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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Third Session (second part)

SUMMARY RECORD OF THE FORTIETH MEETING

Held at Headquarters, New York,
on Friday, 23 October 1964, at 5 p.m.

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PRESENT:

Chairman:

Mr. LACHS

(Poland)

Members:

Mr. NACO

Albania

Mr. BELTRAMINO

Argentina

Sir Kenneth BAILEY

Australia

Mr. ZEMANEK

Austria

Mr. CARVALHO SILOS

Brazil

Mr. KARASIMFONOV

Bulgaria

Mr. KINGSTONE

Canada

Mr. PRUSA

Czechoslovakia

Mr. DELEAU

France

Mr. EÖRSI

Hungary

Mr. MISHRA

India

Mr. AMBROSINI

Italy

Mr. YAMAZAKI

Japan

Mr. HAKIM

Lebanon

Miss AGUIRRE

Mexico

Mr. DASHTSEREN

Mongolia

Mr. TABITI

Morocco

Mr. OSIECKI

Poland

Mr. BOLINTINEANU

Romania

Mr. MOROZOV

Union of Soviet Socialist
Republics

Mr. IBRAHIM

United Arab Republic

Miss GUTTERIDGE

United Kingdom of Great Britain
and Northern Ireland

Mr. MEEKER

United States of America

Secretariat:

Mr. SCHACHTER

Secretary of the Sub-Committee,
Director, General Legal Division

REPORT OF THE SUB-COMMITTEE (A/AC.105/21)

The CHAIRMAN, reporting the results of the deliberations of the two Working Groups, said that preliminary agreement had been reached on a number of texts relating to assistance to and return of astronauts and spacecraft, namely the preamble, article 2, article 3, paragraphs 1, 2 and 3 (however, it was yet to be decided where to place paragraph 2 in the agreement), and article 6, paragraphs 1, 3, 4 and 5 (Conference Room Papers Nos. 4, 5 and 6, and article 6).

It was of course regrettable that agreement could not be reached on a complete text, but the suggestions made and the amendments submitted had been recorded in the report and would be taken into account in the forthcoming discussions.

Mr. MOROZOV (Union of Soviet Socialist Republics) expressed satisfaction that, mainly as a result of the tireless efforts of its Chairman, the Sub-Committee had for the first time been able to reach a consensus and to draft a preliminary text of certain articles. Even though the results obtained were only partial for the time being, there was reason to hope that, if the atmosphere of goodwill continued, the Sub-Committee would succeed in working out other provisions to complete the agreement on assistance and return.

The report seemed to give an accurate account of the Sub-Committee's work. Of course, the opinions expressed by the Soviet delegation during the debate were only of a preliminary nature and would have to be confirmed by the Soviet Government. In any event, his delegation was prepared to continue negotiations, informally or officially, during the forthcoming session of the Committee on the Peaceful Uses of Outer Space, with a view to reaching full agreement on assistance and return.

The CHAIRMAN, replying to a comment by Sir Kenneth BAILEY (Australia) pointed out that several purely editorial corrections had been made in the text of articles 3 and 6.

Mr. KARASIMEONOV (Bulgaria) recalled that during the debate the Bulgarian delegation had been openly optimistic because, from the beginning of its work, the Working Group had had before it a draft agreement prepared by the Soviet Union which already constituted a compromise text. The adoption of a few basic articles represented substantial progress and the negotiations seemed to be proceeding satisfactorily.

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(Mr. Karasimeonov, Bulgaria)

Nevertheless, his delegation believed that the Declaration of Legal Principles governing the activities of States in the exploration and use of outer space should be the basis for any such agreement. That idea was already contained in the preamble which had been adopted, but it was desirable for it to be expressed in the operative part too. Moreover, it should be unequivocally stated that such an agreement was open to all States for signature. His delegation was prepared to participate in informal or official negotiations during the forthcoming session of the Committee on the Peaceful Uses of Outer Space.

Conference Room Paper No. 1

The CHAIRMAN asked the Sub-Committee to consider Conference Room Papers Nos. 1-3, which summarized the discussions of the Working Group and constituted the draft report of the Legal Sub-Committee to the Committee on the Peaceful Uses of Outer Space. He suggested the addition of the following sentence at the end of paragraph 3 of Conference Room Paper No. 1: "At a later stage, an informal working party dealing with assistance and return was established."

It was so decided.

Sir Kenneth BAILEY (Australia) suggested that the documents resulting from the informal working party's discussions should be annexed to the Sub-Committee's report.

It was so decided.

Conference Room Paper No. 1, as amended, was adopted.

Conference Room Paper No. 2

The CHAIRMAN suggested the addition of a sentence at the end of the second paragraph which would refer to the amendments submitted after it had been drafted. He requested the Sub-Committee to approve the following text: "The United Kingdom maintained its amendment submitted at the first part of the present session of the Sub-Committee (WG.I/13) with the substitution of the word "any" for the word "either". The USSR maintained its amendment submitted during the first part of the session (WG.I/12)."

