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## I.

## REPORT OF THE CHAIRMAN OF THE WORKING GROUP ON REMOTE SENSING\*

1. The Sub-Committee, at the first meeting of its present session on 1 February 1982, re-established its Working Group on remote sensing.
2. The Working Group noted that the Legal Sub-Committee was required, under paragraph 5 of General Assembly resolution 36/35 of 18 November 1981, to continue on a priority basis its detailed consideration of the legal implications of remote sensing of the earth from space, with the aim of formulating draft principles relating to remote sensing.
3. The Working Group held its first meeting on 2 February 1982 and concluded its work on 9 February 1982, having held a total of 11 meetings. There were also informal consultations.
4. The Working Group had before it the report of the Legal Sub-Committee on its twentieth session in 1981 which contained the report of the Chairman of the Working Group and, in the appendix to the report of the Chairman, the texts of the draft principles as they appeared at the conclusion of the twentieth session (A/AC.105/288, annex I, appendix).
5. The Working Group noted that the subject of remote sensing was an item on the agenda of the Scientific and Technical Sub-Committee at its nineteenth session in January 1982, and that chapter III was the relevant section of the Scientific and Technical Sub-Committee's report on that session (A/AC.105/304).
6. As to the organization of its work, the Working Group agreed that it would, beginning with principle I, review the texts of the draft principles set out in the appendix to the report of the Chairman of the Working Group at the twentieth session of the Sub-Committee (A/AC.105/288, annex I, appendix). Principles II to X, however, in which the words "[shall] [should]" alone appeared in square brackets, would not be reviewed unless a delegation wished a particular principle considered. The Working Group noted that a working paper entitled "Principles relating to remote sensing of the earth, its natural resources and its environment (WG/RS/(1981)/WP.2) had been submitted by the delegation of Mexico to the Working Group in 1981 but had not yet been considered by the Working Group. The Working Group agreed that it would when discussing particular principles consider the relevant provisions of the Mexican working paper and the working paper submitted by the delegation of Colombia to the Working Group in 1981 (WG/RS(1981)/WP.1) as well as other proposals that may be made.
7. The Working Group conducted a first review of the draft principles in accordance with the procedure mentioned in paragraph 6 above. Thereafter, the Working Group focused in particular on principles XII and XV and considered more closely in an informal group the provisions of principle XII and related working papers.
8. The following working papers were submitted in the course of the discussions of the Working Group at its present session: a working paper submitted by the delegation of Greece (WG/RS(1982)/WP.1) with respect to principle XI; a working paper submitted by the delegation of the USSR (WG/RS(1982)/WP.2) with respect to principle XI of the Mexican working paper; a working paper submitted by the

\*Taken from U.N.Comm. on the Peaceful Uses of Outer Space, Report of the Legal Sub-Committee on the Work of its Twenty-First Session (1-19 February 1982). Doc.A/AC.105/305, Annex I, pp. 1-6 (1982)

delegation of the United States (WG/RS(1982)/WP.3) with respect to principle XIII; a working paper submitted by the delegation of the USSR with respect to principle XV (WG/RS(1982)/WP.4); a working paper submitted by the delegation of the USSR with respect to principle IV, paragraph 1 (WG/RS(1982)/WP.5); a working paper submitted by the delegation of the USSR with respect to principle V (WG/RS(1982)/WP.6); a working paper submitted by the delegation of the USSR with respect to principle VIII (WG/RS(1982)/WP.7); three working papers submitted by the delegation of the USSR with respect to principle XII (WG/RS(1982)/WP.8; WG/RS(1982)/WP.9 and WG/RS(1982)/WP.10); a working paper submitted by the delegation of Brazil with respect to principle XII (WG/RS(1982)/WP.11); a working paper submitted by the delegation of China with respect to principle XII (WG/RS(1982)/WP.12); and a working paper submitted by the delegation of Greece with respect to principle XII (WG/RS(1982)/WP.13).

