

UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/AC.105/C.2/SR.246  
4 May 1976

ENGLISH  
Original: FRENCH



COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

Legal Sub-Committee

Fifteenth session

SUMMARY RECORD OF THE 246TH MEETING

held at the Palais des Nations, Geneva,  
on Monday, 3 May 1976, at 3.20 p.m.

Chairman: Mr. WYZNER (Poland)

CONTENTS

Opening of the session  
Tribute to the memory of Mr. Charvet  
Statement by the Chairman  
Adoption of the agenda  
Organization of work  
Question of summary records  
General exchange of views

This record is subject to correction.  
Participants wishing to make corrections should submit them in writing to the  
Official Records Editing Section, room E.4108, Palais des Nations, Geneva, within one  
week of receiving the record in their working language.  
Corrections to the records of the meetings of the Sub-Committee at this session  
will be consolidated in a single corrigendum to be issued shortly after the end of  
the session.

OPENING OF THE SESSION

1. The CHAIRMAN declared open the fifteenth session of the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space.

TRIBUTE TO THE MEMORY OF MR. CHARVET, REPRESENTATIVE OF FRANCE

2. On the proposal of the Chairman, the members of the Committee observed a minute's silence in tribute to the memory of Mr. Charvet, representative of France.

STATEMENT BY THE CHAIRMAN

3. The CHAIRMAN said that since the Sub-Committee's fourteenth session, a number of important developments had taken place in international co-operation in the peaceful uses of outer space. First of all, there had been the rendezvous and docking on 17 July 1975, of the Apollo and Soyuz spacecraft, whose crews had jointly conducted scientific experiments, and the Soviet Union and the United States were to be congratulated on that successful endeavour.

4. Furthermore, the United Nations had for the first time used space technology for its peace-keeping operations through the earth station for space communications placed at its disposal and linked to the "Symphonie" system of France and the Federal Republic of Germany, which had entered into service on 19 February 1976 and transmitted a message from the Co-ordinator of the United Nations Forces in the Middle East to the Secretary-General at United Nations Headquarters in New York.

5. Many States had undertaken, jointly or individually, increasing activities in the advancement of space applications and technology, and the Sub-Committee's work at its current session therefore assumed special urgency and importance.

6. Reviewing the progress achieved at the fourteenth session on the four substantive items on the agenda, he recalled that, with regard to the draft treaty relating to the moon, the Sub-Committee had given priority consideration to the question of natural resources of the moon - on which depended, more or less, two other questions, namely the scope of the treaty, and information to be furnished on missions to the moon - and had prepared a new version of articles X and X bis, of which a number of words, owing to a lack of consensus, remained in square brackets. With regard to the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting, the Sub-Committee had continued its work on the text of the five principles already drafted and had prepared draft texts on several other points. It had also begun consideration of the legal implications of remote sensing of the earth from space and certain common elements had been identified. However, the Sub-Committee had not had time to examine in detail questions relating to the definition and/or delimitation of outer space and outer space activities.

7. The Sub-Committee's report on its fourteenth session had been considered by the Committee on the Peaceful Uses of Outer Space at its eighteenth session. The Committee had taken note of the progress made by the Sub-Committee on each of the substantive questions before it and had approved the recommendations that the Sub-Committee should continue its work on those questions as a matter of priority at its fifteenth session.

8. At its thirtieth session, the General Assembly had endorsed the report of the Committee on the Peaceful Uses of Outer Space by its resolution 3388 (XXX) on international co-operation in the peaceful uses of outer space, in which it had noted with satisfaction the work accomplished by the Sub-Committee at its fourteenth session on the three priority subjects on its agenda (paragraph 3) and had recommended that the Sub-Committee should at its fifteenth session continue its work on the three subjects as matters of high priority (paragraph 4).

9. He hoped that delegations had, since the fourteenth session, given further thought to the questions that remained unresolved and that the Sub-Committee's work at its current session would be most productive. He was confident that the spirit of mutual understanding and co-operation that had always prevailed in the Sub-Committee, would make it so.

ADOPTION OF THE AGENDA

10. The provisional agenda for the session (A/AC.105/C.2/L.105) was adopted.

ORGANIZATION OF WORK

11. The CHAIRMAN thought that the Sub-Committee might proceed in the same manner as at its fourteenth session and consider as matters of high priority, as recommended by the General Assembly in its resolution 3388 (XXX), during the first week agenda item 2 (draft treaty relating to the moon), during the second week item 3 (elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting), and during the third week item 4 (legal implications of remote sensing of the earth from space). At the end of the third week, the Sub-Committee might consider how best to use the remaining time at its disposal, having regard to the time required for consideration of item 5 (definition and/or delimitation of outer space and outer space activities) and for preparation and adoption of its report. It might perhaps be preferable to retain some degree of flexibility with respect to the allocation of time between the three items so that all available time was in fact used, on the understanding that each of the items would be accorded the same priority.

