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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

VERBATIM RECORD OF THE ONE HUNDRED AND SIXTY-FOURTH MEETING

Held at Headquarters, New York,
on Friday, 25 June 1976, at 3 p.m.

Chairman: Mr. JANKOWITSCH (Austria)

Consideration of

(a) Report of the Legal Sub-Committee (continued)
(b) Report of the Scientific and Technical Sub-Committee (continued)

76-82028

The meeting was called to order at 3.25 p.m.

CONSIDERATION OF

(a) REPORT OF THE LEGAL SUB-COMMITTEE (A/AC.105/171) (continued)

(b) REPORT OF THE SCIENTIFIC AND TECHNICAL SUB-COMMITTEE (A/AC.105/170) (continued)

Mr. DALTON (United Kingdom): When my delegation spoke in the course of this morning's debate on the question of direct television broadcasting from satellites, we emphasized that the rights of individuals should be taken into account by this Committee when it is working on the principles which should govern the use of this technology. We did not say that in all circumstances the rights of individuals should prevail -- simply, that they should be given due weight.

The representative of the Soviet Union has drawn attention to those aspects of the Final Act of the Helsinki Conference which relate to the rights of States and peoples. He said that this Committee should primarily be concerned with relations between States. All that my delegation was attempting to do was to point out that States and peoples, both of which are collective nouns, are made up of individual human beings. I went on to point out that there are a number of provisions of international law which purport to guarantee the rights of individuals, amongst them the Helsinki documents.

My delegation is well aware that those documents should be read as a whole, as was emphasized by the representative of the Soviet Union. Each clause must, indeed, be read in conjunction with all the others. But, of course, this argument runs both ways.

(Mr. Dalton, United Kingdom)

It is possible, as my Soviet colleague hinted, so to construe the words that the rights of States take precedence over the rights of individuals. Alternatively, it is legitimate to propose in a particular instance that the rights of individuals should take precedence over the rights of States. My delegation is not arguing the latter point in connexion with direct broadcasting. We recognize that both States and individuals have rights and obligations, but we are concerned with the balance between States' rights and the rights of individuals.

The Helsinki Final Act is an admirable statement of intentions adopted by my Government, among others. There is a crucial section of the Declaration on principles guiding relations between participating states -- section 10, in fact -- in which the participating States, paying due regard to all the principles of the Declaration, and in particular to one concerned with "fulfilment in good faith of obligations under international law", note that the Helsinki Declaration does not affect their other rights and obligations under international law. A number of Governments have assumed just such an obligation in the field of human rights. The United Kingdom ratified the United Nations Covenant on Civil and Political Rights and the Covenant on Economic, Social and Cultural Rights on 20 May 1976. For us, ratification was not a routine matter. It was an act based upon judicial considerations. We voluntarily assumed obligations. The Union of Soviet Socialist Republics has done so too. We were interested, therefore, in the interpretation of the Covenants which its representative put forward this morning. It goes without saying that when States bind themselves -- and that is the effect of Covenants: they bind themselves -- to observe the Covenant on Civil and Political Rights, they are binding themselves to observe article 19, on the right of everyone to freedom of opinion and expression.

Restrictions on this obligation have, of course, been permitted in the process of formulating international law. The point which my delegation wishes to make is that in formulating international space law with respect to direct television broadcasting we should give due weight to the rights of individuals, those individuals who make up the concept of mankind which figures so largely in the 1967 Treaty on the Peaceful Uses of Outer Space. The fact that

(Mr. Dalton, United Kingdom)

this section of our debate has been devoted to this issue reinforces the point with which I began my statement this morning on direct television broadcasting -- namely, that it would be difficult for us at this meeting of the Committee to make substantial progress on the principle relating to consent and participation. To my delegation, as to others, the degree to which the rights of States should override the rights of individuals is central to the consideration of this and other draft principles.

If I may repeat, my delegation is aware of the need in certain circumstances to restrict the rights of individuals. In this respect we were very struck by the remark made by the representative of India that commercialism would vitiate the impact of educational programmes under direct television broadcasting in the villages of his country. We are also open to suggestions about the way in which the right of individuals to impart and receive information might be restricted in the context of direct television broadcasting.

We were most impressed by the contributions made in this debate by the representatives of Nigeria, India and Iran, who all referred to the potential value of the technique for their social and educational programmes. With, I must regret, admittedly incomplete knowledge on my part of the intentions of those countries and of the precise technical considerations they have in mind, I venture with humility to suggest that problems of overspill, which might affect the institution of such systems by the States I have mentioned, might arise. The principle of consent and participation may therefore be of crucial importance to them, as it is to us.

My delegation looks forward to further work on this item at the next session of the Legal Sub-Committee. Detailed discussions before we meet and at that session will be necessary to harmonize different points of view on outstanding problems. My delegation is firmly convinced that participation by the receiving State in the activities of the broadcasting State is essential and that there should not be a state of anarchy in future international arrangements in this field. To give substance to the claim I have just made, I should add that the United Kingdom representative, in informal discussions with representatives at the last session of the Legal Sub-Committee, suggested that objective tests, based on international norms, of the acceptability of the subject-matter of

(Mr. Dalton, United Kingdom)

broadcasts, combined with consultations and peaceful methods of solving disputes, might be a substitute for a specific right of prior consent accorded to the receiving State.

My delegation is as interested as any other in progress on this item. We are therefore concerned to explore different approaches to see whether issues of interest to us and to other delegations can be given their due weight and different points of view harmonized.

Mr. MACAULAY (Nigeria): It was not in fact my intention to speak, but having listened to the statement of the representative of the United States, my delegation feels constrained to make a brief statement. The preambular part of the statement by the representative of the United States was to the effect that the United States was in fact interested in the treaty on the Moon. That perhaps answers in part the question that I have had for the first two days, though perhaps in a quite different form. Now that I know for certain that the United States is interested in this matter, it is the intention of my delegation to extend a hand of fellowship and express the wish that the same sort of tolerance and co-operation which we received in Geneva will be repeated here so that we can go on from there to write the text which just eluded us the last time.