9. The working papers submitted at the twentieth session of the Legal Sub-Committee by the delegation of Colombia (WG/RS(1981)/WP.1) and by the delegation of Mexico (WG/RS(1981)/WP.2) as well as the working papers submitted in the course of the discussions of the Working Group at its present session and listed in paragraph 8 above are set out in the appendix to this report.

10. The views expressed in and the results of the discussions of the Working Group are summarized below.

11. Principle I. The Working Group referred briefly to foot-note 1 to the present text. The Working Group agreed that the foot-note, which concerned the question of the application of the principles to international intergovernmental organizations, should be considered at a later stage when questions relating to the other principles had been resolved. The Working Group discussed foot-note 2 to the present text and considered the formulation "with respect to remote sensing of the natural resources of the earth and its environment" which was set out in the foot-note. Certain suggestions were made for a change in this formulation. The view was expressed that though foot-note 2 could be retained the formulation could be changed to "the remote sensing of the natural resources of the earth and its environment from outer space". There was also a reference to the corresponding formulation in principle I of the Mexican working paper, namely "remote sensing of the earth, its natural resources and its environment from outer space". The Working Group reached no conclusion on the matter. The Working Group discussed at some length foot-note 3 to the present text relating to the definition of the term "remote sensing of the earth". Reference was made to the USSR working paper (WG.III(1979)/WP.9) which contained a detailed definition of the expression "remote sensing of the earth from outer space". There was also reference made to the definition contained in principle I of the Mexican working paper and the proposal contained in the Colombian working paper (WG/RS(1981)/WP.1). There was an exchange of views on the question whether there should be a fuller definition of the space object conducting the sensing, the manner in which sensing is conducted, and what was covered by the sensing. A number of suggestions were made but the Working Group reached no conclusion on the matter. The view was expressed that the scope of the remote sensing principles included only civil remote sensing. As to the definition of the term "remote sensing of the earth", it was suggested that the Scientific and Technical Sub-Committee could take up this question; the view was then expressed that if the two Sub-Committee had held their annual sessions at the same time, the Scientific and Technical Sub-Committee would have been able at the request of the Legal Sub-Committee to consider a definition of this expression during the same session and perhaps would have succeeded in completing the definition before the end of the session. Still another view was expressed that since the whole set of principles has not been finalized the Scientific and Technical Sub-Committee can undertake this task at its next session and hence no changes in the schedule of meetings of the two Sub-Committees are required. In this connexion, the view was also expressed that the problem of definition of "remote sensing" for the purpose of these principles was not a scientific or technical problem but, rather a political and legal one of defining the appropriate scope of the principles.

12. Principles II to X. Those principles were not specifically discussed, although references were made by some delegations to some of these principles in the course of the discussion of other principles. No time was allocated by the Working Group to examine either Principles II to X of the Mexican Working Paper (WG/RS (1981)/WP.2) or Principles IV, V and VIII of the USSR working papers (WG/RS (1982)/WP.5, 6 and 7). The view was expressed that the Working Group could have done otherwise in the light of paragraph 6 of General Assembly resolution 36/35.

13. Principle XI. The views expressed at previous sessions of the Working Group were reaffirmed in the course of discussions at the present session. Some delegations compared the present text to the corresponding text in the Mexican working paper and expressed the view that the proposal by Mexico concerning State responsibility was more complete and should therefore, though with some modification, be given preference. Consideration was also given to the working paper of Greece (WG/RS (1982)/WP.1) which in the view of some delegations represented a positive step. Some delegations spoke in favour of a principle which would provide for the responsibility of the sensing State for remote sensing related activities, and expressed the view that responsibility for such activities includes responsibility for the dissemination of results. Other delegations were of the view that principle XI was unnecessary in view of the provisions of principle III which provided for the application of international law including the Outer Space Treaty. They referred in particular to article VI of the Treaty. Other delegations could not accept this principle going beyond the legal régime of article VI of the Outer Space Treaty and the existing principles of international law regarding State responsibility and thus they were of the view that it would be unrealistic to expect consensus on this point. It was also stated that if the principles being elaborated were to be given, after their final elaboration, the status of rules of international law, their violation by a State could then involve its international responsibility.

