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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUB-COMMITTEE

Sixth Session

SUMMARY RECORD OF THE EIGHTIETH MEETING

held at the Palais des Nations, Geneva,  
on Wednesday, 5 July 1967, at 10.50 a.m.

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## STUDY OF QUESTIONS RELATIVE TO:

- (a) THE DEFINITION OF OUTER SPACE
- (b) THE UTILIZATION OF OUTER SPACE AND CELESTIAL BODIES, INCLUDING THE VARIOUS IMPLICATIONS OF SPACE COMMUNICATIONS.  
(agenda item 4)

The CHAIRMAN said that the new item before the Sub-Committee had been included in the agenda in accordance with operative paragraph 4 (b) of General Assembly resolution 2222 (XXI). An exchange of views concerning the procedural aspects of the implementation of that paragraph had taken place at meetings of the Committee on the Peaceful Uses of Outer Space, in the course of which various representatives had suggested that an expert opinion on the two topics should be requested from the Scientific and Technical Sub-Committee. He recalled that similar views had also been expressed at the current session of the Legal Sub-Committee. He suggested that the Sub-Committee should begin its consideration of agenda item 4 with a general discussion.

It was so decided.

Mr. DELEAU (France) pointed out that, in accordance with the decisions taken by the Committee on the Peaceful Uses of Outer Space, the Legal Sub-Committee would now have to study the problems posed by the preparation of a definition of outer space and by the regulation of its uses.

The French delegation did not underestimate the scope and complexity of those problems in a field that was hard to codify in view of the constant technological progress that might make rules obsolete almost as soon as they were established. However, while appreciating the arguments of those who doubted whether the Sub-Committee could successfully complete all of the tasks assigned to its parent Committee, his delegation could not share their scepticism. Indeed, the very difficulty of the problems confronting it should encourage the Sub-Committee to embark without delay on their study, which, by bringing out the individual views of its members, would enable it little by little to fill the gaps in the Treaty on Principles governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, signed on 27 January 1967, represented by the absence of a definition of outer space and the absence of rules governing the uses of outer space.

He hardly needed to dwell on the necessity for a definition of outer space since the French delegation had had occasion more than once to express its views on the subject during the drafting of the Treaty.

A definition would appear necessary not only as a matter of common sense but also from the point of view of legal science, for, if a new chapter of international law - dealing with the law of outer space - was to be written, people had to know the field to which that law would apply. It was also necessary from the more practical point of view of relations among States, if every precaution was to be taken to prevent and settle possible disputes resulting from the foreseeable expansion of outer space activities. Lastly, it was necessary because all States parties to the Treaty agreed not to assert their national sovereignty in outer space while retaining their rights in respect of the air space over their territory. They should therefore know exactly what and how much they were giving up, if only to be able to assume, under conditions of real legal security, the national responsibilities they still had.

The need to define outer space having been stated and - it was hoped - accepted, an effort must be made to draft a definition that could usefully and validly become a part of positive international law. In his delegation's view, that meant taking account of a number of possibly conflicting considerations.

First of all, the wording of the definition must be clear and simple, for disputes would inevitably arise if it were vague, or contained elements open to controversy. Secondly, in drafting such a definition, legal experts must be careful to base themselves as much as possible on objective data. Their task would certainly be easy if all they had to do was to give legal form to a definition of outer space based on unconflicting and undisputed scientific criteria. But if it proved impossible to define outer space scientifically, it would be necessary to arrive at an agreed definition which, while possibly appearing somewhat arbitrary to scientists, must be as reasonable and logical as possible. Moreover, the desired definition would have to strike a balance between the rights of States - and particularly their right to sovereignty over their own air space - and their duty not to interfere with the peaceful

activities of third States in outer space. The definition must therefore be so worded as not to hamper unduly activities connected with the use of outer space while affording States adequate safeguards.