I have a feeling that there is a matter which has in fact not been mentioned but which was touched on and discussed at length in Geneva, namely, the question of spill-over. I hope that I shall not be ruled out of order for raising it here, because from the point of view of my delegation it may not be sufficient to say that this was a matter which it was decided after long debate to put aside. Before we put it aside, may I say with respect that as I understand it, the main point of the conflict was the interpretation of section 428 of the ITU Convention. The impression that my delegation had was that the interpretation in the working papers that were taken to Geneva and an actual reading of the regulation itself show very little difference. If, therefore, there was very little difference about the meaning of section 428, then my delegation fails to understand why we could not arrive at a definition of spill-over.

Be that as it may, it was decided that this is a matter which might fruitfully be taken up at the next ITU Convention in March 1977, in order to put an end to what was becoming a very protracted and sometimes very ugly debate on this matter. That was in fact the last position as my delegation understands it.

(Mr. Macaulay, Nigeria)

I have raised this question here because I should like to know the legal status of a matter which had been taken up either in the Scientific and Technical Sub-Committee or in the Legal Sub-Committee and which we now find has been sent to an outside body which is not related to either of those Sub-Committees, and what will be the status of that report if and when the meeting takes place in March 1977? Are we going to ask the ITU to make their report available to this Committee? If we are going to do that, how are we going to do it? If we are going to ask the ITU to do that, is it under an obligation to surrender that report? If in the long run there is no report, how will the rest of us, who have no technical capability of deciding frequency matters and on what frequency a satellite is broadcasting, be able to get the information that we think is so vital to settle this matter of spill-over?

These are just passing thoughts which in all seriousness I think the Committee would like to submit for the consideration of the General Assembly at its next session some weeks hence. I share the reluctance of some representatives to reopen the nine elements which were agreed on in Geneva, because it appears to us that, if we are to allow all those matters to be rehashed here, we might be just going round in the swinging doors and we shall never get anywhere.

Yesterday I asked in all humility what would be the situation with regard to matters which had not been raised in Geneva and what was going to happen to those questions. If it is not the intention of this Committee at least to give us guidelines or to leave us with a notion of what is going to be the content of the report to be submitted to the thirty-first session of the General Assembly, then at least in all fairness we should have an idea of what is going to happen to those matters which were not discussed.

I do not wish to elaborate on the question of prior consent because I believe that the stand of my delegation is perfectly clear on this matter. I only wish to add that there is no absolute freedom of speech, no matter what system of Government prevails. My little legal understanding compels me to believe that even in the best democratic societies the interests of the State and the interests of the individual must be weighed carefully. The individual is in theory free to write and to say whatever he wishes within the limits of the laws of

(Mr. Macaulay, Nigeria)

defamation and obscenity, to name only two of the more operative ones. That is why we should like to emphasize that, much as we want freedom of information, my delegation is not prepared in any form or guise to allow people to take that freedom as a licence to interfere in the domestic policies of other Governments. This leads me to think perhaps that this is one of the points which has compelled the representative of the Soviet Union to put much emphasis on what is illegal or unlawful practice. Quite honestly I do not understand the implications of this description; but perhaps I might be allowed to guess that what is meant here is that international broadcasting by television which is deliberately aimed or beamed from outside against another country should not be used in a way which is going to stir up illegality or in any way which, prima facie, would itself be an unlawful operation. I believe that representatives could tell us more about what has happened.

Finally, my delegation recalls that in Geneva during the formulation of some of the principles regarding direct broadcast satellites and remote sensing we had occasion once in a while to borrow concepts or to try to introduce concepts which had been agreed on and accepted at Helsinki. I must confess that it was half way through that it suddenly occurred to me that the Helsinki document, even though it is an official document of the United Nations, had never been registered and was not in fact intended to be quoted or used in any shape or form by any member who was not a participant in that Conference. I believe that is a specific restriction which is made under Article 102 of the Charter of the United Nations. The rest of us who are not members of that august conference should like to have guidance as to whether we shall not be in contravention of Article 102 of the Charter if we are to deal with matters which from the very beginning we have been told are not our business and, if in fact we are to comment on that question, whether it would be legitimate to enter into any discussion or debate on matters which have been introduced by the members of that Organization.

I mention this only because -- and most of the representatives who are practising lawyers will know -- sometimes matters which are inadmissible in court are let in by a client, and if he does that he cannot then complain because the evidence is before the court.

(Mr. Macaulay, Nigeria)

Without wishing to run the risk of being reminded that the Helsinki meeting does not concern us, we should like, as much as possible, for those matters not to lead us into uncharted seas or into waters where the rest of us are not entitled to go.

Having said that, may I also with respect remind this Committee that under Article 103 of the Charter any good that can come out of the Helsinki agreement is not debarred, because, as I understand it, it only states that, if there is a conflict between what has been agreed in any other forum, in Helsinki for example, and our obligations here, we would have to follow the rules of the United Nations.

These are some of the remarks that I thought I should make with a view to obtaining a statement of guidance so that at all times we may be in a position to know that we are not in fact discussing matters which are outside our orbit.

Miss HOLZER (Austria): I should like at this point to make a few remarks on some of the items dealt with by the two Sub Committees.

As far as the question of holding a second United Nations conference on outer space matters is concerned, we have repeatedly stressed our support for such a conference. We strongly feel that the time has come to sum up, to evaluate the progress made and the experience gained in outer space technology and in its application in various fields, and to analyse future possibilities, to elaborate broader, and certainly very valuable, guidelines for the future activities of our Committee. The broad participation in such a conference, in comparison with the participation of a limited number of States in this Committee could oblige all nations to take a general interest in outer space matters and therefore could increase their awareness of the problems involved. An examination of the needs of users of outer space technology, especially in developing countries, could take place in such a conference.

