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INTERNATIONAL CO-OPERATION IN THE PEACEFUL USES OF OUTER SPACE

PREPARATION OF AN INTERNATIONAL CONVENTION ON PRINCIPLES GOVERNING THE USE BY STATES OF ARTIFICIAL EARTH SATELLITES FOR DIRECT TELEVISION BROADCASTING

Report of the First Committee

Rapporteur: Mr. António da COSTA LOBO (Portugal)

1. The items entitled "International co-operation in the peaceful uses of outer space: report of the Committee on the Peaceful Uses of Outer Space" and "Preparation of an international convention on principles governing the use by States of artificial earth satellites for direct television broadcasting: report of the Committee on the Peaceful Uses of Outer Space" were included in the provisional agenda of the twenty-ninth session on the basis of General Assembly resolution 3182 (XXVIII) of 18 December 1973.
2. At its 2236th plenary meeting, on 24 September 1974, the General Assembly, on the recommendation of the General Committee, decided to include the two items on its agenda and to allocate them to the First Committee for consideration and report.
3. At its 1987th meeting, on 25 September, the First Committee agreed to consider these two items jointly, on the understanding that delegations that wished to do so, could make separate statements on either of the two items.
4. The First Committee considered the two items at the 1988th to 1997th meetings, held from 11 to 18 October.
5. At the 1988th meeting, the Chairman of the Committee on the Peaceful Uses of Outer Space introduced the Committee's report. 1/

1/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 20 (A/9620).

6. At the 1995th meeting, on 17 October, the representative of Brazil introduced the draft basic articles (A/C.1/1047), submitted by Argentina and Brazil, of a Treaty on Remote Sensing of Natural Resources by Means of Space Technology.

7. At the 1994th meeting, on 17 October, a draft resolution (A/C.1/L.678) was introduced by the representative of Austria on behalf of Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Czechoslovakia, Egypt, France, the German Democratic Republic, Germany (Federal Republic of), Hungary, India, Indonesia, Iran, Italy, Japan, Kenya, Lebanon, Mexico, Mongolia, Nigeria, Poland, Romania, Sierra Leone, the Sudan, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela, and later co-sponsored by Ghana, Nicaragua, the Niger, the Syrian Arab Republic, the Upper Volta and the Union of Soviet Socialist Republics (see para. 14 below, draft resolution I).

8. At the same meeting, a second draft resolution (A/C.1/L.679) was introduced by the representative of Austria on behalf of Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, Egypt, France, Germany (Federal Republic of), India, Indonesia, Iran, Italy, Japan, Kenya, Lebanon, Mexico, Mongolia, Nigeria, Pakistan, Poland, Romania, Sierra Leone, the Sudan, Sweden, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela, and later co-sponsored by Ghana, Nicaragua, the Niger, the Syrian Arab Republic and the Upper Volta (see para. 14 below, draft resolution II).

9. At the 1992nd meeting, on 16 October, the representative of the United Kingdom of Great Britain and Northern Ireland introduced two oral amendments to the text of the draft Convention on Registration of Objects Launched into Outer Space, annexed to the draft resolution (A/C.1/L.679), 2/ whereby the word "object" in article VI thereof would be replaced by the word "subject" and the dates of the Treaty, Agreement and Convention referred to in the second, third and fourth paragraphs of the preamble thereof would appear in that text.

10. At the 1996th meeting, on 18 October, the representative of the Philippines introduced an oral amendment to draft resolution A/C.1/L.678, whereby a new paragraph would be added as paragraph 28 of the draft resolution (see para. 14 below, draft resolution I, para. 28).

11. A statement (A/C.1/L.680) of the administrative and financial implications of the draft resolution (A/C.1/L.678) was submitted by the Secretary-General on 16 October.

12. At its 1997th meeting, on 18 October, the Committee, without a vote, decided to incorporate the oral amendments proposed by the representative of the United Kingdom to draft resolution A/C.1/L.679 and the oral amendment proposed by the representative of the Philippines to draft resolution A/C.1/L.678.

2/ For the text of the draft Convention, see Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 20 (A/9620), annex III.

13. At the same meeting, the Committee unanimously adopted the two draft resolutions (A/C.1/L.678 and A/C.1/L.679), as orally amended (see para. 14 below, draft resolutions I and II).

