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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Sixteenth session

SUMMARY RECORD OF THE 230th MEETING

Held at Headquarters, New York,
on Tuesday, 5 April 1977, at 10.30 a.m.

Chairman: Mr. WYZNER (Poland)

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Future sessions of the Sub-Committee

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The meeting was called to order at 10.50 a.m.

MATTERS RELATING TO THE DEFINITION AND/OR DELIMITATION OF OUTER SPACE AND OUTER SPACE ACTIVITIES (A/AC.105/C.2/7 and Add.1; Conference room paper No. 1 (1977))
(continued)

1. Mr. SIMANI (Kenya) said that first of all he wished to refer to the position taken by his country, together with other equatorial countries, at the January/February 1977 World Administrative Radio Conference. As the observer for ITU had recalled, those countries had indicated that they were not bound by the decisions of the Conference regarding the location of geostationary satellites in the segments of the orbit over which they exercised sovereign rights, that the positioning of such satellites required their prior authorization and that they would reserve the right to take whatever steps they might deem fit to protect their rights.
2. His delegation believed that the definition of outer space should be agreed upon as a matter of priority in order to lay down a sound framework within which space activities could be undertaken. That definition would no doubt have a bearing on respect for national sovereignty over natural resources. Although existing international instruments on the question of outer space had been based on the assumption that the delimitation of outer space was already a known quantity, that had not been the case, and renewed efforts should be made to reach an agreement on that issue.
3. Any definition of outer space and outer space activities should take into account the special position of equatorial countries with respect to the geostationary synchronous orbit forming part of their natural resources. That question required careful study by the Scientific and Technical Sub-Committee. Unless the matter was thoroughly reviewed, Kenya, as a developing country, would be at a disadvantage when the time came to participate fully in the exploration and use of outer space. Accordingly, there was a need to seek the consent of the equatorial countries before stationing any satellites in that orbit.
4. In a declaration adopted at the meeting of equatorial countries, including Kenya, held at Bogotá in November/December 1976, those countries had stated that the geostationary synchronous orbit was a physical fact because its existence depended exclusively on its relation to gravitational phenomena of the earth, and that it must not therefore be considered part of outer space. His delegation fully subscribed to that position and would be willing to co-operate with other delegations in finding a solution to the problem in the context of outer space law.
5. Kenya also supported the view that remote sensing of the earth's resources and of its environment should be carried out only with the prior consent of the sensed State. As to the draft treaty relating to the moon, his delegation supported the position that the moon's natural resources constituted a common heritage of mankind and should be exploited for the benefit of the whole international community.

TENTH ANNIVERSARY OF THE ENTRY INTO FORCE 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: PROPOSAL FOR A DRAFT RESOLUTION TO BE ADOPTED BY THE GENERAL ASSEMBLY (Conference room paper No. 2 (1977))

5. Mr. MAIORSKI (Union of Soviet Socialist Republics) drew attention to Conference room paper No. 2 (1977), containing his delegation's proposal for a draft resolution to be adopted by the General Assembly to commemorate the tenth anniversary of the entry into force 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. He hoped that both the contents and the form of the draft resolution were acceptable to the Sub-Committee, and suggested that the draft resolution should be included in the Sub-Committee's report.
7. Mr. LUTHER (German Democratic Republic) said that, given the importance of the treaty in question for the codification and progressive development of outer space law, his delegation supported the USSR proposal.
8. Mr. COCCA (Argentina) said that his delegation fully supported the USSR proposal, but wished to amend the text of the draft resolution so that it reflected his delegation's views.
9. The CHAIRMAN suggested that those delegations wishing to propose amendments should discuss them with the USSR delegation with a view to reaching informal agreement on a text acceptable to all members of the Sub-Committee. He further suggested that the Sub-Committee might wish to adopt the amended text at the following meeting.

FUTURE SESSIONS OF THE SUB-COMMITTEE

10. The CHAIRMAN recalled that it was the Sub-Committee's practice to include in its report recommendations concerning the venue of its future sessions. After consulting a number of delegations, it was his understanding that the Sub-Committee wished to continue its established practice of holding its meetings in rotation between Geneva and New York.
11. He accordingly suggested that the following text should be included in the Sub-Committee's report:

"The Sub-Committee recommended to the Committee on the Peaceful Uses of Outer Space that the former practice agreed to by the Committee at its 107th meeting, on 15 December 1971 (A/AC.105/PV.107, p. 32), and reaffirmed during its eighteenth session, in 1975, of holding the meetings of the Legal Sub-Committee in rotation between Geneva and New York should be maintained and reflected in the Schedule of Meetings for 1978."
12. It was so decided.

The meeting rose at 11.15 a.m.