The usefulness of discussing outer space matters on a broader basis has implicitly been acknowledged by those who favour the inclusion of these matters in the programme of the United Nations Conference on Science and Technology scheduled for 1979. But from the discussions held in the United Nations Committee on Science and Technology early this year, it seems clear that that Conference will not deal with outer space questions. Apart from that, in the opinion of my delegation it would be highly undesirable to discuss the very complex outer space matters together with the sometimes rather general topics that will be on the agenda of the Conference on Science and Technology.

(Miss Holzer, Austria)

It has been argued that a decision on the question of holding a separate United Nations conference on space matters could not and should not be taken before we know what specific tasks we should assign to it and what concrete results we should aspire to. My delegation agrees with that point of view. As the representative of Romania said this morning, the purpose of the conference should not be a purely scientific and technological demonstration. We believe that the holding of a conference could be justified only if concrete decisions and recommendations emerged that would facilitate and lead to concrete activities in the field of international co-operation in outer space matters.

We therefore attach great importance to careful preparation. The Austrian delegation in the Scientific and Technical Sub-Committee favoured the setting up of an informal working group to discuss this item in more detail, and it is willing to support the recommendations set out in paragraph 103 of that Sub-Committee's report, although we would have liked to see even greater progress in this matter. The study which the Secretariat is asked to prepare on this question, under paragraph 103 of the Sub-Committee's report, could contribute substantially to clarifying both the potential benefits of a conference and the specific tasks it might accomplish.

We are also encouraged to see the Sub-Committee's recommendation to give priority at its next session to, among other items, the examination of options regarding a possible United Nations conference on space matters.

Turning now to another item -- that of possible future activities for the Scientific and Technical Sub-Committee -- this delegation feels that great attention should be given to the utilization of solar energy and to the examination of a possible future role for our Committee regarding international co-operation in that field. Several specialized national space agencies have already included such activities in their programmes. As I briefly mentioned in my statement in the general debate, the Austrian Space Agency has been charged with conducting a feasibility study for a small solar electric power station. It is the intention that after the development of the prototype of

(Miss Holzer, Austria)

such a power plant in Austria, the technological know-how will be provided to developing countries.

We are very pleased to note that this subject, solar energy, is receiving increasing attention. Several representatives have referred to it in their statements. I should like to point in particular to the remarks made by the representative of the United States, who suggested that it might be helpful to ask Governments to present at the next session of the Scientific and Technical Sub-Committee a survey of work in progress and planned in each country in the area of developing energy resources for systems in space. My delegation would support a recommendation by our Committee to that effect. The background information obtained thereby would supplement the material already available at this point -- namely, the paper prepared by the Secretariat and the very valuable study by the delegation of Argentina. That should enable us to deal with the matter in greater detail at future sessions.

Finally with regard to the work of the Scientific and Technical Sub-Committee, I should like to say a few words about the programme of space applications. In that connexion my delegation would like to express its deep appreciation to the Expert on Space Applications, Mr. Murthy, who, within the very limited means at his disposal, has once again done an excellent job. We have always been among those delegations expressing the view that the programme should be expanded both in content and in scope and that it should receive greater financial support. Unfortunately, a decision to that effect has not so far been taken.

With regard to the report of the Legal Sub-Committee and the work it should do at its next session, it was this delegation's impression at the last session of that Sub-Committee that a compromise on the draft treaty relating to the Moon seemed to be, at least for a while, very close at hand. We would find it very regrettable indeed, given the great effort that went into that draft and the time so far spent on its preparation, if a certain disenchantment were to prevail and to slow down a solution, or possibly even preclude a rapid solution, of the very few outstanding issues. We would therefore be in favour of urging the Legal Sub-Committee to conclude this item at its next session.

(Miss Holzer, Austria)

With reference to direct television broadcasting by means of artificial earth satellites, we feel, as other delegations do, that the Legal Sub-Committee should now concentrate on the solution of the most crucial outstanding issues on which there was little substantive discussion at the last meeting.

Further improvement on the formulation of the nine principles agreed upon, though certainly possible and necessary, does not appear to be an urgent task at this juncture. The crucial problem or main point of controversy is, as we all know, the reconciliation of the principles of the free flow of information and ideas and that of national sovereignty. As we have stressed on other occasions, we hold these two perfectly valid principles to be compatible and we consider the approach taken by the joint Canadian-Swedish proposal, namely, that of consent and participation, a substantial step in the right direction.

I spoke about remote sensing mostly from an organizational point of view in my last statement yesterday; I shall therefore add only a few remarks. We believe that an international régime based on respect for the legitimate interests of States must strike a balance between the need for States to have access to data concerning their own territory and efforts to prevent any misuse of such data. Furthermore, my delegation feels that limiting regulations as regards the space segment are not justified. While we recognize the right of States to dispose of their natural resources, we do not think that the same right applies to information concerning those resources.

Finally, my delegation would find it useful if the Sub-Committee at its next session were to devote more serious attention to a definition of the subject-matter of remote sensing activities to be included in the scope of draft principles, as reflected in paragraph 8 of annex III of its report.

Permit me to conclude this statement by expressing the sincere appreciation of my delegation for the work done by the Chairmen of the two Sub-Committees, namely, Mr. Carver of Australia and Ambassador Wyzner of Poland. Their expertise and tireless efforts have greatly contributed to the progress achieved during the past year.

Mr. KOLOSSOV (Union of Soviet Socialist Republics) (interpretation from Russian): Our friend the representative of Nigeria has tried, through you, Mr. Chairman -- and not for the first time -- to pose a number of questions to other delegations. We have the greatest respect for the delegation of Nigeria and so we should like briefly to answer the questions that he has raised.

