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AGENDA ITEM 31
Conference of Non-Nuclear-Weapon States (continued)
A/C.1/L.497 and Add.1, A/C.1/L.502.*
(a) Implementation of the results of the Conference: report of the Secretary-General (A/7677 and Corr.1 and Add.1-2);
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CONSIDERATION OF THE DRAFT RESOLUTIONS

1. Mr. SHAW (Australia): In my statement to the First Committee on 28 November [1764th meeting] I made some remarks on the work which the International Atomic Energy Agency is already undertaking in the field of peaceful nuclear explosions. I pointed out that IAEA had contributed a useful report which was incorporated in paragraph 19 of document A/7678 and Add.1-3 on this topic. The Australian Government has taken a close interest in this question and supports in particular the conclusions contained in the last paragraph of the IAEA report.

* Resumed from the 1711th meeting.

2. I shall explain briefly the position of my delegation concerning draft resolution A/C.1/L.502. The Australian delegation will vote in favour of that draft resolution. We note in particular that paragraph 1 expresses appreciation for the studies recently performed by IAEA on the subject of peaceful nuclear explosions. We notice also that Members of the United Nations are invited to communicate views on this subject to IAEA. The draft resolution would also invite the Agency to keep under continuing review questions affecting the development of the technology of applying nuclear explosions for peaceful purposes for the benefit of all its members.

3. Having said that, I should also say that we would have liked to see a substantive reference to the conclusions of the IAEA report on this subject included as one of the operative paragraphs of the draft resolution.

4. We note that preambular references have been included but we believe that the draft resolution would have been strengthened by the inclusion in its operative section of a more specific recognition of the conclusions which the Agency had already drawn as a result of its preliminary studies. The Thirteenth General Conference of the Agency endorsed the report by the Board of Governors to which I have already referred, which, inter alia, concluded that the Agency should approach the subject on an "evolutionary" basis.

5. We believe that the Agency is proceeding, within its statutory objectives and functions, along the right lines and to good effect in its studies of peaceful nuclear explosions. We are confident that its work will be of benefit to all countries and especially the developing countries. We believe that IAEA deserves the encouragement of the General Assembly in its work on peaceful nuclear explosions. We are pleased to note from statements that have been made in the general debate on this topic that there is strong support for the view. As we stated in our consideration of this question at the twenty-third session of the General Assembly (17520th meeting) we believe that it is important that there should be no dilution of effort as between the General Assembly and the International Atomic Energy Agency in this important field.

6. Mr. BUFTAN (United States of America): The United States delegation is pleased at this time to introduce the draft resolution which is now before the Committee in document A/C.1/L.502 which deals with the provision of peaceful nuclear explosion services. This draft resolution, as indicated in the text, is also sponsored by Austria, Canada, Denmark, Japan, Mexico and the Netherlands.
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7. Document A/C.1/1/L.502 is the product of extensive negotiations among governments and several other delegations and it has frankly involved some concessions by the various parties which were required to develop a formula which would find broad acceptance among countries. It was agreed that most Members. In this connexion I should like to pay particular tribute to the Under-Secretary for Foreign Affairs of Mexico, Mr. Guadalupe Roldán, and his highly competent and co-operative staff for the imagination and flexibility which made this compromise possible.

8. The views of my delegation on this subject are well known and I shall not dwell on them at length this afternoon. We continue to believe, as the preceding speaker, that the International Atomic Energy Agency is the appropriate organization to discharge the responsibilities anticipated for an international body in article V of the Treaty on the Non-Proliferation of Nuclear Weapons. Accordingly, we shall continue to work at Vienna to strengthen the Agency’s capabilities in this area. The draft resolution before the Committee acknowledges the good work which the Agency has performed to date and identifies a number of worthwhile activities that IAEA might wish to undertake over the next year. My Government also believes that IAEA should be the focal point for framing the agreements called for in article V. At the same time we recognize that there has been a continuing interest in the part of the Assembly in further development in this field. Moreover, we appreciate that the character of the agreement or agreements to be concluded pursuant to the terms of the Treaty must be a subject of further negotiations between the parties concerned. Accordingly, for these reasons, we have prepared the following considerations contained in paragraphs 7 and 5 of the draft resolution before us.

9. However, as is the case with other items which found their origin in the Conference of Non-Nuclear-Weapon States, we would hope that, following the next session of the Assembly, it would be feasible for the interested governments concerned—in this case IAEA—to report their further progress in this field in the normal way as part of their current programme of review. Paragraph 7 of the draft resolution addresses itself to two reports which the Committee has before it, namely those contained in documents A/7677 and Cor.1 and Add.1 and A/7568.

11. The United States will vote for this draft resolution because we consider it to be the appropriate way to handle this matter, recognizing that it is desirable, wherever possible, to use a process that would extend the broadest support of the membership. However, I should like to make two brief comments on our support.

12. First, we do not construe the terms of this draft resolution, and most particularly the third preambular paragraph, as calling for a blanket endorsement by the General Assembly of each of the resolutions of the Conference of Non-Nuclear-Weapon States. It will be recalled that the twenty-third session of the General Assembly considered various resolutions at the instance or several delegations since, while many States agreed with some of the resolutions, others, including the United States, could not support several for reasons which would include acceptance. The United States would interpret the resolution as a general request to the United Nations, the specialized agencies and IAEA to continue to work in this area and to “appropriately”, to carry out the wishes of the Conference recognizing that in some instances implementation may not be feasible.

13. Secondly, I should like to comment on the considerations contained in paragraph 10 of this resolution to the effect that the question of the implementation of the results of the Conference should be placed again as a special item on the agenda for the twenty-fourth session of the General Assembly. We do not object to this paragraph since we recognize that some members wish to have the opportunity of discussing the matter again, but we frankly hope that next year the Committee will see fit to handle this question in a somewhat different manner and that it will rely on established mechanisms for reporting activities in this field to the Assembly rather than perpetuate a series of special reports on the subject. In our view the continued preparation of such special reports will place an undue demand on the already overburdened secretariats and may only serve to distract staff— and I refer here to the secretariat of the IAEA—without carrying out the important responsibility which they face in implementing the non-proliferation Treaty. We also believe that this Committee should continue to concentrate its efforts in the nuclear field primarily to questions of disarmament and that we should leave it to others to foster international co-operation concerning the peaceful uses of atomic energy. In the year ahead, therefore, we shall be consulting several delegations to see how such items might be handled most effectively in the future.