14. Principle XII. Considerable efforts were undertaken in the Working Group and in an informal group to identify whether there were certain areas for compromise on the issues covered by this principle. In the course of discussions, reference was made to the proposals contained in: the Mexican working paper (WG/RS (1981)/WP.2, principle XIV); the working paper of the USSR (WG/RS (1982)/WP.10), which was later amended by the USSR in light of discussions; the working paper of Brazil (WG/RS (1982)/WP.11); and the working paper of China (WG/RS (1982)/WP.12). There was agreement that in principle sensing States should provide a sensed State with timely and non-discriminatory access to primary data concerning its territory obtained by remote sensing. Although the discussions on principle XII focused mainly on the same questions that had arisen at previous sessions of the Working Group, some delegations felt that some elements of the discussions at the present session could be viewed as a somewhat new approach. These delegations therefore welcomed a drafting effort made by the delegation of Greece, which submitted a new compromise proposal on principle XII (WG/RS (1982)/WP.13). In the view of some delegations, this proposal might present a wording susceptible to a compromise solution. Other delegations, however, expressed reservations with respect to the proposal of Greece and drew attention to the approach to principle XII reflected in the Working Group's text, and a reference was also made in this connexion to the Mexican proposal:

15. Principle XIII. The Working Group considered the provisions of principle XIII and also, in this connexion, the following proposals: the proposal in the Mexican working paper (WG/RS (1981)/WP.2, principle XIV); the proposal of the USSR (WG.III (1979)/WP.3); and the proposal of the USA (WG/RS (1982)/WP.3). The suggestion was made by some delegations that principle XIII should logically precede principle XII. The Working Group, however, agreed that possible rearrangement of the order of the principles could be considered at a later stage when substantive discussions on all the principles were concluded. Some delegations expressed the view that prior information on remote sensing programmes was important to offer States an opportunity to have access to data regarding their territories and to

consider if and how they could participate in such programmes. Other delegations, while sharing the view that prior information on remote sensing programmes may in fact increase the opportunity for States to participate in such programmes, stated that such information might not be useful from the point of view of providing access to data and that such access might be provided on the basis of publicizing the list of States in relation to whose territories such information is at the disposal of the sensing State or States with receiving ground stations. It was also stated that such prior information would be necessary in order to enable access to primary data and analysed information which might exist. The view was expressed that the provisions of principle VII, which provide for notifications to the Secretary-General in compliance with article XI of the Outer Space Treaty would adequately cover the question of notification of remote sensing activities. The view was also expressed in this connexion that, in light of the global nature and the technicalities of remote sensing activities, individual notification of sensed States was in fact not practicable, and therefore notifications to the Secretary-General would be a reasonable solution.

16. Principle XIV. This principle was not discussed.

17. Principle XV. A broad spectrum of views, still divergent in essence, characterized the discussions on this principle. Some delegations found this principle necessary and spoke in favour of its retention, while other delegations favoured the deletion of this principle. Some delegations, reaffirming views expressed at previous sessions of the Working Group, stated that the dissemination of data obtained by remote sensing and analysed information derived therefrom should not be subject to any restriction. They were of the view that unrestricted dissemination of data and information is fully consistent with international law, and that the application of restrictions on dissemination was not practical and would impair further development of remote sensing programmes. Some delegations which favoured the unrestricted dissemination of data and information also pointed out that no complaints had so far been raised about such dissemination and they pointed out that such dissemination was beneficial to all States. Some delegations were of the view that a restrictive system for dissemination would be an obstacle to international co-operation regarding, and participation in, remote sensing activities. These delegations also expressed concern that a restrictive system for dissemination would lead to a more dominant position of sensing States which had, or could acquire, data relating to all States with their satellites. Some delegations expressed the view that such wide dissemination of data and analysed information was acceptable only if the correlative obligation was established for sensing States to provide, on an equal footing, data and analysed information to all those so requiring.