Article 102 of the United Nations Charter refers to treaties and international agreements. The representative of Nigeria is, in our view, an excellent jurist; and, as a good jurist, he will agree with us that the Article specifically refers to treaties and agreements. On the other hand, the Final Act of the Helsinki Conference is a document of a special nature, and nothing is mentioned in any Article of the United Nations Charter to the effect that no one may invoke such documents, but only that treaties and agreements may not be invoked.

If treaties and agreements exist they must be registered and then they may be invoked; but invoking documents that are not treaties or agreements and not registered is not prohibited by the United Nations Charter. What is more, the Final Act of the All-European Conference was officially sent by the Chairman of the Conference to the United Nations. It had a letter attached to it asking that it be published, and that request was fulfilled, as we see it, to the satisfaction of Members of the United Nations.

Finally, if we were to attempt to invoke a document which did damage to the cause of co-operation, peace and friendship among peoples and States then doubts about such invocation and its justification would appear to us to be logical. In this case, in view of the nature of the document, we are surprised when doubts are expressed with regard to the advisability of invoking documents of that type.

The representative of Nigeria asked another question about the seriousness of the intentions of delegations -- and here, for some reason or other, he has pitted the so-called space Powers against the non-space Powers. This was incorrect. Right now there are many space Powers, and their number is

growing. At this very session of the Committee we heard statements to the effect that, for example, Indonesia is entering the outer space club. And so this type of contradistinction is a bit unusual. Almost one third of the States represented in this Committee are members of the space Powers' club. The representative of Nigeria no doubt knows which delegations he was trying to pit against which.

So, to answer directly his question with regard to the intentions of our delegation: the answer was given exactly five years ago in June 1971, when the Soviet Government, in a letter to the Secretary-General of the United Nations, explained its intention of concluding a treaty relating to the Moon and submitted a complete draft of such a treaty. Therefore that question, it seems to us, is five years too late; this June is the fifth anniversary of our answer to it.

(Mr. Kolossov, USSR)

We have another question, which amounts to this: What kind of a treaty relating to the Moon do we need? We are not talking about whether or not we need such a treaty. We have no doubt of that; it is necessary. The question is: What kind of a treaty shall it be? Unfortunately, this question is still on our agenda and the responsibility for the fact that for the past five years our Committee has not been able to complete the work on that document, which is so necessary to our Governments, and indeed to mankind is, in our view, not that of the Soviet delegation, which for the last four years, step by step, has been making great concessions, has been striving to meet the wishes of the various delegations and to take their interests into account.

As we stated in our introductory remarks at our second meeting, the answer to the question "What kind of treaty do we need?" must come from other delegations. They too have to take steps towards achieving an acceptable compromise solution.

Mr. MACAULAY (Nigeria): In connexion with the matter raised by the representative of the Soviet Union: it was not my intention to question the validity of the agreement. What I was saying was this: that, to the best of my knowledge, the Minister for Foreign Affairs of Finland had asked the Secretary-General to arrange for the distribution of the Final Act to Member States of the Organization as an official document of the United Nations, and to draw attention to the fact that that Final Act was not eligible, in whole or in part, for registration with the Secretariat, under Article 102 of the United Nations Charter, as would be the case were it a matter of a treaty or international agreement under the aforesaid Article.

I personally believe that even though we did not participate in that agreement, we find it extremely useful. As a matter of fact, that was one of the reasons why my delegation felt that the thought and care that had gone into formulating one of the principles of that agreement might have helped us in Geneva.

So if it is the impression of the representative of the USSR that I was trying to belittle the thing, that is very far from what I was trying to say.

What I was saying was that we would not like to be reminded that we are quoting a document, or that we are trying to elaborate on a document -- which we have no business to be quoting or elaborating on, because we were not participants in that Conference. So I hope the representative of the USSR will understand my position very clearly on this matter.

As to the second point raised, I have in fact said nothing about space Powers. I did mention that the day before yesterday. I think it would be less than fair to say that I mentioned anyone in particular. However, since I have

(Mr. Macaulay, Nigeria)

been informed that the "club" is not as small as I thought -- that it represents about a third of the membership -- I think it fair to say that one third is not a majority. If one third are members of the club, that means that two thirds are still outside it. So, without trying to decry the efforts that have gone into drafting the draft Moon treaty, I am personally pleased to be informed about what has been the stand of the Soviet Union for the last five years.

I have also, in private consultations, been informed by some delegations which might perhaps be tempted to take umbrage at the statement I made that they are in fact doing everything possible, which to us is very good news.

What I am saying is that we would like the proportion to be much higher than one third, and we would like all the rest of the delegations to assist the members that make up the one third -- or the growing one third -- because we are anxious, even so late in the ace to know precisely what is happening and where we are going.

I had forgotten in my last statement to thank the representative of the United Kingdom when he raised this matter, and I would like to say here and now that it will be my pleasure and privilege to approach him in order to ascertain what active steps the United Kingdom delegation can take to help us in that direction.

Finally, lest I forget it again, it is the wish of my delegation to express our thanks and appreciation to the Chairmen of the two Sub-Committees. We continue to hope that under the guidance of people who know in fact what has to be known my delegation will continue to have the pleasure of giving every possible support. I cannot guarantee that I will not ask awkward questions, because if one does not ask questions one does not get answers, and I do hope that when I do ask questions they will be taken in the spirit in which they were asked. It will never, in fact, be the intention of my delegation to go out of its way to upset anybody. We want to be able to know the facts; we want to be able to learn; we want to be able to work in co-operation with all willing delegations -- and I believe that all delegations are willing in this exercise.

(Mr. Macaulay, Nigeria)

Finally, I wish to say that we are very pleased to hear about it if anyone has any reservations about what we say or what we feel. This is, in fact, the spirit of co-operation and courtesy which should characterize our deliberations so that at least we know precisely what we should know and where we are going. I hope that in that spirit we can go on and complete the rest of our work.