14. Mr. ESCAUTZIER (Netherlands): I am glad to introduce on behalf of the Foreign Secretaries of Argentina, Australia, Austria, Brazil, Denmark, Finland, Italy, Japan, Mada- gascar, Mexico, Pakistan and the Netherlands the draft resolution A/C.1/L.497 and Add.1 dealing with the implementation of the resolutions of the Conference of Non-Nuclear-Weapon States. In particular, this draft resolution addresses itself to two reports which the Committee has before it, namely those contained in documents A/7677 and Cor.1 and Add.1 and A/7568.

15. In the first place I should like to thank and to congratulate the General Secretariat for submitting the two excellent reports. My congratulations and words of appreciation also go to the members of his staff, to the Director-General of the International Atomic Energy Agency and his able assistants, and last not least to the group of experts that drew up the report contained in document A/7568.

16. It would be presumptuous for me to elaborate on the contents of this draft resolution. It is enough to say that they cover a broad range of subjects which were of particular interest and concern to the delegations participating in the Conference of Non-Nuclear-Weapon States. Having read them, I feel that they delineate the areas which are of primary interest and set out in a concise manner what has been achieved in the various fields we are dealing with in particular, what further action could be taken.

17. Of course, such action does not depend entirely on the International Atomic Energy Agency at Vienna or one of the other specialized agencies, or on any other body. We have repeatedly seen in the past that adequate and balanced geographical distribution of seats in the enlarged Board is now being discussed further on the basis of the general criteria which were set forth, if my memory does not betray me, in two different resolutions of the Conference of Non-Nuclear-Weapon States and which were spelled out in more detail in resolution GC/XIII/ RES241 devoted to this subject by the General Conference of IAEA.

18. Furthermore, I should like to underline the importance of the fourth preambular paragraph, which deals with a comprehensive study of the likely capital and foreign exchange requirements for nuclear projects in developing countries and the financing of those requirements on special and favourable terms. Here we are not surprised that this initiative came from the first instance, Mr. Cheremisinoff, and I am very grateful for your country, to my knowledge my friend and colleague Dr. Urenjus is pursuing this subject vigorously and I do not doubt that in the end a satisfactory solution will be found.

19. Turning to the operative part of the draft resolution, I should like to point out in the first place that in paragraph 1 IAEA is invited “to take further appropriate action on resolutions on the Conference of non-Nuclear-Weapon States in planning and carrying out their activities”. I do not doubt that the Director-General, Mr. Bischoff, and the members of the staff of the Secretariat will do their utmost to comply with this request.

20. Another important paragraph is paragraph 3 which draws the attention of the international sources of finance to the report of the Conference of Non-Nuclear-Weapon States contained in the report of the group of experts A/F57/65.

21. The next paragraph deals in a somewhat different context with the same subject, namely, co-operation between different institutions in finding ways and means for financing meritorious nuclear projects, bearing in mind not only the near but also the long-range contribution such projects may make to economic and technical development, in particular of the developing countries.

22. The next paragraph draws the attention once again of the member States of the International Atomic Energy Agency to the need of special financial assistance and requests the Agency to continue its efforts to ensure the supply to Member States of such materials—and in particular with a view to fueling power reactors, when required.

23. The last paragraph of the draft resolution are of a procedural nature and culminate in the very last paragraph, paragraph 9, in a request to the Secretary-General to make a report to the General Assembly “concerning the question of the implementation of the results of the Conference of Non-Nuclear-Weapon States”. I trust that the Committee of the Whole and the Assembly will find in this matter the means to build a deeper and more constructive dialogue between the producer of atomic energy and the consumer countries.

24. I hope and I am confident that this draft resolution, which has been the result of extensive consultations with a number of delegations, will commend the broadest possible support.

25. Mr. HUSSAIN (India): I should like to express the views of my delegation with regard to draft resolution A/C.1/L.502.

26. We have already expressed our views in the general debate on the IAEA report contained in paragraph 19 of document A/7677 and would not wish to repeat what we have already said. We have expressed the view, at Geneva, at Vienna and here, in our opinion IAEA under the provisions of its Statute, is fully competent to undertake the responsibility of establishing an international service for peaceful nuclear explosions, that this responsibility should be discharged by IAEA, based on the principles of non-discriminatory basis. In conformity with Article XI of the Statute of IAEA, all non-nuclear-weapon States members of IAEA have the right to have truly useful in the benefits to be derived from the functioning of the service. In view of this, no condition, legally be imposed on the categories of recipients of assistance from that service beyond that of the membership of IAEA.

27. We feel therefore that the reference in paragraphs 5 and 7 of draft resolution A/C.1/L.502 to article V of the
Treaty on the Non-Proliferation of Nuclear Weapons is unnecessary and is not in conformity with the Charter of the United Nations. I might add that paragraph 7 does not belong among the operative paragraphs at all.

31. It may be recalled that article V of the non-proliferation treaty seeks to ensure the availability not of the nuclear potential of existing states, but of the potential benefits from any peaceful application of nuclear explosions and these potential benefits, as and when they become feasible, are to be made available through special international agreements or bilateral arrangements, which have to be negotiated and concluded in the future so as to provide for appropriate international observation and procedures.

32. It can be seen, therefore, that article V of the non-proliferation treaty is only an enabling provision--and no more than an enabling provision--for a specific and limited purpose. The question of the establishment of an international service for nuclear explosions for peaceful purposes has therefore to be seen in its larger perspective. This question is logically and directly linked to that of a comprehensive test ban and should be considered in conjunction with it.

33. There are two equally important aspects of the question of nuclear explosions: the economic aspect and the disarmament aspect. In the development of peaceful nuclear technology, nuclear explosions for peaceful purposes occupy a very important place and might become perhaps the most significant instrument for the economic development of a country. There should therefore be neither any monopoly nor any discrimination regarding the development of the technology of nuclear explosions for peaceful purposes.