RECOMMENDATIONS OF THE FIRST COMMITTEE

14. The First Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

International Co-operation in the Peaceful Uses of Outer Space

The General Assembly,

Recalling its resolution 3182 (XXVIII) of 18 December 1973,

Having considered the report of the Committee on the Peaceful Uses of Outer Space, 3/

Reaffirming the common interest of mankind in furthering the exploration and use of outer space for peaceful purposes,

Recalling its resolution 1721 B (XVI) of 20 December 1961, in which it expressed the belief that the United Nations should provide a focal point for international co-operation in the peaceful exploration and use of outer space,

Reaffirming further its belief that the benefits deriving from space exploration can be extended to States at all stages of economic and scientific development, if Member States conduct their space programmes with a view to promoting maximum international co-operation, including the widest possible exchange of information in this field, and the expansion of international programmes for the practical applications of space technology to development,

Reaffirming the importance of international co-operation in developing the rule of law in the peaceful exploration and use of outer space,

1. Endorses the report of the Committee on the Peaceful Uses of Outer Space;

2. Invites States which have not yet become Parties to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 4/ the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched

3/ Official Records of the General Assembly, Twenty-ninth Session, Supplément No. 20 (A/9620).

4/ Resolution 2222 (XXI), annex.

into Outer Space 5/ and the Convention on International Liability for Damage Caused by Space Objects 6/ to give early consideration to ratifying or acceding to those international agreements, so that they may have the broadest possible effect;

3. Notes with satisfaction that the Committee on the Peaceful Uses of Outer Space has completed the text of the draft Convention on Registration of Objects Launched into Outer Space; 7/

4. Notes with appreciation the useful work carried out by the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space in the field of the progressive development and of the codification of the law of outer space;

5. Notes that, in responding to the request of the General Assembly, the Legal Sub-Committee and the Committee itself have achieved further progress towards the completion of the draft treaty relating to the Moon;

6. Recommends that the Legal Sub-Committee should consider at its fourteenth session, with the same high priority:

(a) The draft treaty relating to the Moon with a view to completing it as soon as possible;

(b) The elaboration of principles governing the use by States of artificial satellites for direct television broadcasting with a view to concluding an international agreement or agreements, in accordance with General Assembly resolution 2916 (XXVII);

(c) The legal implications of remote sensing of the earth from space, taking into account the various views of States expressed on the subject, including proposals for draft international instruments;

7. Notes, in this context, that the delegations of Argentina and Brazil have introduced, during the present session of the General Assembly, draft basic articles of a Treaty on Remote Sensing of Natural Resources by Means of Space Technology 8/ for the consideration of the Legal Sub-Committee at its fourteenth session;

8. Also recommends that the Legal Sub-Committee should consider at its fourteenth session, as time permits, matters relating to the definition and/or delimitation of outer space and outer space activities;

5/ Resolution 2345 (XXII), annex.

6/ Resolution 2777 (XXVI), annex.

7/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 20 (A/9620), annex III.

8/ See A/C.1/1047.

9. Notes with appreciation the useful work carried out by the Working Group on Direct Broadcast Satellites, inter alia, in facilitating the work of the Legal Sub-Committee in elaborating principles governing the use by States of artificial earth satellites for direct television broadcasting;

10. Recommends that the Committee on the Peaceful Uses of Outer Space, bearing in mind the useful contribution that the Working Group on Direct Broadcast Satellites can make to its work, should consider reconvening the Working Group if or when it deems it useful;

11. Notes with satisfaction that, in promoting international co-operation in the application of space technology, the Scientific and Technical Sub-Committee and its Working Group on Remote Sensing of the Earth by Satellites have given considerable attention to the potential use of remote sensing of the earth by satellites in development programmes of all countries, especially of developing countries;

12. Welcomes the various efforts envisaged with a view to making more readily available the benefits of this new technology to all countries, especially developing countries;

13. Welcomes further, as a valuable step in the efforts to find appropriate patterns for the possible international organization of an operational remote-sensing system or systems, the request of the Committee on the Peaceful Uses of Outer Space that the Secretary-General undertake studies on the organizational and financial requirements of global and regional centres for remote sensing;

14. Endorses the opinion that further studies by the Scientific and Technical Sub-Committee of organizational and financial questions relating to remote sensing of the earth from space should progress, together with consideration by the Legal Sub-Committee of the legal aspects of remote sensing of the earth from space as a matter of priority;