Mr. COCCA (Argentina) (interpretation from Spanish): The Argentine delegation has followed with a great deal of interest the statements that have been made in the course of our regular plenary meetings and indeed cannot fail to indicate some concern at the fact that, as regards the draft treaty relating to the Moon, which is near completion, requiring only the refinement of certain points having to do with articles IX bis and X bis, there has been no proposal for the establishment of a working group for the conclusion of that international instrument at this current session.

This is a source of much concern to us, since there has been agreement on only certain general principles relating to the matter of direct television broadcasting -- principles that have been agreed upon but not yet adopted by the Legal Sub-Committee or by this plenary Committee. Nevertheless it has been proposed that a committee should be established in order to consider and to progress in regulating direct television broadcasts. That proposal was made yesterday.

(Mr. Cocca, Argentina)

This is a very real concern of ours. Indeed, I feel called upon to point out that seven sessions ago -- that is, as early as 1970 -- the outstanding issue with regard to the Moon treaty was that relating to the legal status of the Moon's natural resources. With that in mind, the Argentine delegation submitted the first draft convention at a meeting of the Legal Sub-Committee held in Geneva in 1970. Subsequently we heard that the Soviet Union had submitted a more complete text on matters pertaining to the Moon.

In the view of the Argentine delegation, and indeed of many other delegations, the only matter still to be resolved with regard to the Moon and which was not resolved in the Outer Space Treaty is that of the Moon's natural resources and with the unanimous recognition that the Moon constitutes the common heritage of mankind.

(Mr. Cocca, Argentina)

In the statement made by the Argentine delegation on 23 June, it was indicated that if a draft treaty relating to the Moon is not concluded during the current session, the Argentine delegation is of the view that we should not continue to belabour this point, inasmuch as it has been impossible to achieve more specific results in the course of the seven years which have already gone by and of the efforts made to conclude it. Such being the case, we would prefer that this matter be relegated to a secondary position or not considered further, and that we be allowed to move on to consider other matters, as was, indeed, suggested by other delegations, namely, the definition and/or delimitation of outer space, which, in view of the statements made today, we obviously will have to enlarge to include the definition of "celestial bodies" and "space objects and devices", quite apart from "outer space" and "outer space activities".

I feel called upon to point out with regard to the matter of the common heritage of mankind, the form in which it has been expressed in the draft international treaty by nine countries in the course of the last meeting of the Legal Sub-Committee, represents the maximum concession that can be made by a considerable group of representatives of legal systems -- I am not referring to countries except in so far as I note the number of countries -- that group made a maximum effort in Geneva at their recent meeting to prepare a final text. Now, granted that this represents the maximum concession beyond which we cannot go because we have reached the outer limit of the concessions that we can make, it would be senseless to keep the item on the agenda either at our present meeting or in future meetings.

Obviously, if the Committee should decide, despite our repeated failures, to continue consideration of a draft treaty relating to the Moon, then, we who represent countries which have a very firm position on this item would feel in duty bound to expand articles IX bis and X bis considerably. The reasons why my country and many other countries would be compelled to resort to efforts to expand these articles is linked to the fact that the Conference on the Law of the Sea will be convening exactly one month after we conclude our deliberations. It would be right if a consensus is reached, as has already been stated repeatedly, on the few principles which separate us -- and by such a very narrow margin -- from concluding this treaty relating to the Moon, that it should be our Committee,

(Mr. Cocca, Argentina)

the pioneer in this matter, the body which elaborated the concept of "the common heritage of mankind" and which incorporated it in the first text of an international instrument known to the United Nations, that develops this concept.

Thus, if during the present session a treaty relating to the Moon is not concluded, many countries would be forced to expand considerably the provisions of articles IX bis and X bis, which appear in the annex to the report of the Legal Sub-Committee which contains the report of Working Group I.

Having made this statement, I should like to recall what the status of international law is in this connexion. I shall not refer to space law, but to international law which has been accepted in this sphere. I have before me the document of the Third Conference of the Law of the Sea which was distributed on 6 May 1976 (A/CONF.62/WP.8/Rev.1/Part I), and is entitled "Revised single negotiating text, Note by the President of the Conference". Here, significant progress is reflected, which, in the view of the Argentine delegation, our Committee should have made at least five years ago.

In the aforementioned document, reference is made in paragraph 1 of annex I, where the Authority is spoken of, to the fact that the Authority for the sea-bed shall act on behalf of all mankind in which all rights in the resources of the Area are to be vested. In no section of the convention drafted by Argentina in 1970 or in any of the other formal and informal documents which were presented by a considerable group of States has there been a similarly categoric statement to the effect that all rights in the resources of the Moon are vested in mankind. A similar statement is also to be found on page 12 of the aforementioned document.

Article 24 of the text I am referring to also establishes the principal governing, judicial and administrative organs of the Authority, specifically, an Assembly, a Tribunal and a Secretariat. Paragraph 30 underscores the fact that the Assembly is "the organ most representative of the membership of mankind"; I have quoted this verbatim, "of the membership of mankind".

(Mr. Cocca, Argentina)

Subsequently, we take note of a tremendous difference, a yawning chasm, between what has been put forward by a Committee of the United Nations and what our own has achieved, and, indeed, we note with desolation that this discrepancy should be so damaging precisely to our Committee which was the author and originator of these debates on the concept of the common heritage of mankind.

I should like to reiterate that in no part of the proposals put forth by the nine States which represent different legal systems at the last meeting of the Legal Sub-Committee, has mention been made of a body that is most representative of all mankind or of an Authority, or of a Tribunal to settle disputes. Such being the case, we are forced to say that if the Committee insists upon further study on the draft treaty relating to the Moon, we will be compelled to expand our proposals considerably and they will have to go much beyond what has been achieved in the Sea-bed Committee, because our position in the subject of outer space was that of a pioneer, and for that reason we must continue to show the way, to map the route and to direct thinking in this new sphere of international law.