34. The disarmament aspect of nuclear explosions requires a closer examination. By linking it with a view to putting an end to the nuclear arms race. In the context of a comprehensive test ban, we would need to deal with the economic implications of nuclear explosions, which would require a separate international agreement to be negotiated for regulating such explosions. Such an international agreement would have to negotiate the purposes for which the explosions would be permitted and lay down the provisions under which they could be conducted. It would have to provide safeguards from the point of view of health and safety requirements.

35. None of those aspects is dealt with in any existing international instrument, such as the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and under Water and the non-proliferation Treaty, nor indeed could one expect them to be provided from within the body of an underground nuclear test ban treaty.

36. Taken all together, these various matters will require a whole chapter to be devoted to the question of nuclear arms, and the feasibility of an international regime of nuclear explosions for peaceful purposes.

37. For these reasons, the reference to article V of the Treaty on the Non-Proliferation of Nuclear Weapons in paragraph 7 of the draft resolution--which would seem to restrict the scope of the consideration of this matter--is objectionable and unacceptable to my delegation.

38. We shall therefore abstain from voting on draft resolution A/C.1/1/L.502. In any case we understand that this draft resolution, if adopted, would not in any way affect the legal position flowing from the provisions of the Statute of IAEA.

39. Mr. ARAUJO CASTRO (Brazil): I wish to explain briefly the position of the delegation of Brazil with regard to draft resolution A/C.1/1/L.502.

40. In a previous statement before the First Committee [1692nd meeting], the delegation of Brazil set forth at length its views on an international service for nuclear explosions for peaceful purposes. On that occasion the delegation stated that such a service should be provided by the International Atomic Energy Agency, pursuant to the provisions of its Statute, to all its members. Furthermore, we emphasized that the role to be played by the Agency in this field should be the subject of study from the standpoint of the Statute of the Agency and should not be confused with other functions the Agency might or might not eventually perform in connection with the Treaty on the Non-Proliferation of Nuclear Weapons.

41. As we stated before, General Assembly resolution 2345 C (XIV) creates the framework of IAEA's role in the field of nuclear explosions for peaceful purposes. It does not establish an international service for nuclear explosions for peaceful purposes under appropriate international control, submitted by the delegations of other countries. IAEA's role under resolution 2345 C (XIV) is totally independent of whatever action or measures the other States may take to measure the content of the Treaty which, in intend to take in connexion with the implementation of article V of that Treaty.

42. The present draft resolution, in its paragraphs 5 and 7, confuses those two different issues and concepts and therefore cannot receive the support of the delegation of Brazil.

43. Mr. VINCEN (Italy): Mr. Chairman, I should like, with your permission, to add a few remarks to the concise and clear presentation made by the representative of the Netherlands in draft resolution A/C.1/1/L.502 and Add.1.

44. The draft resolution is in fact the result of the joint efforts of the delegations sponsoring it. The Italian delegation has made its contribution to that effort with the intention of furthering the general objective of a closer and stronger international cooperation in the field of the peaceful uses of atomic energy in the interest of a more harmonious development of atomic energy and the resolution 258 of the General Assembly and non-nuclear-weapon States and non-nuclear-weapon States.

45. In my intervention in the general debate on 20 December of last year, I stressed the great importance which the Italian Government attaches to the accomplishment of further progress in this field along the lines laid down by the resolutions of the Conference of Nuclear-Weapon States, which were in turn summarized by the final declaration of the Conference itself, which was endorsed by the General Assembly in its resolution 2546 (XXIV) of 20 December of last year.

46. We certainly appreciate the useful steps which have been taken by IAEA on the road towards the achievement of the aims set forth by the Conference of Non-Nuclear-Weapon States. We believe, however, that further more detailed and closely related to the broader membership of the Board of Governors, commensurate with the new requirements and new realities, would put the Agency in a position to face more adequately its responsibilities in the field of nuclear co-operation between nuclear and non-nuclear-weapon countries.

47. In suggesting that IAEA should be asked to report spin to the General Assembly and that the question of the implementation of the results of the Conference of Non-Nuclear-Weapon States should be placed on the agenda in the twenty-first regular session of the General Assembly, the sponsors intended to stress the need for the General Assembly to keep this important problem under review in exercise of its role as a leading world centre.

48. While I have the floor, I would say that the Italian delegation will vote in favour of draft resolution A/C.1/1/L.502, on the establishment with the framework of IAEA's role in the field of nuclear explosions for peaceful purposes under appropriate international control, submitted by the delegations of other countries. IAEA's role under resolution 2345 C (XIV) is totally independent of whatever action or measures the other States may take to measure the content of the Treaty which, in intend to take in connexion with the implementation of article V of that Treaty.

49. For this reason we attach particular importance to paragraph 7 of draft resolution A/C.1/1/L.502, which states that the content and nature of the special international agreement or agreements concluded pursuant to the provisions of article V of the Treaty on the Non-Proliferation of Nuclear Weapons will remain open for appropriate consideration and will be the subject of further consultations.

50. Mr. BERESATTEGUI (Argentina) (translated from Spanish): My delegation would like to explain why it abstains in the voting on draft resolution A/C.1/1/L.502.

51. In the first place, we believe that the draft departs from the broad terms of reference established in General Assembly resolution 2345 C (XIV) and the resolutions 258 of the General Assembly and the thirteenth regular session of the General Conference of the International Atomic Energy Agency.

52. Secondly, the draft resolution also fails to take into account of the conclusions of the report of the Board of Governors of IAEA [A/1732, 1917] with regard to the Agency's position in this matter under its Statute. In this connexion we should like to draw the Committee's attention to paragraphs 4 and 5 of the report.

53. In this connexion we must point out that the beginning of paragraph 4 of the report of the Board of Governors states that "The question of cooperation between States is a broad subject calling for more attention to be paid by the General Assembly to the work of the Committee on Co-operation in the Peaceful Uses of Nuclear Energy."...
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of all its members, full and clear information concerning the technology of applying nuclear explosives to peaceful purposes. In the same context, we support the fourth International Disarmament Conference on the Peaceful Uses of Atomic Energy which is to be held at Geneva in 1971.