Those considerations must be borne in mind when examining possible approaches to the problems of definition. He would deal with two such approaches considered by his delegation: a direct approach in which an attempt would be made to distinguish between two natural environments, and an indirect approach in which outer space would be defined in terms of the devices employed or the activities carried out in it.

With respect to the direct approach, there was no clear-cut division, based on physical criteria, between the atmosphere which surrounded the earth in a gaseous envelope and the zone in which the gas molecules constituting that atmosphere became all but non-existent as they broke up into their component atoms. However, certain distinctions could be drawn on the basis of the physical composition of the atmosphere at different altitudes, for scientists divided the atmosphere around the earth into four zones: the "troposphere", which extended to an altitude of approximately 10 km; the "stratosphere" at an altitude of 10 to 40 km, the "ionosphere" at an altitude of 40 to 350/400 km, where molecules became increasingly rare, and, lastly, the "exosphere", in which molecules were almost absent.

The Treaty on outer space certainly applied to the empty space of the "exosphere", while the Convention on International Civil Aviation, signed at Chicago on 7 December 1944, covered the "troposphere" and the "stratosphere". The question was whether it was possible to draw a more precise borderline between those extremes. Meteorological science might provide the solution. Meteorologists had evolved, for their purposes, the concept of the "meteorological atmosphere", ending at an altitude of 80/85 km, above which discernible physical phenomena were apparently no longer able to influence conditions on the surface. That altitude was probably not uniform all over the globe and might vary slightly from one day to the next. But it might be possible, for legal purposes, to take it as a basis for agreeing on a conventional altitude somewhere in that region.

A definition based on altitude had the advantage of simplicity, if not of scientific accuracy. It was natural for the mind to look for a line of demarcation between air space and outer space, just as lines had been drawn to establish the limits of the territory and territorial waters of States.

The second approach suggested by his delegation would be to delimit outer space indirectly by defining not the natural environments - air space and outer space - but the nature of the devices that came within the scope of the law of outer space, just as certain devices came within the scope of the traditional law of the air.

The annexes to the Chicago Convention defined aircraft as a machine that could derive support in the atmosphere from the reactions of the air. It would be desirable to formulate such a definition for spacecraft, which thanks to revolutionary technology were not subject to the limitations of conventional aircraft and were capable of operating at far greater speeds and altitudes and over far greater distances and time-spans.

A satisfactory distinction would have to be based on scientific considerations and accepted as a convention by States, which would undertake to observe the distinction. It would help to indicate the law that would be applicable in each case. While there was obviously no room for doubt as to the nature of certain devices that were clearly intended for either air or outer space, some dual-purpose devices might give rise to ambiguities. It was generally known that recent advances in technology made it possible to build devices that could both operate in air space, like aircraft, and reach altitudes where they could go into orbit, like spacecraft proper.

The distinction would be helpful in preventing States from arbitrarily deciding what they understood by spacecraft and applying the law that best suited their purposes.

Still another approach would be to consider the possible uses of outer space with a view to throwing fresh light on the problem of definition.

That brought him to the other question on the Sub-Committee's agenda, that of the utilization of outer space and celestial bodies, including the various implications of space communications.

That question too posed a problem of definition. It was important to know exactly what was meant by the expression "exploration and use" which was employed throughout the Treaty of January 1967 and even appeared in its title.

It would perhaps be recalled that the French delegation had repeatedly raised that question at the fifth session of the Sub-Committee and had emphasized the need to specify the field of application of the draft Treaty then in preparation. He felt obliged once again to emphasize the need for an agreed determination of the activities in respect of which governments had rights or obligations under the Treaty. The Sub-Committee's recent discussion on liability had only underlined how useful that would be.

It might be helpful to try to draw up a list of possible space activities - relating to either exploration or use - to see what rules applied to them under the Treaty and whether those rules needed to be supplemented or, if no provision was made in the Treaty, what new rules needed to be devised.

