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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-FOURTH MEETING

Held at Headquarters, New York,
on Wednesday, 28 March 1973, at 10.45 a.m.

Chairman: Mr. WYZNER Poland

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GENERAL EXCHANGE OF VIEWS (continued)

Mr. BAYANDOR (Iran) expressed satisfaction at the spirit of co-operation shown by the French and Canadian delegations in combining their texts, by the United States delegation in drafting its new proposal in a spirit of conciliation and, finally, by the delegations of Bulgaria and the Soviet Union in submitting new amendments to the draft treaty relating to the moon.

His delegation had submitted an amendment to the Working Group responsible for preparing a draft treaty relating to the moon. It was to insert after the second preambular paragraph a new paragraph recognizing also that the moon, as a natural satellite of the earth, constituted a common heritage of mankind. The concept of common heritage must appear in the preamble to the treaty for it formed the legal basis for the drafting of all the articles.

His delegation intended to submit other amendments later concerning article X in particular.

Mr. MIKUCKI (Poland) pointed out that the entire world was that year celebrating the five-hundredth anniversary of the birth of Copernicus, the famous Polish astronomer whose work had marked a turning point in history. The current era marked another turning point in the same field, that of the peaceful uses of outer space in accordance with international law, the United Nations Charter and the 1967 Treaty. Poland was pleased that bilateral and international agreements had been concluded in that field, for they were in the interest of non-space Powers as well as space Powers. It had been one of the first countries to ratify the Convention on International Liability for Damage Caused by Space Objects and it was party to the INTELSAT agreement on satellite communications.

In view of the rapid progress of technology, there was an urgent need to prepare international instruments regulating all legal aspects of the utilization of space. His delegation was convinced that, given the general atmosphere of co-operation and the spirit of conciliation shown by all delegations - of which the new proposals submitted by Bulgaria were a striking example - the problems still outstanding in the preparation of the draft treaty relating to the moon were not insurmountable.

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(Mr. Mikucki, Poland)

With the same spirit of conciliation the Sub-Committee should be able to reach at the present session an agreement on the draft convention on the registration of objects launched into space. With regard to item 5 of the agenda, direct broadcast satellites were an excellent means of promoting peace and of exchanging cultural values but their utilization should be based on the principle of the sovereignty of States. Finally, concerning item 6, his delegation felt that the Legal Sub-Committee had the necessary competence to prepare principles relating to the utilization of satellites for remote sensing surveys of earth resources.

Mr. HARASZTI (Hungary) said that the Legal Sub-Committee's achievements were remarkable for, in a relatively short space of time, it had adopted three conventions which Hungary had already ratified. The atmosphere of goodwill, which was characteristic of the Sub-Committee's work, augured well for the results of the present session; moreover, the new text of the treaty relating to the moon submitted by Bulgaria should facilitate the Sub-Committee's task and enable it to adopt a text without delay.

The Sub-Committee should start by tackling the questions which were ready to be codified, such as the question of direct broadcast satellites. A draft convention would have to be prepared on that topic and the draft submitted by the Soviet Union to the General Assembly was an excellent basis. Moreover, although the preparation of a convention on the registration of objects launched into space presented many difficulties, he hoped that in a spirit of co-operation the Sub-Committee would be able to resolve the differences of opinion on that subject also.

Mr. TUERK (Austria) said that the few questions that still had to be resolved concerning the treaty relating to the moon would demand patience and a spirit of compromise on the part of the Sub-Committee. At all events it seemed as though most members of the Sub-Committee felt that the treaty would have to be applicable not only to the moon but to the other celestial bodies as well.

His delegation was pleased with the new proposal submitted by the United States concerning the registration of objects launched into space, for it showed

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(Mr. Tuerk, Austria)

that one of the major space Powers was interested in that question. It would be difficult to reduce the disparities between the United States and the Franco-Canadian text. Perhaps the Secretariat could prepare a synoptic table of the two drafts so as to facilitate the Sub-Committee's work.

With regard to item 5, as the representative of France had pointed out, there was an urgent need to prepare an international instrument regulating space telecommunications; otherwise technological progress might far outstrip the development of international law. Care should be taken to reconcile the principle of freedom of information with the principle of the sovereignty of States.

With regard to item 6, information gathered by means of remote sensing satellite surveys of earth resources must be made available to the State in which such resources were located. Finally, whatever certain delegations might say, item 4 of the agenda was a fairly pressing one since it was essential to know the limits of the application of treaties or conventions on outer space.

Mr. MILLER (Canada) supported the request made by the representative of Austria in connexion with the draft convention on the registration of objects launched into space, for a synoptic table highlighting the differences between the Franco-Canadian proposal, that of the United States and the conclusions reached by the Working Group at its last session.

The CHAIRMAN said that the Secretariat would be able to prepare such a document fairly quickly and to distribute it on 2 April.

Mr. ARETS (European Space Research Organization - ESRO), speaking at the Chairman's invitation, expressed satisfaction at being able to participate as an observer in the work of the Committee in general and of its Legal Sub-Committee in particular. He hoped that ESRO would use the opportunity to the full and would contribute to the Committee's efforts to promote the rule of law in the field of space. A joint working group of ELDO and ESRO had enabled the two organizations for a number of years now to study all the draft conventions prepared by the Committee.

He recalled that ESRO had been established in 1964 when the countries of Western Europe had felt they should participate in space exploration alongside

(Mr. Arets, ESRO)

the United States and the USSR. The States members of ESRO were the same as those belonging to ECE, except for Ireland and Luxembourg; they also included Spain, Sweden and Switzerland. The aim of ESRO was to prepare, solely for peaceful purposes, a space programme in the scientific field. Under that programme, seven satellites and 150 sounding rockets had so far been launched. In recent years ESRO had also been concerned with satellite application programmes.