Mr. BERG (Sweden): I should first like briefly to comment on the question of direct broadcast satellites. My delegation welcomes the valuable debate that has taken place in the last days because we think it has concentrated on the central issue and has made us take some steps forward on the way to clarifying the concepts. I think that is rather necessary in order to get us mentally prepared for next year's session, at which we must tackle the core of the problem.

It is obvious from all the statements that have been made that what we must do is strike a balance between the rights of the broadcasting State and the rights of the receiving State.

I should like to mention the interesting statements made by the representative of Argentina yesterday and the representative of France this morning. I should like to thank the representative of India for the very interesting statement in which he gave a vivid and clear picture of both the potentials and the problems involved in the direct broadcast satellite technology.

I shall now turn to another question -- remote sensing. I should like to take as a point of reference the report of the Scientific and Technical Committee and to comment upon some paragraphs we find of particular importance which we should like to see reflected in this Committee's report.

I turn first to paragraph 23, which deals with what we call a systematic approach to the subject. It was touched upon in my Ambassador's statement a couple of days ago. It is also reflected in the report of the Legal Committee, in its Annex III, paragraph 8. As we said in our general statement, a systematic approach on this rather complicated matter does not in itself solve the problems, but it contributes greatly to an understanding of them. In our view, that is a necessary step towards their actual solution.

I should like to comment also on paragraph 50, which states:

"International co-operation was needed as this was the only cost-effective approach for acquiring the benefits of satellite remote sensing for the majority of countries." (A/AC.105/170, para. 50)

That is one very important conclusion of the Scientific and Technical Sub-Committee.

(Mr. Berg, Sweden)

Paragraph 63 deals with one aspect which we regard as important:

"It was noted that different legal, organizational and technical alternatives for future operational remote sensing activities from space might have different effects and implications with regard to data dissemination." (Ibid., para. 63)

That thought is also taken up in the report of the Legal Committee, in paragraph 9 of its annex III.

In our view, paragraph 78 is also important. It refers to the Sub-Committee's conclusion that

"... there seemed to exist a scope for some co-ordinating role of the United Nations in the field of remote sensing from satellites even in the current pre-operational/experimental phase of the activity" (Ibid., para. 78)

and that the number of points in the co-ordination of which the United Nations can play a role is likely to be considerably greater in the future operational phase.

I should now like to comment upon paragraph 80 (a), (b) and (c). In the Sub-Committee, my delegation favoured the establishment of a working group directly responsible to this Committee, one that could take care of the necessary co-ordination, but we understand there will not be a consensus on that proposal. We have also viewed positively the suggestion concerning a panel of experts, a proposal first mentioned in a Secretariat study. But we understand that there seems to be no great hope of a consensus on that proposal either. That leaves us with possibility (c), which deals with the full utilization of the existing terms of reference of this Committee and its Sub-Committees.

I have distinguished at least three proposals which we regard as very interesting and realistic; they are not mutually exclusive but could be taken together. The first is that made by the Austrian representative concerning overlapping. I understand it would not mean an increase in the number of weeks now at the disposal of our Sub-Committees, but only that the last week of the Scientific and Technical Sub-Committee's session should be the first week of the Legal Sub-Committee's session, so that there would exist a physical possibility of arranging a couple of joint meetings. In this connexion, I should like to stress that in our view it is not only the formal meetings that could be of value but also the informal meetings between experts from different branches.

(Mr. Berg, Sweden)

I think there is value in the fact that those experts would be directly confronted with and exposed to other ideas about the same subjects seen from a different point of view.

Another proposal of an organizational nature was made today by the United Kingdom representative. As I understand it, it is that one Sub-Committee could call an item to the attention of the other. That is, the Scientific and Technical Sub-Committee could say that an item would be of particular importance for the consideration of the Legal Sub-Committee. I think it would be a good idea if that could be arranged so that we would not have to wait one year after an initiative had been taken by one of the Sub-Committees. The Scientific and Technical Sub-Committee could talk directly to the Legal Committee. I have no precise ideas to put forward, but I think the suggestion as such has some value.

Another proposal to which we fully subscribe is that the two Sub-Committees could more precisely and directly indicate what areas the main Committee should discuss in the matter of co-ordination. It would make it easier for us in this Committee to have a meaningful discussion if we had on our agenda specific points that had been brought up from the Sub-Committees instead of having, as now, only general recommendations for co-ordination. That is a bit difficult for individual delegations to tackle. If our agenda could be more precise, that would help us.

Lastly, I should like to repeat what we said in our general statement and point to the recommendations in paragraph 82 of the Scientific and Technical Sub-Committee's report. We endorse the proposal that they be taken up in the main Committee's report.

Mr. BOUSSE (Belgium) (interpretation from French): The last discussions led us to concrete points and I do not want to repeat some of the positions which I have already taken. All the more because in certain cases I attempted to give an immediate reply to the proposals made. But since there is a chain reaction going on, I would simply want to make two things clear.

When the representative of Austria first put forward the idea of organizing a joint or simultaneous meeting of the two Sub-Committees, I expressed a certain reservation by saying that the second Sub-Committee might need some time to think things over between the two meetings. Basically the representative of Austria replied with the argument that the other Sub-Committee would not need this time to think things over because it would be associated, during the joint meetings, with that part of the work of specific interest to it.

I recognize the validity of this argument, and the solution of having a meeting in three phases seems to me to enjoy quite broad support. I believe that the answer is to be found in the organizational possibilities. In this regard I am asking the question which we probably will be debating later on: where will these meetings be held? I mean by this that naturally it will be necessary to decide to hold the meetings of the two Sub-Committees in the same place. Now it is my understanding that there is a certain rule of alternation and that the Sub-Committees do not always meet in the same city. Therefore, this problem will have to be dealt with later on.

