

International Seabed Regime and Machinery (A/AC.138/59) to the Seabed Committee in 1971 which, in paragraph 8, reads as follows:

The area shall be reserved exclusively for peaceful purposes, without prejudice to any measures which have been or may be agreed upon in the context of international negotiations undertaken in the field of disarmament and which may be applicable to a broader area. One or more international agreements shall be concluded as soon as possible in order to implement effectively this principle and to constitute a step towards the exclusion of the seabed, the ocean floor and the subsoil thereof from the arms race.

This principle could be included virtually verbatim in the future seabed treaty with appropriate modifications reflecting the endorsement by the General Assembly of the treaty prohibiting the emplacement of nuclear weapons on the seabed and the ocean floor. A difficult question that arises here is whether the international seabed machinery should be granted at least the same powers of verification of suspect activities as are granted to states parties under the seabed arms control treaty.

The inclusion of such a provision, on preliminary consideration, would appear appropriate and desirable.

This Canadian suggestion was never taken up, and the total separation between the disarmament and the development aspects of seabed activities continues to pose problems.

There are striking similarities between attempts to establish the Law of the Sea and to set up a World Space Organization in terms of procedure. Ambassador Pardo proposed establishment of a committee to examine the question, the adoption of a resolution embodying the principle of the common heritage, and the calling of the Third United Nations Conference on the Law of the Sea to adopt a Convention on the Law of the Sea, which could be universally agreed upon. The United Nations followed this course of action and, in 1982, adopted the UN Convention on the Law of the Sea which by December 1984 had gathered 159 signatures. Thirty-four states have ratified the convention. Sixty ratifications are needed for the Convention to come into force, and until then a Preparatory Commission (Prep. Com) is to prepare for the setting up of the International Seabed Authority and the International Tribunal for the Law of the Sea and regulate seabed exploration through an interim regime.

The procedure initiated by the Soviet Union in 1985 is identical and projecting the analogy into the future, one would obtain the following sequence of possible events:

#### OCEANS

1. Placing item on GA Agenda
2. Introduction of item in address to GA
3. Creation of Ad Hoc Committee
4. Adoption of Declaration of Principles
5. Preparation of Agenda for UNCLOS III\*
6. UNCLOS III
7. Adoption of Convention; establishment of Prep. Com to set up Authority

#### SPACE

1. Placing item on GA Agenda
2. Introduction of item in address to GA
3. Creation of Committee of Members of Conference on Disarmament and COPUOS\*\*
4. Adoption of Declaration of Principles
5. Preparation of Agenda for UN Conference on World Space Organization
6. UNCOWSO
7. Adoption of Convention; establishment of Prep. Com to set up World Space Organization

\* Third UN Conference on the Law of the Sea

\*\*Committee on the peaceful uses of outer space.

### SCENARIO FOR THE ESTABLISHMENT OF A WORLD SPACE ORGANIZATION

#### *Declaration of Principles*

A Declaration of Principles Governing the Sea-bed and the Ocean Floor, and the Subsoil thereof, Beyond the Limits of National Jurisdiction was adopted on 7 December 1970. In the style of all UN resolutions, this declaration first recalls precedents, then points out that a *delimitation* of the international area and areas under national jurisdiction was needed. It then states that there is, at present, no legal regime for the exploration and exploitation of the resources of the area beyond national jurisdiction, and that this should be carried out for the benefit of mankind as a whole. For this purpose, an appropriate international machinery should be established as soon as possible. These points are almost entirely applicable to the situation in outer space.

The Declaration of Principles Governing Outer Space, the Moon and Other Celestial Bodies undoubtedly will make reference to Resolution 40/89, to the Outer Space Treaty, to the Moon Treaty, to the Code of Conduct on Remote Sensing of Earth from Space, and to some other agreements and resolutions. It will affirm that outer space is beyond the limits of national jurisdiction, and will recognize that the existing legal regime of outer space does not provide substantive rules for regulating the exploration and exploitation of its resources. Most emphatically it will express the conviction that outer space shall be reserved exclusively for peaceful purposes and that the exploration and exploitation of its resources shall be carried out for the benefit of mankind as a whole; in particular, it should establish that *knowledge* acquired from satellites is to be shared by all countries. It will state the belief that an international regime, including appropriate international machinery, should be established as soon as possible.