12. With regard to the consideration of the main items on the agenda, he suggested that the Sub-Committee should follow its practice of setting up working groups open to all members of the Sub-Committee and proposed the re-establishment of Working Group I on the draft treaty relating to the moon, Working Group II on direct broadcast satellites and Working Group III on remote sensing. He suggested that the representative of Hungary, Mr. Haraszti, should continue as Chairman of Working Group I and that, in the absence of the representatives of India and Egypt, who had served as Chairmen of Working Groups II and III respectively, the question of the chairmanship of those Groups should be decided at a later stage after appropriate consultations.

13. With regard to the question of the general exchange of views, he suggested that, as in the past, the Sub-Committee should meet each morning in plenary so that delegations could make general statements; the meeting would then be adjourned and reconvened as a working group; when no speaker was inscribed, it would meet immediately as a working group.

14. The Chairman's proposals concerning the organization of work were approved.

#### QUESTION OF SUMMARY RECORDS

15. The CHAIRMAN said that, in pursuance of General Assembly resolution 3415 (XXX) on meeting records of United Nations bodies, the Sub-Committee had to consider the question of dispensing with summary records of its meetings. The Sub-Committee was entrusted with the task of preparing a treaty and, while it met primarily as a working group - and therefore without summary records - it nevertheless seemed necessary to retain summary records for plenary meetings. If there was no objection, he would take it that it was the Sub-Committee's wish that summary records should continue to be prepared for its plenary meetings and that it would include a recommendation to that effect in its report.

16. It was so decided.

#### GENERAL EXCHANGE OF VIEWS

17. Mr. PIRADOV (Union of Soviet Socialist Republics) said that historic decisions had recently been taken at the twenty-fifth Congress of the Communist Party of the USSR and that the report presented by Mr. Brezhnev, General Secretary of the Party, on that occasion had given prominence to a plan for promoting peace, international co-operation and the freedom and independence of peoples, through peaceful co-existence between countries with different economic and social systems and international détente. That document envisaged fuller international collaboration based on equality and mutual advantage in a number of areas. One of the most important was the conquest of space, which the USSR had always regarded as a means of working for peace. The joint operation by the Soyuz and Apollo spacecraft was evidence of the increased collaboration in space activities.

18. The Final Act of the Conference on Security and Co-operation in Europe, held at Helsinki in August 1975, also mentioned space research among the activities particularly suited to co-operation. It was the duty of the Sub-Committee to strengthen, at the legal level, the role of that factor for détente and co-operation by elaborating new rules, taking account of the favourable trend in the international situation.

19. Referring to the first priority task before the Legal Sub-Committee, the drafting of a treaty relating to the moon, he said that the work done in the past five years had demonstrated the importance of that issue, both for the practical interests of States and for gradually building up a body of international law relating to outer space. Many of the provisions of the draft instrument might indeed be applied to other planets in the solar system at a later time. The members of the Sub-Committee had already reached agreement on the fundamentals of the provisions of that treaty; the few problems which remained to be settled related to concerns which went beyond the law of outer space and even international law. While he respected the position

of the States which were obstructing an agreement on those issues, he felt that it was in the general interest of all States for the Legal Sub-Committee to bring the task with which the General Assembly had entrusted it in 1971 to a successful conclusion. For its part, the Soviet Union was ready to contribute towards an agreement on the outstanding issues by considering any compromise proposals which might be submitted. For instance, at the Sub-Committee's previous session, a proposal had been made for the convening, at regular intervals, of an international conference to elaborate the régime governing the exploitation of the natural resources of the moon and to compel States parties to the treaty to take part in it. Although the Soviet Union, supported by many delegations, did not endorse the general concept on which that proposal was based, it was able to subscribe, after consideration, to certain parts of it. Thus, in a spirit of compromise, it could accept a provision to the effect that, within a specific period of time, for instance ten years, and thereafter every ten years, the Secretary-General of the United Nations should convene, not an international conference to elaborate a régime governing the exploitation of the natural resources of the moon, but an assembly of States parties which would concern itself solely with the question of whether it was in fact possible to exploit them. In the interests of economy and in order to save time, such an assembly could take place at the same time as the regular General Assembly of the United Nations. When it reached a positive conclusion, an international conference to elaborate a régime governing the exploitation of the natural resources of the moon might be convened, although it would still be necessary to decide which States would take part in it. Alternatively, the question of the elaboration of such a régime might be placed on the agenda for the following session of the General Assembly, and that solution appeared to be the most rational one.

20. His delegation was very satisfied with the progress achieved at the preceding session of the Legal Sub-Committee in the elaboration of principles governing the use by States of artificial earth satellites for direct television broadcasting; in particular, the acceptance of the principle whereby a State which was considering television broadcasting to a foreign country must obtain the prior consent of that country could be regarded as a positive result. The other solution proposed - to hold prior consultations between the two States concerned - might also lead to an acceptable compromise and enable the Sub-Committee's work to go forward. Clearly, what was required was an agreement on the scope of those consultations and on their final objective. If their purpose was to regulate all the problems which might arise when one State broadcast television programmes to another State, and in particular the content of the programmes, and to retain for the "receiving" State the right to refuse those television programmes, they might lead to a satisfactory agreement. However, if the broadcasting of television programmes was not directly dependent on the outcome of prior consultations, the problem was not solved, since any broadcasting aimed at a country without prior consent was a violation of the sovereign rights of the State which received those programmes. His delegation had frequently stated that direct television broadcasting, which was one of the most remarkable achievements of our time, created political and ideological problems which must be solved before direct television broadcasting began.