Secondly, I should like to express my delegation's support for the emphasis which the French delegation has put on the question of the delimitation of outer space and on the related problems. Our support concerns not only the importance given to this by the French delegation and by others but also the desire to give this item a certain priority and to choose a more comprehensive title for this question. A title which in particular would include: delimitation of outer space, definition of space objects and vehicles, and definition of outer space activities. I would simply like to add that to our way of thinking, grouping together the three parts of this topic should not hinder possible progress in one of the three parts. That is to say, by grouping the three together we should not necessarily be preventing any possible breakthrough in one of the three topics -- a breakthrough which, moreover, might then lead, perhaps, to progress in the two other areas.

(Mr. Bousse, Belgium)

Finally, without wishing to anticipate a communication which the Chairman will probably make in due time, I presume that we shall have the opportunity to have a very concrete discussion on the contents of the report which the Committee will send to the General Assembly. I think that the Committee will have a draft report and that the members will be able to check again whether certain points which they wish to stress are summarized in the report and how they are summarized.

The CHAIRMAN: In answer to the last point raised by the representative of Belgium, I wish to point out that after the conclusion of item 5 of our agenda, "Other matters", the Committee will take up, perhaps sometime next week, the draft report of the Committee, which is actively being prepared by the Rapporteur. We shall have ample opportunity to discuss the various points of our report to the General Assembly.

Mr. CHAHID-NOURAI (France) (interpretation from French): I should like to speak very briefly in order to express appreciation to the Belgian delegation for the support which it gave to statements that my delegation felt called upon to make regarding the definition of space. I should also like to clarify a point concerning the minor problem of procedure which has been bothering us since yesterday afternoon.

In actual fact, in the course of debate, an argument was put forward according to which one Sub-Committee would require a certain amount of time to appraise the work done by the other. My delegation put forward this argument, and the opposite view was expressed according to which there was no need for time to evaluate the work of the Sub-Committee which had held sessions previously because that was precisely the type of work that would be carried out jointly.

I believe that we must be rather exact in our reasoning, on the basis of our experience this year. For example, when the Scientific and Technical Sub-Committee completed its consideration of the different items included on its agenda, one may say that three types of questions were included therein.

The first type is admittedly virtually restricted to the Scientific and Technical Sub-Committee. It involves, for example, consideration of the United Nations programme on Space applications. I mention that one because it is one of the most important. This does not mean, however, that it is the only one.

The second type of questions are those which indeed may be considered sufficiently important to both Sub-Committees for them to require a certain degree of co-ordination. In the case of this year, they are matters pertaining to remote sensing, the organizational approach to which has already been referred to.

Then there is a third type of question which has been considered by the Scientific and Technical Sub-Committee and which is in an intermediate category, namely, the entire problem relating to the definitions which have been requested from the Scientific and Technical Sub-Committee, that is to say, a definition of data pertaining to remote sensing, a definition of natural resources with regard to remote sensing, a definition of the natural resources of the Moon, and so forth.

(Mr. Chahid-Nourai, France)

I believe that for the last two categories of questions it is absolutely essential for our Governments to have a certain time period in which to evaluate the results achieved within the framework of one sub-committee, before sending their delegations to meetings of another sub-committee. Most particularly, a given question, linked to a given definition may, by its implications, affect the positions which we adopt at the legal level regarding remote sensing.

In this connexion, I believe that it would be quite detrimental for us to deprive ourselves of such time for reflexion, however limited it may be, inasmuch as it is particularly useful for our respective Governments to be able to reflect on the basis of the data which had been provided to us, and which subsequently will enable us to conduct our work more appropriately at the legal level.

Furthermore, another argument has been used namely the problem of mobilizing experts for an excessively long period of time. I should like to repeat that it is not a question of funds but that it is essentially a question of the length of time the experts would be required. If, in actual practice the two Sub-Committees meet for a total of five weeks, experts will be required for five or six weeks, which is an absolutely impossible undertaking for several delegations, and I must say that as far as my own is concerned such a solution would be very hard to go along with.

These are the brief explanations which I wished to offer regarding the point of procedure. While it is a minor point as are all points of procedure, it is none the less essential, if we want the two subsidiary bodies of the Sub-Committee and the Committee itself to continue to do the work that they have been doing up to now, that is to say work of the highest quality.

Miss HOLZER (Austria): Since my suggestion of having a joint or overlapping meeting of the two Sub-Committees has again been referred to, I should like to make a few additional comments.

In putting forward this idea, I had no intention of calling for any kind of basic decision. It was not my intention that a decision should be taken once and for all to hold joint or overlapping meetings. What I had in mind was rather an experiment, so that, after we had seen the results, we could ascertain whether a more basic decision was justified.

Both Sub-Committees will be meeting in New York next year. I have heard, in unofficial consultations, that it would indeed be possible to have an overlapping meeting of the Sub-Committees during the five weeks that are involved. There would be two weeks for the Scientific and Technical Sub-Committee and four weeks for the Legal Sub-Committee, with one week constituting the overlapping meeting of the two Sub-Committees. There seems to be a good possibility of carrying out such an experiment.

The CHAIRMAN: We have had with us for the past few days representatives of the Centre for Natural Resources, Energy and Transport of the Department of Economic and Social Affairs of the United Nations.

Since we have some time left this afternoon, I shall now ask a representative of the Centre for Natural Resources, Energy and Transport to be good enough to provide the Committee with some supplementary information regarding ongoing activities in the United Nations, particularly in the field of remote sensing.

Mr. SMITH (Centre for Natural Resources, Energy and Transport): I should like to take as my point of reference two paragraphs in the report of the Scientific and Technical Sub-Committee: paragraphs 46 and 82. Members of the Committee will recall that those paragraphs refer, respectively, to projects initiated by the Centre for Natural Resources, Energy and Transport (CNRET) for an improved facility for non-agricultural uses of satellite remote sensing, and to the functions of one or more possible international centres which might operate both during the present pre-operational phase and any subsequent operational phase.