18. Other delegations, however, also reaffirming views expressed at previous sessions of the Working Group, stated that certain restrictions on the dissemination of primary data and analysed information were necessary to protect the national interests of sensed States. Some of these delegations however stated that it was necessary that the dissemination of data and information about natural resources be made subject to the prior approval of the sensed State as dissemination without such prior approval was contrary to the sovereignty of sensed States. Some delegations were of the view that unrestricted dissemination may in certain cases be detrimental to the interests of some States and that international legal regulations should not be confused with the establishment of restrictive systems of dissemination. Still other delegations felt that while wide dissemination was desirable, a State conducting remote sensing activities should be held responsible for the dissemination of any primary data or analysed information that might adversely affect the national interests of a sensed State. Some of these delegations believed that the proposal made in the working paper of the USSR (WG/RS (1982)/WP.4), which would provide for unrestricted dissemination of primary data and analysed information subject to a sensed State's being entitled to declare that data and information with a resolution finer than 50 metres shall not be disseminated except on the conditions stated in the declaration, was a proposal that they could support.

19. Other delegations expressed the view that, while only the wide dissemination to third parties of primary data and analysed information obtained by remote sensing could contribute to the development of States, it was essential that the dissemination of certain data to such third parties should be subject to the prior consent of the sensed State. In the view of these delegations, an objective criterion, such as resolution, should make it possible to draw the line between data which could be freely communicated and data whose dissemination should be subject to the prior consent of the sensed State. In any event, any solution in this field must necessarily, according to these delegations, take account of existing technical realities, of the importance and current expansion of international co-operation in this field, and of the legitimate aspiration of sensed States to control the dissemination of certain data to third parties.

20. Some delegations which favoured the unrestricted dissemination of data and information stated that the application of a criterion of spatial resolution would not be feasible in remote sensing activities in view of technical and practical difficulties.

21. Principle XVI. Some delegations, reaffirming the views expressed at previous sessions of the Working Group, stated that principle XVI was necessary and the concept of permanent sovereignty over wealth and natural resources applied to data and information, obtained by remote sensing of the territory of a sensed State, and formed part of international law. The view was also expressed that in this particular field it was necessary to link the principle of freedom of use of outer space with the concept of State sovereignty over natural resources. Other delegations, however, reaffirming views expressed at previous sessions of the Working Group, stated that while the concept of permanent sovereignty over wealth and natural resources was accepted, provided it necessarily entailed due regard for the rights and interests of other States and their natural and juridical persons in accordance with international law, the concept did not extend to sovereignty over information about wealth and natural resources of States; that consensus on principle XVI was not possible; and that the principle should be deleted. The view was also expressed that, as consensus on principle XVI was not likely, the contents of the principle might be placed in the framework of a preamble to the principles.

22. Principle XVII. There was a brief discussion of this principle. Some delegations expressed doubts as to the usefulness of a principle concerning settlement of disputes if it were not to include institutionalized settlement procedures. These delegations felt that a discussion of the principle should be deferred until a decision had been taken on the legal nature of the entire set of principles. The view was expressed that a provision on prompt and obligatory consultations was a useful and important element of this principle.

23. While no modification or further elaboration of the provisions of the draft principles was made at the present session of the Working Group, the discussions of the Working Group were extensive, detailed and constructive. The texts of the draft principles are set out in the appendix to this report.

24. The Working Group held its final meeting on 18 February 1982 when it considered and approved the present report.

## II.

## REPORT OF THE CHAIRMAN OF THE WORKING GROUP ON AGENDA ITEM 3\*

(Consideration of the possibility of supplementing the norms of international law relevant to the use of nuclear power sources in outer space)