15. Commends the Working Group on Remote Sensing of the Earth by Satellites for its accomplishment in assessing the current stage of development of remote sensing and in facilitating understanding of the potential benefits of this new space application for development, especially that of the developing countries;

16. Notes with approval that the Committee on the Peaceful Uses of Outer Space, having considered the various recommendations made by its Scientific and Technical Sub-Committee with regard to the work of the Working Group on Remote Sensing of the Earth by Satellites, as set out in the final report of the Working Group, 9/ agreed to the recommendation that the Scientific and Technical Sub-Committee, at its twelfth session in 1975, should give to remote sensing the priority accorded to it in paragraph 49 of the Committee's report;

17. Welcomes the continuing progress achieved in developing the United Nations programme on space applications into a significant means of promoting international co-operation in this field, as set out in paragraphs 35 to 41 of the report of the Committee on the Peaceful Uses of Outer Space and in paragraph 29 of the report of the Scientific and Technical Sub-Committee, 10/ and recommends that, in order to facilitate further progress in space applications, the Committee should explore the desirability of expanding the programme in the future, including the possibility of improving its effectiveness, taking especially into account the needs of the developing countries;

18. Endorses the United Nations programme on space applications, as referred to in paragraph 41 of the report of the Committee on the Peaceful Uses of Outer Space and in paragraph 29 of the report of the Scientific and Technical Sub-Committee, and recommends the continuing development of the programme, taking especially into account the needs of the developing countries;

19. Notes with appreciation that several Member States have offered educational and training facilities, under United Nations sponsorship, in the practical application of space technology and draws the attention of Member States, particularly the developing countries, to those opportunities as outlined in paragraphs 35 to 38 and 40 of the report of the Committee on the Peaceful Uses of Outer Space;

20. Further notes with appreciation the actions, as mentioned in paragraph 37 of the report of the Committee, of several Member States in serving as hosts to the United Nations-sponsored panels, seminars and workshops in 1973 and 1974, and in agreeing to serve as hosts to the United Nations-sponsored panels, seminars and workshops in 1975;

21. Further notes the value of United Nations panels and training seminars in various fields of space application and hopes that Member States will continue to offer to serve as hosts to these panels and training seminars with a view to the widest possible spread of information and sharing of costs in this new area of development, especially that of the developing countries;

22. Commends to the attention of Member States the questionnaire, recently communicated to them for their reply, which has been prepared for the purpose of facilitating future planning of a more effective United Nations programme on space applications with particular regard to the needs of the developing countries for assistance in this field;

23. Recommends that, in accordance with paragraph 57 of the report of the Committee on the Peaceful Uses of Outer Space, the specialized agencies, such as the International Telecommunication Union, the International Civil Aviation Organization and the Inter-Governmental Maritime Consultative Organization, having existing responsibilities or programmes of studies pertaining to the geostationary orbit, should provide the Scientific and Technical Sub-Committee at its next session with background information brought up to date on the subject;

24. Approves continuing sponsorship by the United Nations of the Thumba Equatorial Rocket Launching Station in India and the CELPA Mar del Plata Station in Argentina, expresses its satisfaction at the work being carried out at those ranges in relation to the use of sounding rocket facilities for international co-operation and training in the peaceful and scientific exploration of outer space, and recommends that Member States should continue to give consideration to the use of those facilities for space research activities;

25. Recalls the principles governing the operation of such United Nations-sponsored facilities as set forth in the report of the Committee on the Peaceful Uses of Outer Space in 1962 11/ and originally endorsed by the General Assembly in resolution 1802 (XVII);

26. Agrees with the Committee on the Peaceful Uses of Outer Space, as set out in paragraph 45 of its report, that proper co-ordination is necessary for activities within the United Nations system relating to the peaceful uses of outer space;

27. Recalls its interest in receiving information concerning discussions in the Inter-Governmental Maritime Consultative Organization regarding the use of maritime satellites, particularly in view of the International Conference on the Establishment of an International Maritime Satellite System, scheduled to take place in 1975;

28. Reiterates its request to the World Meteorological Organization to pursue actively the implementation of its tropical cyclone project, while continuing and intensifying its other related action programmes, including the World Weather Watch and, especially, the efforts being undertaken towards obtaining basic meteorological data and discovering ways and means to mitigate the harmful effects of tropical storms and to remove or minimize their destructive potential, and looks forward to its report thereon in accordance with General Assembly resolutions 2914 (XXVII) of 9 November 1972 and 3182 (XXVIII) of 18 December 1973;