60. I think that it is also generally accepted that the technology of applying nuclear explosives to peaceful purposes is still beyond the grasp of the General Assembly. The establishment within the responsibilities of the Agency in this field can therefore only be denied on "an evolutionary basis" as the fifth preambular paragraph states. Nevertheless, developing this technology may well bring considerable economic benefits in the not too distant future and we believe that the arrangements that may be required may require that the process should continue to be discussed and explored now. That is what this provision resolves for. In this regard we note with interest the conclusions of the study on the peaceful functions that the General Assembly could perform in relation to the use of nuclear explosives for peaceful purposes. We should also like to stress our understanding that this study will in our view not prejudice the nature of the current international agreement or agreements to be concluded pursuant to the provisions of article V of the non-proliferation Treaty.

61. It is for these reasons that we co-sponsored draft resolution A/C.1/L.502 which invites IAEA to submit a report to the Secretary-General a special report on the progress of its studies in the field of peaceful nuclear explosives for consideration at the twenty-fifth session of the General Assembly, and also requests the Secretary-General to report on the agenda of the twenty-fifth session an item entitled "Establishment within the framework of the International Atomic Energy Agency of an international organization on peaceful uses of nuclear explosives for peaceful purposes under appropriate international control".

62. In conclusion, I would say that we shall also vote in favour of draft resolution A/C.1/L.497 and Add.1.

Mr. ROSICHIN (Union of Soviet Socialist Republics) (translated from Russian): My delegation would like to state its views on the questions under discussion and on the draft resolutions before the Committee, i.e., documents A/C.1/L.497 and Add.1 and A/C.1/L.502.

64. I should like first to say a few words on draft resolution A/C.1/L.497 and Add.1 concerning the Conference on Disarmament, which deals with matters considered at the Conference. The Soviet Union has repeatedly stated its attitude towards the Conference and its resolutions. My delegation has, in particular, pointed out that a number of those resolutions were adopted without sufficient grounds and without due consideration or participation in that consideration of other appropriate and interested international organizations. I must now note that there is a trend to include the resolutions of the Conference year by year on the agenda of the General Assembly, that discussions of them have become a constant practice. In the draft resolution before us, this trend manifests itself in articles 8 and 9, in which the General Assembly is again requested to place on the provisional agenda of the next, or twenty-fifth, session of the General Assembly items derived from a resolution of the Conference on Non-Nuclear-Weapon States. My delegation cannot accept such a procedure.

65. The draft resolution before us deals with the peaceful uses of nuclear energy. As we all know, this question lies within the purview of the International Atomic Energy Agency, and in my view the General Assembly should and must not seek to do the work of that Agency, but rather give it the assistance it needs in a difficult and complicated task which has been increased considerably and further by the entry into force of the Treaty on the Non-Proliferation of Nuclear Weapons. As we all know, the International Atomic Energy Agency has been set up for strictly defined special purposes, its membership comprises over 100 States, and it has the whole set of tools for coping with the tasks assigned to it. As we all know, it presents annually a report on its activities to the General Assembly. Discussion of that report affords the Agency the opportunity to express its views on the Agency's work and comment on certain aspects thereof, and also to pass judgement and state their wishes with regard to that work, always bearing in mind, however, that the International Atomic Energy Agency is an independent organization which decides on its own structure and procedures, and that the United Nations cannot interfere in its activities or prescribe its working methods. Consequently, my delegation sees no need to include a recommendation to a discussion of the Agency's report, other items relating to the matters which the Agency is considering.

66. My delegation is convinced that attempts to duplicate the Agency's activities defeat the purpose for which the Agency was set up. The question of peaceful uses of nuclear activities and calling for special and careful examination must be decided by the IAEA itself; otherwise decisions will be taken without due consideration, on serious problems without any provision being made for their implementation. Without prior consultations with the organizations concerned, in particular with the IAEA, the General Assembly cannot give instructions to those organizations or any orders concerning their internal structure and activities. I should like to add that the IAEA is capable of carrying financial implications without the prior consent of those who must bear the cost.

67. As my delegation pointed out at the time, there was a tendency to break this entirely obvious rule in a resolution adopted by the General Assembly at the last session, resolution 2456 (XXIII). Regrettably, these defects are also to be found in the draft resolution before us. The USSR delegation cannot accept such an approach to problems which are within the competence of the IAEA. For those reasons, it will be unable to support the draft resolution before the Committee and will abstain in the vote on it.

68. I would now state my delegation's position on the draft resolution dealing with nuclear explosives for peaceful purposes [A/C.1/L.502], which is also before us, I have the following to say.

69. Last year the General Assembly adopted a resolution on that subject, by 60 votes in favour and 1 against. The General Assembly is again requested to place on the provisional agenda of the next, or twenty-fifth, session of the General Assembly items derived from a resolution of the Conference on Non-Nuclear-Weapon States. My delegation cannot accept such a procedure.

70. Thus, in my report the Secretary-General gave a definite and unanimous answer to the question raised in the General Assembly resolution.

71. Another important point is that at its General Conference in September of this year the IAEA unanimously adopted a resolution approving the report of its Governing Council, the United Nations General Assembly. That report stated, inter alia, to the IAEA that the functioning of the international body referred to in Article V of the NPT...are within the Agency's technical competence and clearly fall within the scope of its statutory functions" [bid., para. 19].

72. The IAEA resolution also stated that at the present stage the tasks of the Agency in relation to peaceful nuclear explosions should be carried out by its Department of Technical Operations. This resolution was supported by all the States Parties to the IAEA – 1 repeat, by all the members of the IAEA. Why, then, should we again raise this matter, as the USSR was proposed in operative paragraph 8 of the draft resolution before us? After concordancing opinions of the Secretary-General and the IAEA were based on a year-long study of the question. All the States which so desired sent communications on the matter to the Secretary-General and to the IAEA.

73. Furthermore, the IAEA set up a special committee to which all those who wished to take part in the discussion of the matter were invited. In other words, the recommendations put forward by the IAEA and the Secretary-General of the United Nations are the result of a lengthy discussion of the question with the participation of all interested States Parties. In light of these recommendations, I believe that there is no justification for again raising the matter before the General Assembly at this session. The question has practically been decided.

74. For these reasons, the USSR delegation cannot support the draft resolution in question and will abstain in the vote.

75. For these reasons, the USSR delegation cannot support the draft resolution in question and will abstain in the vote. I naturally recognize the right of the General Assembly to consider and discuss the Agency's report on its work with regard to peaceful nuclear explosions, as also on its work as a whole. The best way of doing that, however, would be during the discussion of the report annually presented by the IAEA to the General Assembly.