The uses of outer space might be examined successively from the point of view of the users, the purposes for which it was used, the means employed and the possible effects of the uses.

The users might be individuals or juridical persons of a given nationality, a State, a group of States engaged in a joint venture or an international organization comprising a number of States.

The Treaty designated States and international organizations as the only users coming within the purview of the law of outer space. It thereby established a new rule in that it obliged each State to assume international responsibility on behalf of its nationals in connexion with their activities and any ensuing damage. The existence of that specific rule made it necessary to codify that form of State responsibility, as the Sub-Committee was now doing. Again, the existence of liability on the part of a State or an international organization for its own space activities or, in the case of a State, for those of its nationals, required that there should be some means of ascertaining, in each case, which State or organization was the user. Space devices would therefore have to be registered, and the matter of registration raised a number of practical questions. How would the registry be kept and by whom? Might it be useful, in addition to mere external markings, to agree that space objects should also have radio call-signs as a more effective means of identification? Caution would also be needed to prevent the adoption of registration systems that would

circumvent the application of provisions of the Treaty as to liability or certain activities. Lastly, in the registration of devices belonging to international organizations, there might be problems similar to those encountered in civil aviation concerning the application of article 77 of the Chicago Convention.

The purposes for which outer space was used could be described under various headings.

First of all, there were the military purposes, some of which were expressly prohibited under the Treaty. They included the placing in orbit or stationing in outer space of any objects carrying nuclear weapons or weapons of mass destruction; the installation of such weapons, the establishment of military bases, installations or fortifications, the testing of any type of weapons and the conduct of military manoeuvres on celestial bodies.

In addition to those, there were other military uses which - not being mentioned by the Treaty - were lawful, such as the use of observation satellites for the detection of nuclear tests.

Then there were the scientific purposes, including the various activities undertaken for the purpose of studying the outer space environment, such as the observation of an aurora borealis, the study of solar or stellar plasma, research and experiments concerning the propagation of radiation, particle physics, solar astrophysics, the distribution of atomic hydrogen around the earth, the study of the troposphere, etc. The category also included research into the effects of the environment of outer space on man, such as the study of cardiovascular reactions in astronauts.

Next came technological activities for the purpose of testing space vehicles (by the use of instrument capsules to test launchers, for example) or exploring the possibilities for utilizing the environment, by the use of experimental satellites for practical applications.

Scientific and technological activities were clearly what was meant by the term "exploration" as used in the Treaty, which clearly stated the principle that such use should be free and that States had a duty to encourage international co-operation in research.

These activities would thus be accorded a certain amount of priority, so that they would not be impaired as a result of rival activities. He was thinking in particular of the case of privileged orbits and frequencies.



Another category under purposes would be uses for the benefit of public services - the largest category of all since it included all space activities in such fields as communications, meteorology, navigation, geodetics, seismology, cartography, investigating the resources of the earth, etc. Such uses were not specifically mentioned in the Treaty. However, there had already been occasion to study problems connected with communications which, under General Assembly resolution 2222 (XXI), was one of the topics to be discussed by the Sub-Committee. The importance of those uses for States should lead them to placing them next in order of priority to the category of scientific uses.

There were uses which served commercial purposes. That type of activity had come into existence with the International Satellites Co-operation (INTELSAT) network of communications satellites, the usefulness of which had been firmly established and which provided an example of the possibilities afforded by outer space.

It would also be wise to include a category of activities for miscellaneous purposes which, for the time being might include the Oscar satellites employed by a group of American amateur radio operators.

As to the means employed, they might be either devices that remained within or returned to the earth's field of gravitation, intentionally or unintentionally - that is, all carriers, some sounding rockets, earth satellites or satellites leaving the field of gravitation, namely space probes and solar and planetary satellites. The list of means might also have to be extended to include balloons and types of sounding rockets which, while not operating outside air space, were used for the study of space phenomena. The purposes for which they were employed might make it advisable for them to be subject to space law.