1. The Sub-Committee, at the 1st meeting of its present session on 1 February 1982, re-established its Working Group on agenda item 3 (Consideration of the possibility of supplementing the norms of international law relevant to the use of nuclear power sources in outer space).
2. The Working Group had before it the report of the Legal Sub-Committee on its twentieth session in 1981 (A/AC.105/288 and Add.1); the report of the Scientific and Technical Sub-Committee on its eighteenth session in 1981, which contained in annex II the report of its Working Group on the use of nuclear power sources in outer space (A/AC.105/287); and the report of the Scientific and Technical Sub-Committee on its nineteenth session in 1982 (A/AC.105/304).
3. The Working Group noted that the report of the Legal Sub-Committee on its twentieth session contained in annex IV a working paper entitled "Use of Nuclear Power Sources in Outer Space" submitted to the Legal Sub-Committee at its twentieth session by the delegation of Canada (A/AC.105/C.2/L.129) and in addendum 1 a working paper submitted by the delegation of Venezuela (WG/NPS(1981)/WP.1) and a working paper submitted by the delegation of Italy (WG/NPS(1981)/WP.2).
4. The Working Group noted that the Scientific and Technical Sub-Committee's Working Group on the use of nuclear power sources in outer space had in paragraph 38 of its 1981 report (A/AC.105/287, annex II) reaffirmed its previous conclusion that "nuclear power sources can be used safely in outer space provided that all necessary safety requirements are met".
5. The following working papers were submitted in the course of the discussions of the Working Group: a working paper submitted by the delegations of Argentina and Chile (WG/NPS(1982)/WP.1); a working paper submitted by the delegation of Sweden (WG/NPS(1982)/WP.2); a working paper submitted by the delegation of Brazil (WG/NPS(1982)/WP.3) and revised by the delegation of Brazil in the light of the discussions in the Working Group (WG/NPS(1982)/WP.3/Rev.1); a working paper submitted by the delegation of Nigeria (WG/NPS(1982)/WP.4). The delegation of Canada informed the Working Group that a new working paper, supplementing but not replacing the Canadian working paper (A/AC.105/C.2/L.129), would be submitted to the Sub-Committee. (This working paper is contained in document A/AC.105/C.2/L.134.) The working papers are attached to the report.
6. The Working Group, following a proposal by the Chairman, agreed that in considering this agenda item, it should begin with the discussion of assistance to States affected by accidental re-entry of a space object with a nuclear power source on board, as it seemed most likely that the Working Group would make progress under that heading.
7. The Working Group considered this question taking into account Section C of the working paper of Canada (A/AC.105/C.2/L.129), and the relevant provisions in the working paper of Italy (WG/NPS(1981)/WP.2) and the working papers on the question of assistance to States submitted to the Working Group at its present session, namely, the working paper submitted jointly by the delegations of

\*Taken from U.N. Comm. on the Peaceful Uses of Outer Space, Report of the Legal Sub-Committee on the Work of its Twenty-First Session (1-19 February 1982). Doc. A/AC.105/305, Annex II, pp. 1-4 (1982)

Argentina and Chile (WG/NPS(1982)/WP.1); the working paper submitted by the delegation of Brazil (WG/NPS(1982)WP.3 and Rev. 1); and the working paper submitted by the delegation of Nigeria (WG/NPS/(1982)/WP.4); as well as various views expressed by other delegations. The delegation of Canada informed the Working Group that a Canadian working paper on assistance to States would be submitted to the Sub-Committee. This working paper is contained in document A/AC.105/C.2/L.135 attached hereto.

8. The views expressed in and the results of the discussions of the Working Group are summarized below.

9. Some delegations were of the view that Section C of the Canadian working paper provided a useful basis for discussion of the necessary supplement to the norms of international law. Other delegations stressed the need to build on the existing international law and considered that Section C of the Canadian paper raised, without providing adequate answers, questions not susceptible to simple treatment; some such questions were already covered by existing treaties, and others required fuller definition and elaboration. The view was expressed that prior to the decision on the necessity of supplementing the existing international law relating to assistance, several questions should be further discussed with a view to the possible working out of mutually acceptable concepts. These questions concerned, inter alia, the definition of "necessary assistance", methods of determining extent and duration of search and clean-up operations, the right of the launching State to participate in those operations, the steps immediately to be taken by the affected State, the payment of costs of search and clean-up operations not conducted by the launching State, the access to the affected State's territory by search groups of assisting States, the extent of local experts' participation, the affected State's right to request assistance from a third State, determining the methods of removing debris from the territory of the affected State. The delegations which were generally in favour of the approach taken in the Canadian paper, however, considered that the sovereignty of States with respect to their own territory and the obligation of the launching State for consequences of its use of nuclear power sources, together with the relevant provisions of The Outer Space Treaty and the Liability Convention, provided adequate bases for resolving virtually all of those questions.