76. The Soviet Union's position of principle with regard to the question of peaceful nuclear explosions has been stated repeatedly. My delegation believes that the IAEA is the appropriate international body to carry out such explorations in accordance with article V of the Non-Proliferation Treaty. It has no objection to those provisions of the draft resolution before us which are in conformity with that view.

77. It is the considered view of my Government that IAEA, in carrying out its functions relating to the peaceful application of nuclear explosions, should not make studies of military or any other consequences incompatible with the provisions of its Statute. Our delegation therefore fails to understand and appreciate the reasons for the uncalled-for references to article V of the Treaty on the Non-Proliferation of Nuclear Weapons, made in paragraphs 5 and 7 of the draft. We see no reason why article V of the Non-Proliferation Treaty should be brought into the matter of the implementation of resolutions of the Conference of Non-Nuclear-Weapon States.

78. In the circumstances, the delegation of Burma finds itself constrained to abstain in the voting on that draft resolution.

Mr. GARCIA ROLES (Mexico) (translated from Spanish): I should like to refer briefly to draft resolutions A/C.1/L.497 and Add.1 and A/C.1/L.502, both co-sponsored by the Mexican delegation.

79. With regard to draft resolution A/C.1/L.497 and Add.1, I should like to refer to the remarks of the Director-General of the Agency, Mr. Sigvard Eckholm, to that end.

80. I should also like to add that my delegation attaches particular importance to paragraph XX which contains a reference to an important consultation, which draws the attention of the international community to the need to adopt criteria and conditions for financing future nuclear projects, bearing in mind, to quote from the draft, "not only the immediate benefits from initial projects but also the long-term contributions that such projects could make to developing countries".

81. That is in keeping with what my delegation has repeatedly stated in a statement made on 18 November last [169/PD] in which we expressed our conviction that efforts should be made to ensure that the application of nuclear energy to peaceful uses will help to
reduce the economic and social gap between what are figuratively called the nations of the north and the peoples of the south. We are not mistaken in regarding this as a problem of terms of service to be provided in accordance with a strictly commercial criterion.

84. With regard to draft resolution A/C.1/L.502, as the representative of the United States has already pointed out, there is no question of proroging to future work and negotiations in which several delegations that held divergent views last year participated—it has been possible to arrive at a text that meets the requirements of both delegations. The conciliation nature of the text is demonstrated by the fact that the delegation of the United States, for example, has seen fit to co-sponsor it even though maintaining the views it held last year with regard to certain aspects. The same is true of the Mexican delegation, whose sponsorship of the draft resolution does not mean that it has abandoned the position which it has been taking on the fundamental issues.

85. Incidentally, I should say that there seemed to be two main alternatives in dealing with this matter: one was that which has fortunately taken the form of this joint draft resolution while the other, followed last year, consisted in two groups of States Members of the United Nations working along parallel but separate lines, striving to ensure that their respective point of view would prevail.

86. The representative of the Soviet Union, for example, said a few moments ago that the Secretary-General, in fulfillment of the resolution adopted last year, had already prepared a report that has been submitted to us. He was referring to paragraph 3 of the Secretary-General's report. In connection, however, I should like to remind the Committee that the Secretary-General in his statement of 18 November to which I referred earlier pointed out that little more than one third of the States consulted had replied to the Secretary-General's circular. Furthermore, I pointed out that many of the replies received were limited to expressing approval or support of the idea of setting up such an international service and that the majority of the others expressed no opinion at all on what should, in our opinion, be considered the basic aspects of this question.

87. I also said at that time that perhaps, in order to overcome this difficulty, we might consider asking the Secretary-General to prepare a new survey. However, I should not cover such a wide field as the first one but would be limited to a series of specific points with a view to ascertaining the opinions of Governments on the basic problems for which a solution would have to be found if the service was to meet the purpose for which it was established. I consider that a survey pointing to last year's General Assembly resolution [A/245 C(XXIII) 1 very rightly stated, was none other than to ensure the existence of a multilateral organ "in order to ensure that the potential benefits of any peaceful application of nuclear explosions might be made available, with due considerations for the needs of the developing areas of the world].

88. Since this alternative failed to gain the support of the group of States working last year, the draft resolution that I have distributed is an attempt to meet the requirements of both delegations. As a result, it is based on a draft resolution which was presented at the 24th session of the General Assembly and which was adopted by 95 votes to none, with 11 abstentions.

96. The CHAIRMAN: Since no other representative wishes to speak, I take it that the Committee is now ready to vote on the two draft resolutions before it. First, I shall put to the Committee draft resolution A/C.1/L.497 and Add.1 under agenda item 31 (a) and (c).

Draft resolution A/C.1/L.497 and Add.1 was adopted by 87 votes to none, with 11 abstentions.

97. The CHAIRMAN: The Committee will now vote on draft resolution A/C.1/L.502, under agenda item 31 (b).

Draft resolution A/C.1/L.502 was adopted by 68 votes to none, with 33 abstentions.

98. The CHAIRMAN: I shall now call on those representatives who wish to explain their vote.

99. Mr. VON HIRSCHBERG (South Africa): The South African delegation abstained on draft resolution A/C.1/L.502 generally for the same reasons as those specified by certain other delegations which abstained on the draft resolution—in particular the reasons stipulated by the delegations of Brazil and Argentina.

100. Mr. BAYANDOR (Iran): I should like to explain very briefly the vote of my delegation on draft resolution A/C.1/L.497 and Add.1. My delegation abstained on the draft resolution because we noticed that unfortunately it did not take cognizance of the important decision that was taken last year in connexion with the implementation of the decisions of the Conference of Non-Nuclear-Weapon States. Paragraph 3 (c) of paragraph 4 of the resolution 2456 A (XXIII) which envisaged the possibility of convening the United Nations Disarmament Committee to consider questions related to the implementation of the Conference decision.

101. While I have the floor I should also like to raise a question. Mr. Chairman, I should like to know what is the status of that decision regarding agenda item 33. Before we dispose of this item I should like to you to clarify whether the decision which was taken last year is formally before the Committee and, if it is, how you are proposing to dispose of it.