On the other hand, there was the question whether that law should apply to aircraft in ballistic flight which only used outer space for a limited portion of their journey.

Along with the classification of space devices, a detailed study of the use of nuclear power in outer space should soon be made. He then dealt with what was in his delegation's opinion, the most important aspect of the various uses of outer space, namely, their effects.

A given use of outer space might have effects on outer space and the celestial bodies, or on Earth: the Treaty applied to both categories, and the Sub-Committee's recent work on liability had emphasized their importance.

One way in which space and the celestial bodies might be affected concerned the environment as substance. That was the case when use entailed consumption, and it might range from mere sampling of extraterrestrial matter -- as for example in the Apollo programme, in which 22 kg of lunar soil were to be brought back to Earth -- to systematic exploitation of outer space resources.

While sampling could be regarded as being in the nature of scientific research, that did not apply to exploitation which raised very complex problems. Under article II of the Treaty, outer space and the celestial bodies were not subject to appropriation and there was the question whether intensive utilization of their resources was compatible with that rule. That was doubtful and it was conceivable that its observance could only be ensured if such exploitation had to be undertaken with the consent of the international community, which implied some kind of regulation.

Certain uses, such as the release of copper needles or the discharge of fuel gases from manned space probes landing on the moon, could produce appreciable changes in the environment.

As a recent study by the Committee on Space Research (COSPAR) had shown, harmful terrestrial matter might cause a veritable contamination of outer space, and the provisions of article IX of the Treaty seemed quite inadequate as rules for the precautions which it might be necessary to require, such as the compulsory sterilization of space devices.

The effects could also concern the environment as the scene of activities and take the form of problems of overcrowding: special attention should be given to that eventuality in the case of orbits which were particularly favourable for certain space activities, e.g. the equatorial orbits of 36,000 km used by synchronous satellites for certain practical applications or the low orbits (from 300 to 1,000 km) needed for space flights and journeys. Problems of overcrowding would also arise in connexion with outer space radiocommunication frequencies: most uses required the employment of frequencies which might cause mutual interference.

There, too, problems of priority could arise, and it might be necessary to provide for ways of preventing the pointless occupation of orbits or frequencies; in the former case, the destruction or shifting of the devices that had become inactive might be envisaged, while, in the matter of frequencies, the International Radio Consultative Committee (CCIR) could no doubt be invited to make some studies.

So far as effects on Earth were concerned, they might involve third States or the general interests of mankind.

Third States might be affected by any space activity which interfered with their own activities, whether in outer space or elsewhere. The freedom which has been accepted in respect of outer space could not have the effect of limiting the freedom of other States in their activities on Earth or in the atmosphere.

In view of all that, consideration should be given to the desirability of enunciating a principle to the effect that States were entitled to protection from certain effects which the use of outer space by other States might have on their territory.

Effects on Earth involving the general interests of mankind might take the form of an alteration in the terrestrial environment. For example, COSPAR had studied the problems of pollution of the upper atmosphere by the ejection of clouds of sodium at high altitude.

Similarly, the Treaty referred, in very general terms, to the problem of the contamination of the environment of the Earth by extraterrestrial matter, a problem for which specific solutions would have to be found.

It followed from what he had said that complete freedom was hardly conceivable, if only because, in outer space as elsewhere, one person's freedom was limited by another's and because, in some cases, unregulated freedom would have consequences at variance with certain other principles laid down in the Treaty itself, including the principle that outer space should be used for the benefit and in the interests of all countries.

The problems he had outlined would require studies by the Sub-Committee which should be undertaken in accordance with a procedure and plan of work which the Sub-Committee should do its best to settle without delay.

However, most of the questions raised presupposed a specialized knowledge of matters concerning which the Sub-Committee could not in all modesty claim to be competent. It would therefore not be able to study them or even be able to determine the order in which they should be considered without the advice of the Scientific and Technical Sub-Committee, whose members were experts in such matters.