21. With regard to the third high priority task devolving on the Sub-Committee - remote sensing of the earth from outer space - he felt that the elaboration of guidelines for activities would depend on the degree of mutual understanding shown by the members of the Sub-Committee on basic issues. It was important to recognize that the scale and resolution of the initial data were determined to a large extent by the objective sensed. For example, for the purposes of meteorology, oceanology, geology and hydrology, remote sensing was used to obtain global data at a small scale providing ground resolution of 100 metres. On the other hand, in surveys of the resources of the earth and other economic features of interest to States, the most significant data were "local", and therefore obtained at a large scale for a resolution of 10 metres. Clearly, the Sub-Committee should give greater attention to data relating to the natural resources of States as a subject for possible international regulation. Moreover, local data were not the only source of information on the natural resources of States, since in many cases it was possible to enlarge the scale of global data by appropriate processing. For that reason the French-Soviet draft (A/AC.105/C.2/L.99) raised the question of regulating the dissemination and use of any information obtained by a State on the natural resources of another State as a result of the processing and integration of data provided by remote sensing activities. Only such an approach would adequately protect the rights of States over their natural resources.

22. At the present stage of its work, the Sub-Committee would be well advised to restrict itself to recognizing that fact, without wasting time on the study of criteria for deciding to which category observations and data belonged. That task was more within the purview of the Scientific and Technical Sub-Committee. At the current session, it should seek mainly to formulate the principles on which agreement had been reached at the previous session and try to identify new areas of agreement.

23. Mr. MICHEEL (German Democratic Republic) expressed satisfaction with the work carried out thus far by the Legal Sub-Committee, whose composition guaranteed that the interests of all States would be duly respected in the codification of the law of outer space. He was confident that the decisions taken by the Conference on Security and Co-operation in Europe would exert a positive influence on its future work. His delegation was also gratified that the General Assembly, in resolution 3388 (XXX) had assigned the same priority to the three areas in which the Sub-Committee was elaborating principles of international law, in conformity with article 13, paragraph 1 of the Charter.

24. In the first of those areas, the preparation of a treaty relating to the moon, some progress had been achieved, but the views on the legal status of the moon and its natural resources remained to be reconciled in order to reach a compromise acceptable to all States. Articles X and X bis prepared at the fourteenth session were a good starting point; however, the Sub-Committee would have to devise a formula which would prevent a State or group of States from obtaining unilateral benefits and which would be in keeping with the principle of the sovereign equality of States, a basic principle of international law.

25. His delegation reaffirmed the view it had expressed at the preceding session, that the treaty to be elaborated should be applicable only to the moon, on which, unlike the other planets of the solar system, much scientific information was already available. A treaty which would include the other celestial bodies might later prove to be an obstacle to their peaceful exploration and use. His delegation also wished to propose that the moratorium for which provision was made in article X bis, paragraph 2 should be deleted since article I of the 1967 Treaty on Outer Space allowed all States, without any discrimination and on the basis of equality, to explore and use the moon and other celestial bodies.

26. With regard to the elaboration of legal principles governing direct television broadcasting, which gave rise to considerable problems, his delegation felt that the principle of prior consent by the receiving State and its participation in broadcasting should be the focal point of the discussions. A legal formula which would satisfy all States would help in accelerating the establishment of those principles. In view of the considerable impact which might be exerted by direct television broadcasting beyond national frontiers, the Sub-Committee should proceed from the principle of the maintenance of and respect for State sovereignty and it would do well to be guided in that regard by General Assembly resolution 2916 (XXVII).

27. With regard to remote sensing of the earth by satellite, he considered that, in accordance with General Assembly resolution 3388 (XXX), the Legal Sub-Committee should first reach agreement on the field of application of the future international legal régime. Three proposals had been submitted so far: one referred to the natural resources of the earth (A/C.1/1047), the second to the resources of the earth (A/AC.105/C.2/L.99) and the third to the environment of the earth (A/AC.105/C.2/L.103). His delegation was of the opinion that the French-Soviet draft relating to the resources of the earth enabled the principle of freedom of the peaceful exploration and use of outer space to be reconciled with that of permanent sovereignty of States over their natural resources.

28. In conclusion, he expressed the belief that the Legal Sub-Committee could make further progress if its members adopted a realistic approach.

29. The CHAIRMAN informed the Legal Sub-Committee that a new working document with the symbol A/AC.105/C.2/L.106, prepared by the Federal Republic of Germany, had just been submitted to it.

The meeting rose at 12.30 p.m.