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Paragraph 2 of Conference Room Paper No. 2, as amended, was adopted.

The CHAIRMAN suggested the addition of the following sentence after the first sentence of paragraph 3: "An amendment to article 6 of the revised Australian and Canadian draft was submitted by Japan (WG.I/32)."

Paragraph 3, as amended, was adopted.

Paragraph 4 was adopted.

The CHAIRMAN suggested the addition of a new paragraph along the following lines: "5. The draft agreement and amendments were also discussed in the Working Group and preliminary agreement was reached on the preamble and articles 2, 3, 6(1)(3)(4) and (5) with the exception of the place where article 3(2) will appear in the convention. The Sub-Committee approved the agreed texts and recommended that work on the remaining part of the Convention and the text as a whole be continued at the next session of the Sub-Committee."

Mr. HAKIM (Lebanon) expressed reservations concerning that wording because his delegation had not had time to study carefully the texts adopted by the Working Group.

Sir Kenneth BAILEY (Australia) also expressed reservations for the same reasons. The Sub-Committee had not had time to make a thorough study of the Working Group's proposals and it would therefore be desirable to say that it had "taken note of" rather than "approved" them.

The text of the new paragraph 5, as amended, was adopted.

Mr. MISHRA (India) proposed that the documents prepared by the Secretariat summarizing the views of delegations, including those expressed in the Working Group, should be annexed to the Sub-Committee's report.

It was so decided.

Conference Room Paper No. 2, as amended, was adopted.

Conference Room Paper No. 3

Mr. MOROZOV (Union of Soviet Socialist Republics) proposed that, in the second sentence of paragraph 2, the words "an amendment to the Hungarian draft without reference to any particular article" should be replaced by the phrase

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(Mr. Morozov, USSR)

"an additional article (USSR) for inclusion in the Hungarian draft proposed ...". He emphasized that it had not been the intention of his delegation to amend the Hungarian draft, which did not require amendment, but merely to insert an article which would complete it.

Mr. MISHRA (India) suggested a few drafting corrections to the text of paragraph 3. He further proposed that a paragraph similar to that which had been added to Conference Room Paper No. 2 should be added to Conference Room Paper No. 3; it would indicate that the Sub-Committee would shortly continue discussion of the draft conventions and that the Working Group had considered the draft articles referred to in the report in first reading.

Conference Room Paper No. 3, as amended, was adopted.

The CHAIRMAN pointed out that Conference Room Papers Nos. 1-3, which had just been adopted, constituted the body of the report. The texts of the draft conventions and draft articles submitted by delegations, together with the Secretariat documents mentioned by the Indian representative, would be annexed.

The draft report of the Legal Sub-Committee on the work of the second part of its third session (5-23 October 1964) to the Committee on the Peaceful Uses of Outer Space was adopted.

Mr. MEKKER (United States of America) drew attention to the fact that the progress made by the Sub-Committee, however modest, was the result of sincere exchanges of views, a determined joint effort and the goodwill and mutual concessions of its members. He hoped that agreement would be reached before long on a complete text of the agreement on assistance and return. With regard to the convention on liability, a number of points had been examined in detail in first reading and it should be possible to complete the work on the draft at the next session. He thanked the Chairman of the Sub-Committee and the Secretariat.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that his delegation was grateful to the Chairman for having contributed to the successful outcome very ably and efficiently, despite the difficulties involved.

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Mr. EORSI (Hungary) emphasized the progress made during the session.

With regard to the Hungarian draft on liability, he was grateful not only for the help and encouragement given to his delegation, but for the constructive criticism made. Hungary did not believe it had to alter the basic provisions, but it would take into account the suggestions made to it when work on the draft was resumed.

The Hungarian delegation added its thanks to that addressed to the Chairman and Secretariat.

Mr. MISHRA (India) also thanked the Chairman and expressed appreciation to those who had contributed to the success of the Sub-Committee's work. He regretted, however, that it had not been possible to agree at the outset to set up a small group to draft a generally acceptable text. That would have resulted in greater progress being made on both conventions, and, in his delegation's view, it was desirable to complete the two draft conventions at the same time. The best course would have been to draft an identical preamble and final clauses for both conventions.

Mr. ZEMANEK (Austria), Mr. HAKIM (Lebanon), Mr. AMBROSINI (Italy), Miss GUTTERIDGE (United Kingdom), Mr. CARVALHO SILOS (Brazil), Mr. PRUSA (Czechoslovakia), Sir Kenneth BAILEY (Australia), Mr. DELEAU (France), Mr. BOLINTINEANU (Romania), Mr. IBRAHIM (United Arab Republic), Mr. YAMAZAKI (Japan) and Mr. KARASIMEONOV (Bulgaria), speaking for themselves and on behalf of other delegations thanked the Chairman and the Secretariat.

The CHAIRMAN declared the third session of the Legal Sub-Committee closed.

The meeting rose at 6.10 p.m.