102. The CHAIRMAN: I think that the question put by the representative of Iraq is really a matter for each delegation. As far as the Chair is concerned, I note that the proposal regarding the convening of the Disarmament Committee in 1970 has not been acted upon by this Committee and that there is no formal proposal before this Committee regarding its convening in the future.

103. Mr. BAYANDOR (Iran): Could we take it then that, since there has been no formal proposal on this subject, the question is not properly one for the Committee for any further action decision which, perhaps next year or in the coming years, the Committee would like to take?

104. The CHAIRMAN: It would seem to me that it is open to any delegation to propose the inclusion of such an item in the agenda of any session of the General Assembly in the future. Delegations retain the sovereign right to propose the inclusion of any items.

105. Mr. BAYANDOR (Iran): I am terribly sorry to take the time of the Committee but I am still not quite clear about this particular point. I should like to know whether it is formally before the Committee that, since the vote taken in 1970 has not been acted upon by the Committee and there has been no formal proposal, whether it automatically goes to future sessions of the General Assembly and whether a specific proposal on the part of delegations for the inclusion of the item in the agenda.

106. The CHAIRMAN: I should like to state in reply that every delegation is competent to interpret the situation before the Committee and that, in any case, the Chair, am called upon to give a ruling on this point. As I stated, any initiative in this matter belongs to the Committee.

107. Mr. DEJAMMET (France) (translated from French): I shall be very brief. My delegation voted for the two draft resolutions on the Conference of Non-Nuclear-Weapon States.

108. Where draft resolution A/C.1/L.502 is concerned, this vote implies no change in France's attitude towards the Treaty on the Non-Proliferation of Nuclear Weapons.

Mr. KOLE (Nigeria), Vice-Chairman, took the Chair.

AGENDA ITEM 28

International co-operation in the peaceful uses of outer space, in particular with respect to the Peaceful Uses of Outer Space (A/6721 and Add.1)

109. The CHAIRMAN: I call upon the representative of Brazil, the Rapporteur of the Committee on the Peaceful Uses of Outer Space, to introduce Committee's report A/6721 and Add.1 on this item.

110. Mr. SOUZA E SILVA (Brazil), Rapporteur of the Committee on the Peaceful Uses of Outer Space: I have the honour to submit to the First Committee the report of the fifteenth session of the Committee on the Peaceful Uses of Outer Space.

111. The report is contained in documents A/6721 and A/6721/Add.1. The first one covers the period from 8-17 September 1969 and the second covers the period from 12 November to 5 December 1969. During that interval negotiations were held under the guidance of the Chairman of the Committee on the Peaceful Uses of Outer Space in consultation with the Chairman of the Legal Sub-Committee. The results of those negotiations are mainly contained in the statement of the Chairman of the Committee in paragraph 8 of document A/6721/Add.1. That statement was adopted by the Committee at its 81st meeting of the twelfth session of the Committee on the Peaceful Uses of Outer Space on 5 December 1969.

112. The CHAIRMAN: I should like to thank the representative of Brazil for introducing the report.

113. Mr. HAYMERLE (Austria): The year 1969 will be remembered as a milestone in the history of man's exploration of outer space. The historic landing of the first
astronauts on the moon focused our attention as perhaps never before on the scientific and technical progress in man's conquest of the universe, and the fact that it was achieved as a twelve-year battle for the launching of the first artificial earth satellite by the Soviet Union highlighted once again the incredible pace at which this conquest is taking place.

114. We have already had the opportunity on several occasions to convey our congratulations and our appreciation to the United States on the successful completion of the Apollo 11 and Apollo 12 missions. We consider it only fitting as the General Assembly now turns to the discussion of international co-operation in the peaceful uses of outer space, to renew this expression of appreciation.

115. While the Apollo missions were, of course, the most dramatic events in the exploration of outer space in 1969, they were by no means the only achievements during that year, and we wish to take this opportunity to pay a tribute to the continuing space programme of both the Soviet Union and the United States, as well as to all nations which are engaged individually or collectively in the exploration of, or in the science and research of outer space and their practical applications.

116. Against this background of outstanding achievements the General Assembly will consider with particular attention the report of the United Nations Committee on the Peaceful Uses of Outer Space. My delegation believes that, as is reflected in its report, the Committee has continued to play an active and constructive role.

117. In the scientific and technical field the Committee has attempted to carry on the work of last year's Vienna Conference. At that Conference many delegations stressed the fact that while it had successfully put into focus the potential benefits to be derived from the application of space technology further action would now be required to follow up the work of the Conference. At last year's session of the General Assembly my delegation, like others, expressed the hope that the outer space Committee would be able to play a significant role in this respect.

118. We note from the Committee's report that it has received a number of interesting proposals on possible ways and means of exploiting the potentialities of space technology. The recommendations on which the Committee finally agreed are perhaps more modest than many of us would have hoped for. This is perhaps not surprising and we consider that the Committee has taken a constructive role and will that they receive the unanimous support of the Assembly.

119. In the light of the future deliberations of the Committee we hope to be able to indicate to the General Assembly at its next session those subjects which the Committee will consider ripe for fruitful discussion and which would increase the contribution to development of peaceful uses of outer space. Nor do I mention in particular the needs of the developing countries.

120. Furthermore, we wish to express our satisfaction that the Group of Scientific and Technical Experts, nominated on the basis of last year's resolution 2453 B (XXIII) to visit the International Sounding Rocket Launching Station near Mar del Plata in Argentina, has completed its task and that its recommendations were adopted on the basis of the principles set forth in General Assembly resolution 1802 (XVII). The outer space Committee will consider the fulfilment of outer space activities as having resulted in accordance with the principles set forth in General Assembly resolution 1802 (XVII). The outer space Committee would like to associate itself with the request by the United Nations General Assembly that it grant United Nations sponsorship to Argentina for the continuing operation of this Sounding Rocket Launching Station.

121. On behalf of the Austrian delegation, I should like to take this opportunity of expressing our appreciation of the work of the Committee and we would like to call upon the Committee to receive the unanimous approval of the Committee, and we are confident that the station in Argentina is one as valuable as the Thumberghhoek Rocket Launching Station in India, which for several years now has been operating successfully under United Nations sponsorship.