His delegation therefore proposed that the Legal Sub-Committee should request its scientific counterpart to consider the various aspects of the problems raised both by the definition and by the peaceful uses of outer space. With regard to a definition of outer space - which was a recognized necessity - the Scientific and Technical Sub-Committee might be asked about the criteria it thought worth including and their relative importance. So far as the uses of outer space were concerned, the Scientific and Technical Sub-Committee might be requested to provide a list of such uses, indicating the particular requirements of each of them, the desirability of regulating some of them and the priority which should be given to that task, bearing in mind the needs of scientific research and of present or foreseeable space activities. It went without saying that any advice it might offer for the guidance and enlightenment of the Legal Sub-Committee would be gratefully received.

He concluded by reading out the text of a preliminary draft resolution in which his delegation had endeavoured to formulate in concrete terms the questions which it thought might usefully be addressed to the Scientific and Technical Sub-Committee.

The CHAIRMAN thanked the French representative for his statement and for providing the Sub-Committee with a concrete basis for discussion at the outset of its consideration of agenda item 4. While noting that the preliminary draft which the French representative had just read out had not been formally submitted to the Sub-Committee as a draft resolution, he suggested that it should be translated into the other working languages and distributed, possibly as a working paper.

It was so decided.

Mr. RIHA (Czechoslovakia) said that, ever since mankind had started to penetrate into outer space, consideration had been given to the question whether the norms of international law, including aviation law, might be applied to outer space, or whether it was a completely new sphere and, if so, where it began. It had seemed at first that the determination of the "lower" limit of outer space, which appeared to be res communis omnium, would be an indispensable condition for any elaboration of an international law of space, if not indeed for any space activities, but recent experience had shown that that was not the case: space activities had continued to expand, and the Treaty of January 1967

had come into force. However, the importance and urgency of an international legal codification of the question must not be underestimated. Even in the course of its present deliberations, the Sub-Committee had often encountered difficulties in connexion with the legal vacuum that existed with regard to the definition of outer space. His delegation had therefore welcomed the French initiative in the matter, although it did not believe that the final text of a definition of outer space could be arrived at during the present session.

There were, at any rate, two important facts on which the study of the question could be based: first, the general outlines of the law of outer space had been determined, on the one hand by the recognition that general international law, including the United Nations Charter, applied to outer space, and on the other hand by the Treaty of January 1967. Secondly, international law with regard to air space had on the whole been adequately determined by the relevant international conventions, and it was generally recognized that a State's territorial sovereignty had three dimensions.

In those circumstances, the question of the definition of outer space appeared to be primarily that of determining its limits and extent. At the present stage, it would seem advisable for the Sub-Committee to confine itself to an evaluation of various criteria which might help it to arrive at a definition.

The first criterion was naturally the sovereignty of States. Despite its importance, that criterion would clearly not in itself lead to any definition which would be both comprehensive and satisfactory to every State.

Another important criterion was that of the security of States. As, however, the security of any State could be endangered equally from a position nearby and from some distant point in outer space, it was clear that the criterion of security, taken in isolation, was also insufficient.

There were also various physical criteria. According to one theory, the limit at which the last molecules of gas could be found also constituted the limit of air space from the point of view of international law. That theory, which had been examined by Professor A. Meyer (*Der Künstliche Erdsatellit als Rechtsproblem, Neue Zürcher Zeitung* 22 October 1957) did not, in his delegation's opinion, offer acceptable guidance, since it was based on a single, isolated physical condition, which was in any case almost impossible to determine.

Another theory discussed inter alios by J. Kroel (Elements créateurs d'un droit astronautique, Revue générale de l'air, No. 3-4, 1953, page 233) assumed that the sovereignty of States was coterminous with the Earth's field of gravitation. Neither that theory, nor various others that had been formulated in recent years, such as J.C. Cooper's Theory of Efficiency (High Altitude Flight and National Sovereignty, The International Law Quarterly, volume 4, 1951 pp.411-418) was a suitable starting-point for the Sub-Committee's deliberations.