10. Some delegations considered that it was necessary that there be a régime for State responsibility and liability as in the Brazilian working paper and also in the jointly submitted Argentinian-Chilean working paper. Others doubted that liability was a subject to be considered incidentally to the question of assistance, and that if the existing Liability Convention needed to be supplemented in order adequately to cover NPS, then this was a major legal task to be undertaken separately. While some tended to the view that the Liability Convention's provisions were clear and adequate, others considered that the special characteristics of NPS warranted the development of additional specific liability rules. Some expressed reservation about the Working Group's going beyond examining what additions to the Liability Convention might be warranted by the special characteristics of NPS. Some delegations expressed the view that the affected State had the right to determine whether the launching State or other States should render assistance to it. These delegations were of the view that it should be made clear that the launching State had, nevertheless, the fundamental obligation to offer assistance as provided in the Nigerian working paper. Some of these delegations stressed that assistance from the launching State or a third State could only be rendered upon request from the affected State. In support of the launching State's interest in participating in assistance operations, references were made to the Outer Space Treaty and to the Rescue and Return Agreement as well as to analogies drawn from the law applicable to aircraft accidents. However, some delegations drew attention to the distinction between, on the one hand, the right of the launching State to investigate the causes of the malfunction of its NPS space object or to retrieve it and, on the other hand, the obligation of the launching State to give assistance to the affected State; in the view of these delegations it would complicate the consideration of the assistance question to

consider these questions concurrently. A view was also expressed that the launching State has a priority right to conduct search and clean-up operations if the affected State resorts to foreign assistance.

11. In this connexion, the view was expressed that need existed for a definition of "necessary assistance". This was, it was felt, particularly so in case the launching State had to bear the expenses for assistance operations even when the affected State, in the exercise of its sovereignty, had either sought the assistance of another State or conducted the search and clean-up operations itself. It was pointed out that the ability to render effective assistance might depend on specific knowledge about the space object which only experts of the launching State have that unnecessary costs might be incurred and that, moreover, additional damage might result from operations conducted without the launching State's participation. Some delegations stressed, however, that since it was for the affected State to determine what assistance was to be given as well as by whom it should be given, the expenses of assistance should be borne by the launching State in any event. A number of delegations in this connexion indicated that the obligation of the launching State to reimburse the affected State for the expenses for search and clean-up operations could be derived from article XII of the Convention on Liability. It was also considered that the launching State's obligation to meet all expenses for assistance, in particular assistance requested of a third State, would be subject to standards of reasonableness. On this last point it was said that only justified expenses proportional to the goal of protecting persons and goods should be borne by the launching State. Some delegations noted that the term "necessary assistance" was already well understood in international law and used in legal instruments including the Rescue and Return Agreement. These delegations further pointed out that though assistance and compensation were two different problems they were interrelated.

12. The reference to "indirect" and "direct" damage contained in both the Brazilian working paper and the Argentinian-Chilean paper was discussed. Some delegates thought it inadvisable to enter so complex and diversely treated an area of law while others, although admitting the difficulty, wished nonetheless to take account of the possibility of wide-ranging, long-term environmental and delayed effects of NPS accidents. The view was expressed that liability for damage arising as a result of search and clean-up operations not conducted by the launching State cannot be imposed upon the launching State. Several references were made to the Convention on Liability in particular to articles I, II and XII thereof which defined very carefully the liability to pay compensation for damage which could be applicable for determining liability in respect of NPS as well as more generally any other damage caused by the accident. Reference was also made - in connexion with consequential and environmental damages and expenses - to article 5, paragraph 4 of the Rescue and Return Agreement which requires the launching State to take effective steps to eliminate possible danger of harm. Some delegations recalled that the concepts of "direct damage" and "indirect damage" were not accepted in the drafting of the Convention on Liability and that it would, therefore, be prudent not to use them in the present context. The view was expressed that it was necessary to clearly distinguish between liability for damage resulting from an NPS accident and the obligation to reimburse expenses resulting from an accident.