29. Notes with appreciation that the specialized agencies, in particular the World Meteorological Organization, the International Telecommunication Union, the United Nations Educational, Scientific and Cultural Organization, the Food and Agriculture Organization of the United Nations and the International Maritime Consultative Organization, have continued to take an active part in the United Nations programme for the promotion of international co-operation in the peaceful uses of outer space, including the practical application of space technology;

30. Requests the specialized agencies and the International Atomic Energy Agency to continue, as appropriate, to provide the Committee on the Peaceful Uses of Outer Space with progress reports on their work relating to the peaceful uses of outer space and to examine, and report thereon to the Committee, the particular problems that may arise from the use of outer space in the fields within their

11/ Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 27, document A/5181.

competence and that should, in their opinion, be brought to the attention of the Committee;

31. Requests the Committee on the Peaceful Uses of Outer Space to continue its work, as set out in the present and previous resolutions of the General Assembly, and to report to the Assembly at its thirtieth session.

DRAFT RESOLUTION II

Convention on Registration of Objects Launched into Outer Space

The General Assembly,

Reaffirming the importance of international co-operation in the field of the exploration and peaceful uses of outer space, including the Moon and other celestial bodies, and of promoting the law in this new field of human endeavour,

Desiring, in the light 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, 12/ the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space 13/ and the Convention on International Liability for Damage Caused by Space Objects, 14/ to make provision for registration by launching States of space objects launched into outer space with a view, inter alia, to providing States with additional means and procedures to assist in the identification of space objects,

Bearing in mind its resolution 3182 (XXVIII) of 18 December 1973, in which it requested the Committee on the Peaceful Uses of Outer Space to consider as a matter of priority the completion of the text of the draft Convention on Registration of Objects Launched into Outer Space,

Having considered the report of the Committee on the Peaceful Uses of Outer Space, 15/

Noting with satisfaction that the Committee on the Peaceful Uses of Outer Space and its Legal Sub-Committee have completed the text of the draft Convention on Registration of Objects Launched into Outer Space,

1. Commends the Convention on Registration of Objects Launched into Outer Space, the text of which is annexed to the present resolution;

12/ Resolution 2222 (XXI), annex.

13/ Resolution 2345 (XXII), annex.

14/ Resolution 2777 (XXVI), annex.

15/ Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 20 (A/9620).

2. Requests the Secretary-General to open the Convention for signature and ratification at the earliest possible date;
3. Expresses its hope for the widest possible adherence to this Convention.

ANNEX

Convention on Registration of Objects Launched into Outer Space

The States Parties to this Convention,

Recognizing the common interest of all mankind in furthering the exploration and use of outer space for peaceful purposes,

Recalling that the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies of 27 January 1967 affirms that States shall bear international responsibility for their national activities in outer space and refers to the State on whose registry an object launched into outer space is carried,

Recalling also that the Agreement on the Rescue of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space of 22 April 1968 provides that a launching authority shall, upon request, furnish identifying data prior to the return of an object it has launched into outer space found beyond the territorial limits of the launching authority,

Recalling further that the Convention on International Liability for Damage Caused by Space Objects of 29 March 1972 establishes international rules and procedures concerning the liability of launching States for damage caused by their space objects,

Desiring, in the light 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, to make provision for the national registration by launching States of space objects launched into outer space,

Desiring further that a central register of objects launched into outer space be established and maintained, on a mandatory basis, by the Secretary-General of the United Nations,

Desiring also to provide for States Parties additional means and procedures to assist in the identification of space objects,

Believing that a mandatory system of registering objects launched into outer space would, in particular, assist in their identification and would contribute to the application and development of international law governing the exploration and use of outer space,

Have agreed on the following:

/...

Article I

For the purposes of this Convention:

- (a) The term "launching State" means:
 - (i) A State which launches or procures the launching of a space object;
 - (ii) A State from whose territory or facility a space object is launched;
- (b) The term "space object" includes component parts of a space object as well as its launch vehicle and parts thereof;
- (c) The term "State of registry" means a launching State on whose registry a space object is carried in accordance with article II.