Another important criterion was the point at which the density of air was such that aerodynamic vehicles were no longer sustained. However, even that criterion was relative, since it was known that supersonic aircraft could exceed the technical limits of aerodynamic vehicles, and, moreover, it was quite probable that future space vehicles would combine the functions of present day spacecraft and aircraft. Therefore, the problem could not be solved merely by applying laws based on the concept of altitude, although the various zone theories dividing space into, for example, air space, a contiguous zone similar to the contiguous zone of maritime law, and free outer space, were of considerable practical interest.

At the present stage, it would be particularly useful to identify the main elements which should be taken into account in defining outer space. In his view, they included the sovereignty of States and their security, the interests of civil aviation and of the peaceful exploration and utilization of outer space, and the principle that man-made vehicles moved both in the air and in outer space. However, all those elements must be considered jointly and not in isolation, and, in view of the fact that they could not be evaluated without appropriate technical and expert advice, it would be useful for the Sub-Committee to decide which of them should be dealt with by the Technical and Scientific Sub-Committee, and possibly by the International Civil Aviation Organization.

The question of the utilization of outer space was also complex, and there was some doubt as to whether it would be possible to identify all of its aspects. As a result of scientific and technological progress, space vehicles could now be used in such theoretical and scientific fields as space communications, meteorology, geodesy and navigation. While satellites provided man with a new and valuable instrument for research, as well as opening up far-reaching practical possibilities, their development must take place within a framework which would ensure that they made a positive contribution to man's use of outer space. His delegation was particularly interested in appropriate regulations to govern space communications, and had already drawn attention to the problems involved in the use of communications satellites in the Scientific and Technical Sub-Committee. Transmissions, particularly television transmissions, from satellites could have repercussions on the sensitive question of national sovereignty because the technical progress involved went beyond national frontiers. It would be highly regrettable if satellite transmissions became instruments in a propaganda war and increased international tension, something which would run counter to the interests of international peace and security. Thought would also have to be given to such technical problems as the distribution of frequencies, the compatibility of existing television systems, the technical protection of satellites against damage or destruction, deviation from orbit and even problems of technical control and repair. There were also a number of financial questions involved, relating both to active participation in a communications system, or to passive participation for appropriate needs.

In view of those considerations, work should be started as soon as possible on the formulation of basic principles to govern the further development of space communications on which future international agreements might be based. Those principles should include, as indicated in the Treaty of January 1967, the principle that all States had the right to use outer space for space communications and bore responsibility for any such activities, and, in addition, the principles that satellite broadcasting and transmissions must serve the interests of international peace and security and must respect the sovereign equality of all States; that any discrimination in the establishment of a system of space communications must be prevented and that all space activities must promote progress and co-operation among nations. The Scientific and Technical Sub-Committee and the specialized

agencies, in particular the International Telecommunication Union (ITU), should promote further research into such technical questions as the elimination of interference from broadcasting and transmission. All those principles should be taken into account when the technical and financial questions concerned were elaborated in detail. It was particularly urgent to formulate such principles since past activities in the field of space communications had in some cases not conformed to them.

Accordingly, his delegation wished to recommend that the question of the elaboration of the basic principles which should govern the development of satellite telecommunications systems should be included in the agenda of the Sub-Committee at one of its future sessions. In addition, the Scientific and Technical Sub-Committee and the ITU should be asked to draw up a list of problems requiring solution and to begin a systematic study of them.