At the end of 1971, ESRO had decided to undertake three application programmes, besides the scientific programme whose value had been recognized by all its member States. Firstly, a programme of European telephone and television satellites was designed to ensure that by 1980 part of the telecommunications traffic within Europe would be carried by satellite. For that purpose, an initial experimental satellite would be placed in orbit in 1976 and a large-scale technological development programme was now under way in Europe.

Secondly, an aeronautical satellite programme, based on recommendations made by ICAO, was designed to improve the security of air navigation above water and ground to aircraft communications. Since it was assumed that the programme would have world-wide implications, negotiations were now going on with the United States and Canada with a view to instituting an experimental and evaluation system above the North Atlantic in 1976-1977.

Finally, the third programme, which dealt with meteorological satellites, constituted the European contribution to the World Weather Watch and to the Global Atmospheric Research Programme.

So far, fruitful contacts had been made with the United States, the Soviet Union and Japan. Those States were participating in the programmes most of which had been drawn up within WMO.

ESRO had been recently made responsible for European participation in the United States post-Apollo programme. In 1969 NASA had proposed that Europe should be associated in the implementation of the "shuttle and orbital systems" programme. At the beginning of 1972 the United States Government had formally decided to undertake that programme. The States members of ESRO had met together at the European Space Conference and had agreed to participate in the programme by building in Europe a manned space laboratory to be placed in orbit by shuttle.

(Mr. Arets, ESRO)

The total cost of the European contribution was estimated at 300 MAU (about $360 million). The first space laboratory was to be placed in orbit in 1979. It would allow scientists to work in space under conditions that did not require extensive training. The space laboratory could also accommodate scientists from all over the world.

It should be emphasized that ESRO had always been eager to co-operate with States which did not belong to it. It had co-operated very closely with the United States which had provided it with the launching facilities for its scientific satellites. A co-operation agreement had been concluded with Canada; it provided that certain equipment developed in Europe would be tried out on board a Canadian telecommunications satellite to be launched in 1974. More recently, co-operation agreements had been concluded with, in chronological order, India, the USSR and Japan. As a result of further contacts, it was now possible to envisage specific fields in which ESRO and various other countries could co-operate in the future. As a concrete example of co-operation with many different States, he recalled that, during the launching in March 1972 of the largest European satellite, the TD scientific satellite, a breakdown of the recording equipment on board had compelled ESRO to increase the number of ground stations capable of receiving the scientific data broadcast by the satellite; 80 per cent of the data were now being received not only by the stations belonging to ESRO and its member States but also by the United States NASA network and in Argentina, Australia, Canada, Chile, Fiji, India, Israel, Japan, Mexico, New Zealand and Singapore.

At the end of December 1972 it had been decided to combine ESRO and ELDO and to integrate national programmes within the European programme. The merger of the two European space organizations should take effect at the beginning of 1974 with the establishment of a new European space agency which would be responsible not only for carrying out the existing satellite programmes of ESRO and the launch programmes which the European Space Conference had decided to undertake, but also for the national programmes of member States which would be gradually taken over by the agency. All the medium-term plans of European States in the space field would thus become the responsibility of a single organization, an arrangement which should increase efficiency. It should be noted that the total annual space expenditure in Europe now exceeded 400 MAU (nearly $500 million).

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(Mr. Arets, ESRO)

The European programme, which would make a limited but important contribution to space activities as a whole in the 1980s, would certainly operate according to United Nations principles for the utilization of space and probably the new agency would want to co-operate actively with the United Nations in the same way as the two existing space organizations.

Mr. BOURELY (European Space Vehicle Launcher Development Organization - ELDO), speaking at the invitation of the Chairman, said he was glad to be taking part in the work of the Sub-Committee for the first time since the status of observer had been granted to ELDO. ELDO maintained with the United Nations and its Committee on Outer Space relations which had so far been concerned with permanent exchanges of information. In its own field ELDO regularly helped to bring up to date documents relating to the activities and resources of outer-space users published by the United Nations Secretariat. He wished to thank the United Nations for the excellent working relationships which it maintained with ELDO.

In describing the activities of ELDO, he recalled that it had been establlshed on the initiative of six European countries: Belgium, the Federal Republic of Germany, France, Italy, the Netherlands and the United Kingdom, as well as Australia, all of which were aware of the important role which space activities were called upon to play in the progress of science and technology. Those countries were also convinced that, in order to be independent and viable, any European programme must possess launchers capable of placing large payloads in orbit. For that purpose, the pooling of resources and knowledge seemed both reasonable and essential.

Since the beginning of its activities in 1961 (although the actual Convention had not entered into force until 1964), ELDO had been concerned with the development of the Europa II heavy launcher. Also, between 1969 and 1972, it had studied several other possibilities with a view to obtaining launching facilities belonging either to ELDO itself or owned in common with other partners.

Since 1966 the work of ELDO and ESRO had been co-ordinated through the European Space Conference which was responsible for harmonizing the activities of the two organizations. In December 1972 it had been decided that they would be merged into a single agency.

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(Mr. Bourely, ELDO)

The 1967 Treaty on the Use of Outer Space and the 1972 Convention on International Liability explicitly mentioned the rights and obligations of international organizations. ELDO was now studying the possibility of signing the declaration provided for in article XXII of the Convention on International Liability. ELDO, which was particularly interested in the problems of registration included in the Sub-Committee's agenda, hoped to be able to give the Sub-Committee the benefit of its experience on any problem within its competence.

The meeting rose at 11.35 a.m.

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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-FIFTH MEETING

Held at Headquarters, New York,
on Thursday, 29 March 1973, at 10.45 a.m.

Chairman: Mr. WYZNER Poland

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