(Mr. Smith, CNRET)

During these past two or three days a number of representatives have approached me and asked for more information about the Centre for Natural Resources, Energy and Transport and its work in the field of remote sensing particularly. I am very grateful for this opportunity to respond. I hope that these very brief remarks of mine may be of some assistance as background information.

The Centre for Natural Resources, Energy and Transport is, as you have said, Mr. Chairman, a Centre within the Department of Economic and Social Affairs of the United Nations in New York. As such, it exercises a number of responsibilities within the Secretariat, but in the context of remote sensing these are almost entirely concerned with technical assistance. The Centre provides support to all projects undertaken by the United Nations Office of Technical Co-operation and concerned with disciplines which fall within the province of CNRET. In that sense, so far as UNDP-funded projects are concerned, it functions in many ways in a fashion similar to a specialized agency also executing a UNDP project.

Without listing all the various forms of remote sensing, whether from satellites or otherwise, which are used by CNRET, I should like briefly to mention two very important and generally applicable aspects that continuously affect our thinking in a technical sense.

Firstly, we feel that the value of satellite remote sensing data can be best maximized when those data are interpreted into useful land or marine information by qualified experts in particular disciplines -- and although that may seem self-evident, it is often overlooked.

In CNRET we adopt an essentially practical approach, seeking to improve the efficiency and the effectiveness of technical assistance projects and to bring the full weight of this new technology to bear on the efficient development of natural resources and on all environmental and land-management issues.

Secondly, and of almost equal importance, we believe that major problems are most frequently solved, at least for the present, by a combination of methods -- as, for example, in the search for valuable minerals which may involve a combination of geochemistry, satellite imagery and airborne geophysical surveying, all playing a vital part and, by such combination, increasing the effectiveness of each individual component.

(Mr. Smith, CNRET)

Those two aspects which I have mentioned have led us to conclude that most of the functions of an international centre which are described on page 26 of document A/AC.105/154, as presented to the Scientific and Technical Sub-Committee and discussed in Geneva in March, should be performed in closest possible proximity to the qualified experts concerned. This disciplinary aspect is important, and when document A/AC.105/154 was being prepared, it seemed to us that a dual organization, covering, respectively, the topics normally covered by FAO in Rome and CNRET in New York, offered the best solution.

You have suggested, Mr. Chairman, that I should give some account of the kind of work being done by CNRET, and other representatives have made the same request of me. I would not, however, wish to recite in detail all of CNRET's substantive activities at the present time. Suffice it to say, for the information of members of the Committee, that these include, broadly: geology; mineral exploration; water resources -- and in this context the Centre is responsible for the technical secretariat of the United Nations Water Conference to be held in Argentina next year; energy, all forms, including renewable and non-renewable sources -- covering geothermal and, of course, solar energy; cartography; ocean technology; and coastal-zone management. In addition, CNRET supports the work of many other departments and bodies located in New York or closely connected with the disciplines with which it is concerned.

So far as satellite remote sensing is concerned, the Centre naturally works very closely with the Outer Space Affairs Division, with which in any case we are in close geographic proximity and have excellent working relationships. The work of the Outer Space Affairs Division will complement and support that of a proposed CNRET facility, as one of the two international centres.

(Mr. Smith, CNRET)

As I have said, the approach of CNRET is essentially practical and our planned future activity -- strengthening and developing existing work -- will have four main components, all closely related to the particular disciplines which fall within the competence of the Centre. These components are: the interpretation of satellite data and in a more general way the testing of new methods; the provision of an impartial and professional advisory service covering all forms of remote sensing; the storage of data; and the provision of intensive training oriented to the needs of particular disciplines -- geology, flood control, cartography and so on -- both in New York and on site.

The multidisciplinary training of the Outer Space Affairs Division complements and supports that activity. That provided by CNRET, however, will involve small classes, in-depth treatment and will also be concerned with the integration of satellite methods with others, thus increasing the effectiveness of both.

I am grateful to the Committee for this opportunity to describe what we are doing, and I would welcome any comment on what I have said which representatives may care to make, whether here in Committee or informally.

There are, of course, always financial hurdles to overcome. Whereas the regular funding of this modest expansion in facility is likely to be absorbed in due course by our programme budget, the initial costs, however modest, are likely to be beyond the ability of the United Nations Development Programme (UNDP), which,as representatives will know, has its own problems at this time. But we believe that this expansion must take place if the full benefits of these new methods are to be applied effectively to the development of natural resources.

The CHAIRMAN: I thank the representative of the Centre for Natural Resources, Energy and Transport. Representatives have a chance, now or informally, to ask him questions or make comments on what he has said.

Since no representative wishes to speak at this time, I shall take it that with yesterday's and today's debates we have completed consideration of agenda item 4 -- as, indeed, it was our intention to do by this afternoon.

If the Committee agrees with my assessment, we can begin consideration of agenda item 5 on Monday morning and, either on Monday afternoon or Tuesday morning, commence our customary informal meetings to consider our draft report. Does any delegation have a contrary view? Since that is not the case, the Committee has thus concluded its consideration of item 4 with what, I believe, was a very lively and comprehensive discussion stressing many points and providing a great deal of clarification and insight for all of us.

We have thus successfully completed consideration of two substantive items -- agenda item 3, "General debate", and agenda item 4, "Consideration of the reports of the Legal and the Scientific and Technical Sub-Committees" On the basis of that work we can confront, with some confidence, the second half of our work which lies before us for next week.

I should like to thank all delegations for their contributions so far and for having shown the customary spirit of accommodation and understanding towards each other, which augurs well for the second part of our work.

I shall conclude by wishing all representatives a refreshing week-end.

The meeting rose at 5.05 p.m.