13. Among other aspects of the question of assistance that were considered by the Working Group, it was generally agreed that apart from the special responsibilities of the launching State and in the context of international humanitarianism, all States should be prepared to offer assistance to the affected State to the extent of their capabilities. Furthermore, it was agreed by some delegations that assistance to developing countries should take into account the special needs of these countries. Some delegations felt that such special needs should be defined. Some delegations expressed the view that a useful role in providing assistance might be played by entities other than States, e.g. international organizations such as the IAEA. In this connexion, the Working Group invited a statement from the observer of the IAEA. The view was expressed that it would be useful to ascertain what

functions were to be performed, in connexion with the question of assistance to States, by the Secretary-General of the United Nations with particular reference to the first paragraphs of the Canadian and the Argentinian-Chilean papers respectively.

14. The observation was made that it was left open at the present stage whether the provisions now being considered in the Working Group were intended to be eventually in the nature of guidelines, principles or treaty provisions and that this should be borne in mind during the discussions of this subject.

15. The Working Group held its final meeting on 18 February 1982 when it considered and approved the present report.

### III.

#### RESOLUTION APPROVED BY THE XXII CONFERENCE OF THE INTER-AMERICAN BAR ASSOCIATION, MARCH 14-20, 1981 QUITO, ECUADOR

##### Res. 32 Solar Energy

###### WHEREAS:

The ever increasing problems related with the worldwide energy crisis make it necessary to search for new sources of energy such as solar energy;

The utilization of solar energy lacks specific juridical rules which are necessary at an international level to permit its correct and equitable use by all nations of the World;

The proper organs of the United Nations should formulate the principles of an Agreement on this matter which would be added to the existing international legal treaties on the peaceful use of outer space, the Moon and other celestial bodies;

At a Symposium on Space Law held in Miami in April 1980, convened by the University of Miami jointly with the Latin American Air and Space Law Association, a Document entitled "The XII Tables on Solar Energy" was approved, which represents the thought of American jurists concerning the legal problems relating to the capture of solar energy in outer space and its utilization on Earth;

The principles stipulated in said Document refer, among others, to the following subjects: application of the principle of "common heritage of mankind" to solar energy; solar energy should not be subject to national exclusive appropriation in outer space; the utilization of solar energy should be done in accordance with international law, including the Charter of the United Nations and other treaties or conventions relating to space; the geostationary orbit should constitute a common heritage of mankind; definition of "damage" which would include the damages that might be caused by solar energy to the environment, to air navigation or any other type of damage on earth; a preventive system to avoid damages caused by solar energy; international cooperation as a conditioning element of lawful activity in this field; participation by all countries and technical assistance to take part in the exploitation of solar energy; equal benefits to all countries; prohibition of utilization of solar energy other than for peaceful purpose, exclusively; administration of solar energy through an international agency with sufficient jurisdiction to guarantee its rational and equitable utilization,

## RESOLVES

1. To recommend to the United Nations the adoption of the principles contained in the Document entitled "XII Tables of Solar Energy", except principle IV relating to the geostationary orbit, since there is no consensus with respect to this subject.
2. To recommend the establishment within the United Nations of a technical juridical body to handle all problems pertaining to the utilization of solar energy captured in space.
3. To suggest the scheduling of periodical meetings, at governmental level, to study these problems and to prepare a common policy on this matter.
4. To suggest the creation of national technical-juridical Commissions to study national problems relating to the utilization of solar energy and to serve as liaison with the international organizations dealing with the subject.
5. To recommend enactment of legislation providing tax and credit incentives to foster the private utilization of solar energy.