effectiveness, economy and stage of technical development. In that connexion, his delegation was attracted by the idea embodied in article V of the informal draft worked out following consultations.

There were two schools of thought with regard to the entry into a national register of an object launched by two or more States: according to one, the launching States should designate a single State on whose register the space object should be carried. That was the view of those who interpreted article VIII of the Treaty on Outer Space as providing that an object should be placed under the jurisdiction of a single State. According to the other school of thought, the convention on registration should not preclude the possibility of an object being carried on the registers of two or more States where there were several launching States. The latter interpreted article VIII of the Treaty as applying also to the case where two or more launching States exercised jurisdiction over the same object. In his delegation's view, that question deserved very careful consideration since it was probable that launchings by two or more States would become increasingly frequent.

ORGANIZATION OF WORK

The CHAIRMAN recalled that at its tenth session the Legal Sub-Committee had set up a small drafting group, composed of eight members, to draft the text of the Convention on International Liability. The same might perhaps be done at the current session for the elaboration of the treaty relating to the moon. If so, such a group should be established without delay since the Sub-Committee and its subsidiary organs could not meet at the same time since only one team of interpreters was available to them.

Mr. MILLER (Canada) supported that suggestion but said he hoped that the drafting group would not encroach on the time given to Working Group II.

Mr. CAPOTORTI (Italy), supported by Mr. YOSHIDA (Japan), suggested that Working Group I should meet one more time before a drafting group was set up, and try to remove the remaining square brackets in the draft treaty relating to the moon, particularly with regard to the application of the treaty.

The CHAIRMAN suggested that Working Group I should meet the following Monday morning and Working Group II in the afternoon.

It was so decided.

The CHAIRMAN suggested that, in accordance with the request of several members of the Sub-Committee, there should be no meeting on the afternoon of Friday, 20 April, which was the last day of the session.

It was so decided.

The meeting rose at 11.20 a.m.



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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Twelfth Session

PROVISIONAL SUMMARY RECORD OF THE TWO HUNDREDTH MEETING

Held at Headquarters, New York,
on Monday, 9 April 1973, at 10.55 a.m.

Chairman: Mr. WYZNER Poland

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

Draft treaty relating to the moon (continued)

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