122. We are also gratified by the work done during the past year by the Working Group on Direct Broadcast Satellites. In our opinion, it has achieved very valuable results at its first and second session and has proved to be an efficient and effective body assisting the outer space Committee in its tasks. We believe that the conclusions of the Working Group [A/762/Add.1, annexes III and IV] deserve our full confidence and support. The next Working Group has recommended, in the addendum to its report, that the Working Group on Direct Broadcast Satellites should continue its work at the same time were engaged in prepara-
tion. We feel that many of the problems on which it started to work will require further studies and that the Working Group would be an appropriate forum for their considerations.

123. The main efforts of the outer space Committee during 1969 were devoted, however, in the legal field. 124. It is perhaps not inappropriate to recall in this connexion that our efforts to develop international co-operation in formulating legal rules for the exploration and peaceful use of outer space for the achievement of some of the objectives we have set, had relatively short time since the outer space Committee began its work. Thus, in 1963 the Assembly welcomed the "Agreement among the applicable States on the Outer Space Committee", the "Declaration of Legal Princip-

les Governing the Activities of States in the Exploration and Use of Outer Space", [resolution 1962 (XVII)]. In 1966 we were able to commend to all countries for signature and ratification the "Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space" [resolution 2222 (XXIII)]. In 1967 the Assembly received and adopted the "Agreement among the United Nations on the Use of Astronauts, the Return of Astronauts and the Return of Objects Launched into Outer Space" [resolution 2345 (XXIII)]. In 1968 the Committee agreed, in principle, to enter into force in 1969 and have been in effect in accordance with the provisions of the said agreement.

125. Surely, much remains to be done. Above all, unfortunately, we have to note that it was not possible for the outer space Committee to complete the long-awaited draft

126. The report of the outer space Committee shows that there was no lack of effort on the part of the Committee. Indeed, when it appeared at the Committee's session in September that agreement had not yet been forthcoming and not on the text of the convention, the Committee, in view of the mandate received from the General Assembly in accordance with Resolution 1802 (XVII), that consultations and negotiations should continue among the States members of the outer space Committee and that the Committee would resume its session in November. These consultations and negotiations took place, and the Committee continued its sessions as well as negotiations until 5 December, in a further attempt to reach agreement before the closing of the twenty-fourth session of the General Assembly.

127. As Chairman of the outer space Committee, and entrusted by the Committee with guiding the informal consultations, I should like to say that the interest shown in out discussions and the intensity of the consultations and meetings during these last two weeks. This was indeed not easy for many delegations because we had a long way to go to have an important point in common in our discussions, and I also wish to pay a tribute in this forum to the efforts and to the constructive spirit of all those who participated in this work.

128. In spite of these efforts, however, the Committee is not yet able to present to the Assembly a draft convention on liability. We all, I am sure, regret this sincerely. I believe, however, that the report of the outer space Committee will show that a certain rapprochement of views was achieved, and personally I would even say that there was some substantive progress.

129. The four main issues which are still unresolved in the elaboration of the convention are: firstly, the settlement of outer space activities; secondly, the transfer of the applicable States on the outer space Committee; the "Declaration of Legal Prin-ciples Governing the Activities of States in the Exploration and Use of Outer Space", [resolution 1962 (XVII)]; and, thirdly, the question of a limitation on liability; and, fourthly, the problem of liability in connexion with activities of international organizations in the exploration and use of outer space.

130. On all these issues extensive negotiations have taken place and a certain rapprochement was possible. The points were disagreement still persists, as well as possibilities for their solution, were listed in the statement to which the rapporteur of the Committee referred and which is contained in the adendum to the report---a statement to which the representatives of Governments have agreed. This, I hope, may facilitate our work in the year to come, in which, according to a decision reached, consultations and negotiations will be resumed early in the year in order to prepare the next session of the Legal Sub-Committee with a view to arriving as soon as possible at an agreement on a draft convention. The special effort should be made by the Committee to complete the draft convention in time for submission to the General Assembly at its twenty-fifth session. If this may be achieved in a more optimistic way, I am personally convinced--that this will be possible.

131. There are many other legal problems still pending, for example, the question of the uses of outer space and to the utilization of outer space and celestial bodies. However, first priority will have to be given to the conclusion of a draft convention on liability. Thus a heavy schedule of work lies before the Committee.

132. Differences of opinion still persist in some areas. In order to accomplish our task, in order to meet the challenge which the rapid advancement of science and technology presents to us, and to contribute to the spirit of co-operation and mutual confidence which has in the past marked the work of the outer space Committee.

133. Mr. BUFFUM (United States of America): This has indeed been a year of dramatic achievements in outer space. It would be desirable for the United States to convey my deepest thanks to Mr. Haymeier for his very kind words on the accomplishments of my own Government in this field. But I should hasten to add that such facts as the Apollo II and Apollo 12 lunar landings and the televising of the surface of Mars, while undoubtedly among the most spectacular, are by no means the only successes to which we should look. There are still other aspects of the peaceful uses of outer space which offer promise of practical returns for the development of our societies.

134. I am referring in particular to the still experimental earth resources which the United States is currently exploring. Indeed, President Nixon used this programme to illustrate his declaration to the General Assembly [1/55th plenary meeting] that our country would share the benefits, as well as the adventures, of space. As many here will recall, the President pledged that our earth resources programme, as it proceeds and fulfills its promise, will be destined to producing informa-
tion not only for the United States but for the world community as well.

135. For a number of years now we have been exploring the potential of various remote sensing techniques for such practical uses as aiding in identifying areas of crop diseases, locating mineral deposits, and forestry functions which provide on snow cover, ice flows and ocean currents. In addition, we have studied the colour photographs taken during the Gemini and the range of data which they contain and we continue to publish their results. We have also undertaken basic research in the development of unmanned data-harvesting systems. In this connection, we have conducted a programme with aircraft to test sensors over carefully selected resources test sites to determine the characteristics of some significant surface phenomena, and to determine which techniques are most suitable for space application and which are best adapted to surveys by aircraft.

136. The purpose of the experimental earth resources satellite programme will be to determine the desirability

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148. Beyond the necessary work of understanding and evaluating these new survey techniques, it seems to us that all Members should be giving thought to practical measures that might be taken to further international co-operation in this new and exciting field. For example, Governments might wish to give thought to the establishment of a centre to serve the United Nations family already active in the resources field, and they might also wish to consider regional arrangements for processing and distributing data.