Article II

1. When a space object is launched into earth orbit or beyond, the launching State shall register the space object by means of an entry in an appropriate registry which it shall maintain. Each launching State shall inform the Secretary-General of the United Nations of the establishment of such a registry.
2. Where there are two or more launching States in respect of any such space object, they shall jointly determine which one of them shall register the object in accordance with paragraph 1 of this article, bearing in mind the provisions of article VIII 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, and without prejudice to appropriate agreements concluded or to be concluded among the launching States on jurisdiction and control over the space object and over any personnel thereof.
3. The contents of each registry and the conditions under which it is maintained shall be determined by the State of registry concerned.

Article III

1. The Secretary-General of the United Nations shall maintain a Register in which the information furnished in accordance with article IV shall be recorded.
2. There shall be full and open access to the information in this Register.

Article IV

1. Each State of registry shall furnish to the Secretary-General of the United Nations, as soon as practicable, the following information concerning each space object carried on its registry:

/...

- (a) Name of launching State or States;
- (b) An appropriate designator of the space object or its registration number;
- (c) Date and territory or location of launch;
- (d) Basic orbital parameters, including:
 - (i) Nodal period,
 - (ii) Inclination,
 - (iii) Apogee,
 - (iv) Perigee;
- (e) General function of the space object.

2. Each State of registry may, from time to time, provide the Secretary-General of the United Nations with additional information concerning a space object carried on its registry.

3. Each State of registry shall notify the Secretary-General of the United Nations, to the greatest extent feasible and as soon as practicable, of space objects concerning which it has previously transmitted information, and which have been but no longer are in earth orbit.

Article V

Whenever a space object launched into earth orbit or beyond is marked with the designator or registration number referred to in article IV, paragraph 1 (b), or both, the State of registry shall notify the Secretary-General of this fact when submitting the information regarding the space object in accordance with article IV. In such case, the Secretary-General of the United Nations shall record this notification in the Register.

Article VI

Where the application of the provisions of this Convention has not enabled a State Party to identify a space object which has caused damage to it or to any of its natural or juridical persons, or which may be of a hazardous or deleterious nature, other States Parties, including in particular States possessing space monitoring and tracking facilities, shall respond to the greatest extent feasible to a request by that State Party, or transmitted through the Secretary-General on its behalf, for assistance under equitable and reasonable conditions in the identification of the object. A State Party making such a request shall, to the greatest extent feasible, submit information as to the time, nature and circumstances of the events giving rise to the request. Arrangements under which such assistance shall be rendered shall be the subject of agreement between the parties concerned.

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Article VII

1. In this Convention, with the exception of articles VIII to XII inclusive, references to States shall be deemed to apply to any international intergovernmental organization which conducts space activities if the organization declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organization are States Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

2. States members of any such organization which are States Parties to this Convention shall take all appropriate steps to ensure that the organization makes a declaration in accordance with paragraph 1 of this article.

Article VIII

1. This Convention shall be open for signature by all States at United Nations Headquarters in New York. Any State which does not sign this Convention before its entry into force in accordance with paragraph 3 of this article may accede to it at any time.

2. This Convention shall be subject to ratification by signatory States. Instruments of ratification and instruments of accession shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall enter into force among the States which have deposited instruments of ratification on the deposit of the fifth such instrument with the Secretary-General of the United Nations.

4. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the date of the deposit of their instruments of ratification or accession.

5. The Secretary-General shall promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification of and accession to this Convention, the date of its entry into force and other notices.

Article IX

Any State Party to this Convention may propose amendments to the Convention. Amendments shall enter into force for each State Party to the Convention accepting the amendments upon their acceptance by a majority of the States Parties to the Convention and thereafter for each remaining State Party to the Convention on the date of acceptance by it.

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Article X

Ten years after the entry into force of this Convention, the question of the review of the Convention shall be included in the provisional agenda of the United Nations General Assembly in order to consider, in the light of past application of the Convention, whether it requires revision. However, at any time after the Convention has been in force for five years, at the request of one third of the States Parties to the Convention and with the concurrence of the majority of the States Parties, a conference of the States Parties shall be convened to review this Convention. Such review shall take into account in particular any relevant technological developments, including those relating to the identification of space objects.

Article XI

Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Secretary-General of the United Nations. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XII

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all signatory and acceding States.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at New York on ...