Mr. COCCA (Argentina) said that, in the past, his delegation had preferred to simplify and even eliminate definitions, since definitions in legal matters were inherently dangerous; however, since it had now become common international practice to preface international agreements with definitions because it was necessary for concepts to be clear where different legal systems were involved, his delegation had submitted to the Sub-Committee those definitions which it considered fundamental, namely the definition of an astronaut (A/AC.105/C.2/L.23) and that of a space vehicle (A/AC.105/C.2/L.22). Defining outer space itself, however, was quite a different matter. It was one thing to regulate the conduct of men and States in outer space, and the activities of space vehicles evolved and used by man, but quite another to establish the legal régime for a physical entity which has been in existence before technology had been invented and yet within which man and machine must operate. The relationship between man, vehicle and environment must be established from the outset. The system of law for the environment had already been established by the Treaty of January 1967 on outer space; since mankind itself had assumed responsibility for regulating outer space, the Moon and celestial bodies, it fell to the Sub-Committee to provide a legal definition of that vast concept. The Sub-Committee, however, could not ignore the results of basic scientific research and it would therefore have to seek expert advice from the Scientific and Technical Sub-Committee.



He recalled that in 1958 the International Council of Scientific Unions had established a scientific committee on contamination resulting from space exploration which had been quick to point out that initial attempts at exploration, or ill-conceived experiments, might cause biological, chemical or radiological contamination of the surface of the Moon or the celestial bodies and make it difficult, if not impossible, to undertake further scientific research. It had been the first to call for specific regulations to govern the exploration of the Moon and the celestial bodies. Thus, an international scientific body had requested lawyers to evolve a code of law for outer space so that scientific research could continue. The Sub-Committee must therefore, while seeking the advice of the Scientific and Technical Sub-Committee, formulate a definition of outer space itself; it would not be fulfilling the mandate of the General Assembly if it simply referred the question to the Scientific and Technical Sub-Committee. In that connexion, it would be very useful if both Sub-Committees could hold occasional joint meetings to consider matters of general significance and relevance such as those included in agenda item 4.

Although the Treaty of January 1967 on outer space contained a clear and express legal status for outer space, namely that it was res communis humanitatis in his view international law, including the Charter of the United Nations, had a subsidiary applicability as long as it did not contravene any principle contained in the Treaty; any principle of international law was applicable if it was not debarred by the law of outer space. For example, the principle of the inherent right of self-defence could not be invoked in outer space because the Treaty of January 1967 had abrogated that right by banning the use of all weapons, both conventional and nuclear. Professor Lachs, the former Chairman of the Sub-Committee, as early as 1962, had observed that international law and the Charter constituted a necessary recourse in view of the complete lack of legal norms for outer space. More recently, in his course at The Hague, he had rightly pointed out that international law did not apply if it had been modified, replaced or abrogated by special regulations covering outer space. He also recalled that at the most recent session of the Committee on the Peaceful Uses of Outer Space, the French representative had observed that the Treaty of January 1967 constituted the first chapter of the law of outer space and was not merely an extension of international law to a new field.

It was important to formulate a legal definition for outer space since a primordial principle, namely that of State sovereignty, was at stake. Questions of sovereignty could not be decided upon the basis of scientific arguments relating to the physical limits of air space and outer space, since sovereignty was the inherent right of peoples and could not be measured quantitatively. Sovereignty could be infringed by military activities, whatever the altitude or distance from which such activities originated, as well as by various types of economic or social activity.

In expressing a desire for consultations with the Scientific and Technical Sub-Committee on the question of the utilization of space and the implications of space communications, the Sub-Committee was clearly not thinking of the concept of the peaceful use of outer space, which was basically a legal concept, but of the practical ways in which outer space could be utilized. In that sense, and in view of the fact that the range of possible activities was increasing daily, it was quite appropriate for the Sub-Committee to seek the advice of the Scientific and Technical Sub-Committee. In view of its complexity, however, the question of space communications must be considered as a separate item; the fact that it was a sub-item on the agenda for the present session was a clear indication of the importance which the Committee on the Peaceful Uses of Outer Space attached to it.

The meeting rose at 12.20 p.m.