149. In sum, not only does remote sensing by satellite and aircraft assist in the rapid assessment of areas in need of assistance in the acquisition of significant new information about resources, but it opens the door, for the first time, to a means by which a regular inventory of resources might be kept. Thus permitting us to manage our resources to a degree far beyond anything that was previously thought attainable; and the ultimate result, therefore, could be a major contribution to the solution of a large number of some of the most serious problems facing us in the field of food, water, and other resources, and of many problems involving the question of improving the quality of our environment. Thus reaffirm our support for the recommendations of the outer space Committee, which relate closely to our programme and the practical application of space technology.

150. Now at this point, I think I should readily report to the full Committee that my own delegation is at the present time urgently consulting with various interested members of the Committee for a strategy that will enable us to submit a proposal tomorrow which would invite Member States with experience in this field to make such experiments in their space programmes, which would be designed to encourage the study of earth resources survey satellite programmes, including programmes relating to agricultural and urban management.

151. In this connexion, we favour inviting States to join in the exploration of all aspects of data analysis and the dissemination and application of data so as to maximize the benefits that could be obtained for the particular interests and needs of the developing countries. We would hope to ask the Secretary-General to bring this subject to the attention of the conference. The assistance of agencies, which have already engaged on programmes in this field, might further be invited to extend their activities and to participate in the development of the Committee to serve the United Nations Family.

152. Finally, we would ask the outer space Committee to continue its study with regard to the possibilities of further international cooperation; and that, we believe, could constitute an important first step toward an exploration of the potential of remote earth resources surveying.

153. Now, I hasten to add that these are preliminary suggestions and comments. We look forward to hearing the views of others, and we hope that our mutual consideration of this subject, as President Nixon stated in his address, will be marked not by rivalry, but by the same spirit of fraternal co-operation that so long has been the hallmark of the international community of science. [Ind. pag. 82.]
mind— and here I would quote the formula that we think fair— "in accordance with international law, taking into account the law of the place where the damage occurred". This formula would permit due regard to be paid to the practices of States in presenting and paying international claims, and it would give special emphasis to the payment of compensation appropriate to the social setting in which the accident might take place. As we have pointed out on earlier occasions the whole purpose of compensation is to restore, to the extent that money can do so, a person or family that has been injured by the falling of some object in space to the condition that existed before the injury. We are satisfied that this purpose would be accomplished by this formula. I mention this because there was discussion in our Committee's work of other formulas, one of which in particular was suggested by the Indian delegation and which, frankly, we do not believe would ensure justice to the claimant State inasmuch as that particular proposal would permit a launching State to claim that its own law was relevant and thereby might defeat just elements of a claim that a claimant State might reasonably put forward.

159. The second problem that requires resolution is that of arbitration. It seems to us that all members of the outer space Committee are now agreed that the convention should provide an effective way of securing an impartial opinion in case a dispute over a claim remains unsolved after a year of negotiations between claimant and launching States and if a bilateral commission of inquiry has not promptly provided a solution acceptable to the States concerned. There is general agreement that the claimant State should be entitled to invoke the arbitral process without seeking the consent of the launching State, that the procedure for constituting the three-man tribunal should be automatic and that the tribunal should be empowered to reach its decision by majority vote where unanimity is not possible. We also sense from our consultations that the great majority of members of the outer space Committee believe that the award of the arbitral commission should be binding on the parties, while a few members have said that they believe the award should have only a recommendatory character.

160. Considering that we do not have before us a completed convention, and despite the shortcomings and the disagreements to which I have alluded, there is some satisfaction in being able to point to the addendum J/47621/Add.1 to the report of the outer space Committee which does show a certain measure of progress. In particular we note that the report contains the text of a statement read into the record on 5 December by Mr. Haymshell to which, as the report notes, the Committee agreed. This agreed statement constitutes, in our judgement, a good basis for consideration by the interested governments of the remaining problems. The United States strongly hopes that a meaningful and mutually acceptable convention will be completed well before the beginning of the twenty-fifth session of the General Assembly. As far as we are concerned, we intend to bend every effort to that end.

161. Finally, I should like to say a few words about other aspects of the work of the outer space Committee. The Scientific and Technical Sub-Committee accomplished much useful work this year, concentrating on practical applications of space technology. The two reports of the Working Group on Direct Broadcast Satellites /ibid., annexes III and IV/ likewise constitute a measure of positive achievement. The first report produced realistic time-tables and noted the indispensability of international cooperation to the establishment of space satellite systems for direct broadcasting. I might note, in this connection, that a first example of cooperation may be seen in the project that is currently being pressed forward by my own Government and the Government of India for an experimental community broadcasting service for use in education in India. The Working Group also noted the critical importance of the International Telecommunication Union in accommodating direct broadcasting on an operational basis and the significance of the questions to be resolved at the Second World Administrative Radiocommunications Conference to be held in 1971 in Geneva. The second report of the Working Group also rightly drew attention to the potential of direct broadcast satellite technology for developing nations that may not have acquired an extensive infrastructure of telecommunications using the more conventional technologies. In this connection the Working Group has asked for contributions by UNESCO, the United International Bureaux for the Protection of Industrial Property and regionally based associations of broadcasting organizations, and we hope that their contributions will enable the work of the Committee to go forward in a timely manner.

162. It is impossible to discuss outer space in the year 1969 without reflecting on the fact that we have entered a totally new era with the landing of man on the moon. Of course this marks not the end of an effort but the opening of a whole new horizon whose contours are promise, challenge and excitement. We believe that the United Nations has already marked out a major role in this great new venture through the contributions of the outer space Committee. The foundation has been laid. It is now for us to continue to build together on this foundation. In the talks I have been fortunate enough to have with both American astronauts and Soviet cosmonauts when they have attended receptions in this building, I have been interested to note that they came back from outer space with the common lesson that the earth is one single, small planet. It seems to us that it is our responsibility and our challenge here to seize both the drama and the promise of the space age to make this planet the best home for mankind that human ingenuity and good will can produce.

The meeting rose at 5.30 p.m.